

The **NATIONAL INSTITUTE**  
for **JAIL OPERATIONS**



**CODINGTON COUNTY JAIL FACILITY ANALYSIS**

Using Legal-Based Methodology to Address Duty to Protect Issues,  
Deliberate Indifference and Administrative Liability.

May 12, 2015

**AUDIT TEAM**

Mike Haley  
James Chipp

**Sheriff's office annotations  
in gray boxes**

## **BACKGROUND**

When founded upon legal-based guidelines, jail inspections can be a very proactive means for sheriffs and jail administrators to discover and measure how their own policy, procedure, facility structure and operations compare to what the law requires in order to manage a constitutional jail. Jails have incorporated and adopted practices that do not adhere to, exceed, or do not meet what the respective federal, Circuit Court and state statutes require. Many sheriffs use verification inspections conducted from an unbiased neutral agency as a means to ascertain whether the jail practices, procedures and training reflect those things required by the law. NIJO encourages such “inside-out” methodology for inspections whenever possible using Legal-Based Jail Guidelines to keep the inspection focused on primary issues of safety, security and administration, while mitigating the subjectivity of the inspectors. This eliminates a “gotcha” mentality that is often associated with external audits and inspections and produces more realistic results.

NIJO auditors are qualified and trained to conduct thorough inspections; however, on-site inspections are a snapshot in time and are meant to provide an unbiased verification of operational policy and procedure as well as the conditions of the physical facility and culture on the date and time they were inspected according to standards set forth by the organization. Careful consideration is given to inspect areas that are of greatest concern and high liability risk as dictated by the organization requesting the inspection. A detailed on-site inspection should be unannounced with little or no advanced notice so that line level staff and supervisors do not “ramp up” or taint the results of the inspection through staffing levels, cleanliness, or otherwise to get accurate information that reflects daily activities and operations. The goal is real results. In addition, NIJO inspectors require the permission of the sheriff to access the jail, housing, booking, medical, laundry, kitchen, recreation, programming areas, etc. Interviews with various staff members can be very useful in measuring the staff’s comprehension of policy, procedure and general operations.

## **SCOPE OF WORK**

NIJO was contracted to conduct a cursory analysis and inspection of the Codington County Jail in March 2015. The project objectives were as follows:

- Conduct a review of the facility structure, design and ability to safely and securely house violent and non-violent criminals as ordered by the courts.
- Conduct a brief onsite inspection to include physical plant conditions, observation of prisoner and staff movement, training and a general over view of all operations.

Inclusions for the project were as follows:

- General on-site inspection and review of the facility

- Written review report provided to detention facility administration detailing findings according to objectives. Due by April 30<sup>th</sup>, 2015.
- NIJO inspection team (see CVs)

## **METHOD**

To complete the review and analysis, NIJO used the facility design/ layout, capacity, prisoner movement, service times, visitation, facility inspection, court transportation security/routes, prisoner intake procedures, and a specific inspection review of the facility. NIJO also completed a general review of staff levels and other information provided by the Codington County Jail administration and various staff present during the review. An on-site review was conducted to include facility structure, shift coverage and changes, medical review, intake and release procedures, and a review of basic jail operations utilizing a select portion of the South Dakota Legal Based Jail Guidelines.

As applicable, NIJO inspectors reviewed the South Dakota guidelines prior to the on-site inspection which allowed for maximum onsite observation instead of policy review. The Codington County Sheriff's Office also provided a copy of some selected policies and procedures in advance of the review to assist in maximizing the onsite observation and review. Additionally, Codington County provided copies of various documents involving operations as requested by NIJO Inspection Team Members.

On-site inspections inherently draw the attention of staff and perhaps prisoners. Inspectors avoid fanfare and obtrusive requests that get in the way of day-to-day activities, such as head counts, security checks, shift changes, etc. Two inspectors were needed based on the specific scope and limited time onsite for the project.

Upon completion of the on-site walk through and review inspection, NIJO Team members met with the Sheriff and Jail Administrator to discuss observations and other points of interest or concern noted during the physical walk-through of the facility. While this report was not provided at that time, a general feel of the results of inspection process was discussed. As agreed by the end of April, 2015, NIJO provided the sheriff with a detailed, written report of the review addressing the core objectives of the inspection. Results and recommendations are contained herein.

## **OVERVIEW**

The United States Supreme Court and South Dakota Codified Laws establish that if a Sheriff manages a jail, the Sheriff may be responsible for the acts or conduct of staff.

### **(South Dakota Codified Law references)**

**7-12-11.** Responsibility of sheriff for deputies, jailers, and clerks--Summary relief from duties. The sheriff shall be responsible for the acts of each such deputy, jailer, and clerk in the performance of the duties of his office, provided, however, that the sheriff may relieve any deputy, jailer, or clerk of any or all official responsibilities and duties, summarily.

**24-11-13.** Officer in charge of jail--Conformance to policies and procedures. The sheriff or other officer designated by law or ordinance shall have charge of the jail of his county or municipality and of all persons by law confined therein. The officer in charge of any jail shall conform in all respects to the policies and procedures required by § 24-11-23.

**The United States Supreme Court addresses these types of reviews as Duty to Protect/ totality of confinement.** "*Respondeat superior*" is a doctrine which makes the employer, administrators, and supervisors liable for the misconduct of employees or agents; a doctrine of strict liability for the acts of subordinates.

**The Court in Farmer v. Brennan, 511 U.S. 425 (1994)** - Administrators must "ensure that prisoners receive adequate food, clothing, shelter and medical care, and **must 'take reasonable measures to guarantee the safety of the prisoners.'**"

In federal civil rights cases alleging failure to protect, the Supreme Court set the standard for liability as **deliberate indifference**. To be deliberately indifferent it is necessary to have had **actual knowledge of a substantial or excessive risk to a prisoner's health or safety and then disregard that risk.**

1. To have **actual knowledge**, individual defendants would have to have been **aware of facts** from which **an inference of an excessive risk could have been drawn.**
2. Then, having considered those facts, **actually made the inference** that there was an excessive risk to the prisoner.
3. **Without that actual knowledge** the acts or omissions cannot rise to the level of deliberate indifference on the part of jail staff or administrators.

**The United States Supreme Court has acknowledged the impossibility of absolutely guaranteeing no prisoner will ever suffer harm.**

As Justice Thomas wrote in **Farmer v. Brennan 511 U.S. 425 (1994)**:

It is not, however, every injury suffered by one prisoner at the hands of another that translates into constitutional liability for prison officials responsible for the victim's safety.

Prisons are necessarily dangerous places; they house society's most antisocial and violent people in close proximity with one another. Regrettably, "[s]ome level of brutality and sexual aggression among [prisoners] is inevitable no matter what the guards do . . . unless all prisoners are locked in their cells 24 hours a day and sedated."

"Accordingly, we . . . hold that a prison official may be held liable . . . for denying humane conditions of confinement only if he knows that prisoners face a substantial risk of serious harm and **disregards that risk by failing to take reasonable measures to abate it.**"

Also in **Farmer v. Brennan**, Justice Blackmun's concurring opinion went further, saying that the government was responsible for the conditions inside even if no specific agent of the government had acted in a particularly culpable manner.

"Where a legislature refuses to fund a prison adequately, the resulting barbaric conditions should not be immune from constitutional scrutiny simply because no prison official acted culpably. [...] The responsibility for subminimal conditions in any prison inevitably is diffuse and often borne at least in part, by the legislature. Yet, regardless of what state actor or institution caused the harm and with what intent, the experience of the prisoner is the same. A punishment is simply no less cruel or unusual because its harm is unintended. In view of this obvious fact, there is no reason to believe that, in adopting the Eighth Amendment, the Framers intended to prohibit cruel and unusual punishments only when they were inflicted intentionally."

The 8<sup>th</sup> and 14<sup>th</sup> Amendments impose duties on corrections officials, who must take reasonable measures to guarantee the safety of the prisoners. For claims of Deliberate Indifference; Prisoners must prove that officials:

- a. Had **knowledge of a substantial risk of harm** to the prisoner;
- b. **Knowingly or recklessly "disregard[ed] the risk** by failing to take reasonable measures to abate it"; and
- c. due to their action or inaction, caused a prisoner to suffer **serious harm.**

It is very well established that jail and corrections officials have a duty to take measures to protect prisoners from violence at the hands of other prisoners. It may not be necessary in every case for the prisoner prove that actual harm has already occurred. It may be sufficient for the prisoner to demonstrate a substantial risk of serious harm.

## JAIL PROFILE

**Name of Facility:** Codington County Jail

**Facility Type:** Prisoner Housing

**Mailing Address:** 14 1<sup>st</sup> Avenue SE

**City:** Watertown, South Dakota

**County:** Codington, South Dakota

**Phone:** (605) 882-6280

**Sheriff:** Toby Wishard

**Facility Administrator:** Tom Walder

**County Commissioners:** Lee Gabel, Elmer Brinkman, Brenda Hanten, Tyler McElhany, Myron Johnson.

**Date and time of last Annual Jail Visit by the Board of County Commissioners:** Unknown.

(24-11-26. SDC 1939, § 13.4604; SL 1957, ch 33.)

**Inspector(s) and agency:** March 19, 2015. Mike Haley & James Chipp, NIJO

### Classification Designations and Beds:

- Maximum; Male Housing (8 beds)
- Medium; Male Housing (8 beds)
- Dorm 1 & 2; Male Housing (24 beds)
- Work Release 1 & 2; Male Housing (24 beds)
- Minimum; Male Housing (6) beds)
- Segregation; TBD (3 beds)
- Confinement; TBD (1 bed)
- Handicap; TBD (2 beds)
- Women 1 & 2; Female Housing (10 beds)

- Dates of renovations: 1998, 2010, 2011, and 2014.

## REPORT FINDINGS AND RECOMMENDATIONS

**THIS REVIEW FOUND THAT THE CURRENT PHYSICAL CONDITION, GENERAL OPERATIONS AND STAFFING LEVELS OF CODINGTON COUNTY JAIL IS AT SUBSTANTIAL RISK OF PRISONER LITIGATION INCLUDING BUT NOT LIMITED TO:**

- **CONSTITUTIONAL VIOLATIONS OF PRISONERS 8<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS.**
- **CIVIL LIABILITY FOR “FAILURE TO PROTECT” ISSUES INVOLVING PRISONER MANAGEMENT.**
- **BEING FOUND CULPABLE BY FEDERAL COURTS OF “DELIBERATE INDIFFERENCE”, INVOLVING PRISONERS’ RIGHTS.**
- **LITIGATION INVOLVING CLEARLY ESTABLISHED RIGHTS OF PRISONERS.**

County Jails are charged with detaining individuals that are a risk to the public and/ or themselves. Facility Design and Staffing a jail poses many challenges and potentially serious problems for administrators, staff, and policy makers to include but not limited to the following:

- Maintaining a Safe, Secure and Controlled Jail.
- Managing a Facility with Restrictive Physical Design Parameters.
- Mitigating Prisoner Violence
- Mitigating Prisoner Suicide
- Mitigating Staff Injuries
- Prevention of Prisoner Escapes
- Prevention of Contraband Introduction
- Mitigating Exposure to Communicable Diseases
- Reducing Risk of Staff being Assaulted
- Prevention of Constitutional Violations
- Proactively Preparing to Defend Increased Lawsuits
- Managing Operations with Frequent Understaffing.
- Inability to Supervise Prisoners Properly or Provide Needed Program or Services.
- Inability to Provide Required Breaks for Staff.
- Lack of Proper Backup to Handle Emergency Situations.

- Inability to Supervise Staff Appropriately.
- Inability to Provide Adequate Staff Training, because time cannot be scheduled.
- Too few Authorized Full-Time Positions to Provide Enough Staff Hours to Cover Jail Needs.

When discussing adequate facility design and staffing, it should be clear there are no constitutional, 8<sup>th</sup> Circuit Court or state laws from South Dakota that provide specific legal requirements to measure “compliance” whatsoever. Courts have repeatedly recognized the importance of providing a safe and secure environment and adequate staff to perform necessary duties and to provide for the safety and security of the prisoners; however, they also recognize the variety of physical structures, technology, prisoner classification types, and other factors which make comparing one facility’s staffing to another impractical and ineffective. Courts have therefore focused on having proper staffing to protect basic prisoner rights, such as access to medical care (8<sup>th</sup> Amendment; **Estelle v. Gamble**, 429 U.S. 97 (1976)), religion (1<sup>st</sup> Amendment, RLUIPA, **O’Lone v. Shabazz**, 482 U.S. 342, 348 (1987)), courts and counsel (14<sup>th</sup> Amendment; **Lewis v. Casey**, 518 U.S. 343 (1996)), communication (1<sup>st</sup> Amendment; **Thornburgh v. Abbott**, 490 U.S. 401, 415 (1989)) , exercise (**Wilson v. Seiter**, 501 U.S. 294, 304-305 (1991)), food (1<sup>st</sup> Amendment; **Rhodes v. Chapman**, 452 U.S. 337, 356, 364 (1981)), the duty to protect against physical harm and sexual assaults (8<sup>th</sup> Amendment; PREA, **Farmer v. Brennan**, 511 U.S. 825 (1994)) and so forth. When inadequate staffing contributes to any of these rights being violated, it becomes the focus and attention of the courts, particularly if there are documented occurrences caused by limited staffing that a prisoner’s rights were in fact violated.

Some organizations have attempted to define parameters by developing staffing standards with ratios based on what they deem to be best. These are often called “best practices.” Of such practices, the Supreme Court declared the following:

*“[T]he District **Court erred** in assuming that opinions of experts as to desirable prison conditions suffice to establish contemporary standards of decency . . . . [S]uch opinions may be helpful and relevant with respect to some questions, but **‘they simply do not establish the constitutional minima . . . . Indeed, generalized opinions of experts cannot weigh as heavily in determining contemporary standards of decency as ‘the public attitude toward a given sanction.’**”<sup>1</sup>*

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<sup>1</sup>**Rhodes v. Chapman**, 452 U.S. 337, 350 n.13 (1981). Also see **Gregg v. Georgia**, 428 U.S. 153, 173 (1976) (joint opinion).

Later, the Department of Justice (DOJ) published *Federal Standards for Corrections*, intended to set the operational requirements for facilities that housed pretrial detainees (jails). When some courts began to reference and utilize the DOJ standards, the Supreme Court stepped in.

*“[R]eliance on . . . correctional standards issued by various groups is misplaced . . . . And while the recommendations of these various groups may be instructive in certain cases, **they simply do not establish the constitutional minima**; rather, **they establish goals recommended by the organization in question.**”<sup>2</sup>*

The Supreme Court clearly defines for correctional facilities the importance of running a jail based on sound constitutional, legal-based principles rather than basing policies, procedure and operations on subjective practices not defensible in court.

Additionally noted is South Dakota Codified Law 24-11-27, which sets authority for circuit court judges to effect jail operations by order. “Power of circuit judge to visit jail and make order-- Violation of order as contempt. The judge of the circuit court may visit, inspect, and supervise all the jails in his circuit and all in accordance with law and the policies and procedures provided for in § 24-11-23, and the violation of any such order may be punished as a contempt of court. **Source:** SDC 1939, § 13.4604; SL 1957, ch 33; SL 1983, ch 198, § 8. county and municipal officers shall comply with the orders of such court relating to jails or prisoners therein,

While conducting this facility analysis, the ability for prisoners to exercise those constitutional rights was observed in relation to the physical layout of the facility and the current staffing levels. NIJO has applied many United State Supreme Court decisions to weigh in on this analysis, primarily **Wilson v. Seiter**, 501 U.S. 294 (1991) and **Farmer v. Brennan**, 511 U.S. 825 (1994).

## FACILITY REVIEW

During the on-site inspection, it became clear the facility has numerous physical challenges and limitations for which the jail administration and some county commissioners are aware of and are seeking assistance to correct. The physical review included construction, emergency preparedness, safety and security, recent inspections, maintenance, facility access, medical, laundry/cleaning/culinary and prisoner housing. The facility layout is cumbersome and the current staffing level may not be sufficient to operate and manage within constitutional guidelines.

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<sup>2</sup>Among the standards listed by the U.S. Supreme Court as being improperly relied upon by the federal courts were the *Standards for Health Services in Correctional Institutions*; American Correctional Association, *Manual of Standards for Adult Correctional Institutions*; National Sheriffs' Association, *A Handbook on Jail Architecture*.

## PHYSICAL STRUCTURE

The physical structure (jail building) is dysfunctional. The varied levels of prisoner housing, the lack of adequate support space and the flow of the buildings are not conducive to good risk management. Specific issues include:

### SALLY PORT\ BOOKING GARAGE:

**5/22/15 Procedures established.  
6/2/15 signs posted.**

The Booking Garage provides an area for a secure transfer of arriving prisoners to the facility for processing. Weapons lockers are provided for transporting officers.

Due to the physical location of housing units for female prisoners and juveniles in the immediate area, standard procedures at a minimum should require and strictly enforce that at a frisk-rub search of a restrained prisoner take place prior to entry in the booking corridor. Control room staff should not allow access into the booking corridor until visual confirmation on the monitors show that the prisoner is restrained and the transporting officer has conducted a rub-frisk search.

### PERIMETER SECURITY:

Perimeter security seems sketchy at best with no sufficient barrier space around the facility. Public access to the facility perimeter should be limited so as to help stem the possible flow/introduction of contraband and the potential disruption of law enforcement or emergency services.

### EXTERNAL BARRIERS:

**Soliciting quotes.**

The existing facility is constructed without barriers and with sufficient space around the facility. There are no existing barriers in protecting the facility to prevent persons from having unrestricted access to vulnerable security areas. Access directly to the outside of the jail, which includes windows into the housing units are accessible directly from the street-sidewalk areas and areas between the jail and the court building. Some persons will be deterred by signs, landscaping, and other soft barriers. Persons who are determined will be deterred only by more formidable barriers and security. This existing condition allows for persons to approach the windows and potentially drill holes large enough to introduce drugs, weapons, or other contraband directly into the housing units.

The lack of a formidable barrier to the outside recreation area presents an extreme risk of compromising the safety and security of the facility. The existing security fencing and wire are minimal and are supplemented by a wooden visual barrier. The purpose or function of the wooden visual barrier appears only to function as a privacy screen to prevent prisoners of persons

outside of the barrier from visually seeing each other and in its present condition does full fully block out the ability to see out of the recreation yard or into it.

**EMERGENCY GENERATOR:**

The emergency generator is housed in a shed in close proximity to the street and accessible to the public. The shed does not have external barriers protecting it from a potential impact of a vehicle or intentional damage or disruption of persons wanting to disrupt the capabilities of the emergency generator or emergency operations. The lack of security barriers allows for the possibility of theft, destruction or provides the ability to taint the fuel. During our on-site review NIJO inspectors observed that the operations of the emergency generator include providing power to the Sheriff's Office operations and Emergency Operations Center for the county. This is in addition to providing power to limited jail operations.

The securing and safeguarding of the emergency generator is critical to county operations outside of the jail for such emergencies such as tornado events, fires and explosions, potential train derailments, potential massive highway incidents involving hazardous spills, etc.

**THE FACILITY ROOF CONTROL:**

**Soliciting bids.**

There are no appropriate barriers to roof access. The facility roof was observed as being vulnerable to access from the outside in several areas. Failure to control the roof can result in prisoner's associates the ability to climb on the roof accessing the outdoor recreation area and deliver contraband and/or help a prisoner escape from the facility. The roof also provides access to communications equipment, power supplies and HVAC equipment. This existing condition presents potentially a great safety and security risk not only directed to general operations of the facility, but presents risk of vulnerability to acts of domestic terrorism against the Sheriff's Office and deputies.

**KITCHEN:**

**5/18/15 Passed SD Dept of Health inspection. Fixing minor items. Health inspector agreed with NIJO on space issues.**

The kitchen lacks adequate square footage, adequate cold storage, adequate freezer space and adequate dry food storage. Health department inspections have not been conducted. The lack of adequate refrigeration space does not allow for the safe and proper thawing of foods. Food preparation and storage areas are inadequate. NIJO recommends administrators consult with a food service equipment company to determine appropriate square footage needed and appropriate equipment and storage area needed to provide food service for the prisoner population.

It was noted during the review that the kitchen supervisor receives numerous compliments in reference to the meals served. The commitment of this employee to provide quality and well

tasting meals assists in the good order of the facility. There are records of many jail and prison disturbances that have erupted over poor quality food service.

### **LAUNDRY:**

The jail laundry is grossly undersized and lacks proper equipment, proper clothing storage, proper space for sorting/folding items to be washed, and storage space for detergent and other potentially toxic substances. Equipment is not commercial grade and frequently breaks down. The hot water supply for the laundry was not verified during the review, but any laundry facility must meet minimal standards for water temperature and water supply.

### **PRISONER PROPERTY STORAGE:**

There is inadequate space for prisoner property storage and controls to safeguard prisoner property are limited. All jail staff has access to prisoner property.

### **PRISONER HOUSING AREAS:**

The prisoner housing areas were observed to have several issues of concern which pose significant risk management issues. Those include:

**Ceilings - addressing where possible.  
Door flaps needed due to co-located juveniles.**

- Padlocks used to secure some doors.
- Bars (grills) on walls separating cells and day rooms in some areas. These are objects which could be used for self-harm, e.g. suicide attempts.
- Ventilation in housing units did not appear to be adequate. There was a noticeable odor inside housing units which was not evident in common areas, e.g. hallways.
- Celotex drop-in ceilings are a concern, allowing too much opportunity for prisoners to secret away contraband or manufacture weapons from the ceiling material.
- Supervision is difficult due to configuration of housing units.
- Open/close “flaps” on housing unit doors is confusing. While they might have been intended to maximize privacy, they seem to minimize adequate supervision.

### **LINES OF SIGHT:**

The facility has numerous areas with poor line of sight. Although the facility relies on an electronic key pad to record when staff observes the housing unit, that process generally takes place from outside of the housing unit. This creates a safety and welfare concern for prisoners, by staff not being able to view virtually all prisoners and spaces. There is no constitutionally required minimum amount of time that must occur between rounds; however, if prisoners are harmed as a result of inadequate supervision, the jail and its staff may be subject to litigation.

### **JAIL CONTROL ROOM AREA:**

Jail control area is undersized and inadequate. The physical design of the control room and its multifunction duties make for a difficult task of maintaining close watch of the CCTV monitors, staff movement, perimeter security, and prisoner movement inside and outside of the housing units.

### **BOOKING HOLDING CELLS:**

The booking holding cells are inadequate for appropriate security operations of the area:

- Holding rooms are constructed with wooden doors and sheetrock walls reinforced with ¾ inch fire resistant plywood. (Not typical jail construction material)
- No toilet facilities.
- No secure separation for multiple arrestees waiting to be booked.
- The area has a lack of secure temporary housing for a prisoner who is under the influence, violent, mentally ill, or otherwise in need of specialized temporary housing.

The current physical structure conditions are totally inadequate for a jail environment. The lack of proper holding facilities, lack of segregation cells and the current construction material in place presents safety risks for officers and arrestees.

### **AMERICAN DISABILITY ACT (ADA) CELL:**

The current physical facility lacks availability of housing and or holding areas that would be compatible with the American's With Disabilities Act. The facility physical design would require staff assistance for accommodations of prisoners ADA needs.

### **MEDICAL SERVICES**

**Dialogue ongoing with medical provider to explore possibilities.**

As explained to inspectors and observed during the physical review of the facility, prisoner medical services appear to be inadequate. The inspectors make the following recommendations at a minimum:

- Responsible physician to conduct sick call on-site a minimum of one time per week (this is being done now) plus being on call 24/7 for the jail nurse.
- Jail nurse (minimum LPN and preferably RN) on full-time staff of Sheriff's Office or County Government. Duties would include:
  - Triage all prisoner complaints
  - Manage all prisoner medications (prescribed and over-the-counter)
  - Conduct sick call

- Determine which prisoners see the jail physician
- Be on call 24/7 for jail staff
- Would be responsible to jail physician for medical issues and to jail warden for security issues
- Establish policy to ban narcotics from the jail. At the present, prescribed narcotics are permitted. Jail physician should manage this issue.
- Additional medical equipment and supplies securely stored in medical room.
- Provision of a negative air flow cell to prohibit the spread of air-borne pathogens from infected prisoners. These cells are designed to assist in the prevention of air-borne illness and control diseases from spreading throughout the facility to include jail staff. This is a feature that likely can be accomplished only with a new facility. Retrofit of an existing facility to incorporate this feature may not be possible.
- The medical exam area is inadequate. Not a secure area, no secure medical supplies storage, no equipment essential for proper medical exam, and no secure medication storage in the medical exam room. (Medications are currently secured in a locker in the control room)

## **SAFETY, SECURITY, AND CONTROL OF PRISONERS.**

### **LINES OF SIGHT:**

Lines of physical sight as referenced above are inadequate for effective, direct and deliberate personal surveillance of prisoners in all areas of the facility. This is inclusive of housing units, recreation, programs, and various work areas. The current staffing levels are not adequate for proper security and surveillance. The physical limitations pose a significant risk associated with litigation, stemming from events that would be directly related to surveillance and supervision of prisoners.

### **CAMERA'S/CCTV:**

The facility is equipped with several cameras and monitors. Monitoring takes place alongside of all other duties of the control room to include assisting citizens at the public window, assisting with bookings, assisting with the movement and control of staff and prisoners though out the facility and at times facilitating medication pass. It was observed that the camera and monitor system has several blind spots in critical areas, to include the only identified administrative segregation cell used for potentially suicidal prisoners.

It was observed that the expectation of supervision of prisoners in many of housing areas in the jail is currently completed through CCTV. CCTV can also be useful in supplementing supervision of prisoners; however, if there is an over reliance on CCTV it may become a substitute for personal surveillance. Anything which diminishes personal surveillance will negatively impact security and safety. **CCTVs tend to create a false sense of security, and end up being used as a poor substitute for personal supervision** of prisoners in their living areas. Additionally studies have been completed by the National Institute of Corrections and found that CCTV systems not only were often ineffective, but also were sometimes counter-productive. The survey of 255 new jails of 50 beds or less, found that 40% of the jails relied on CCTV for surveillance in the prisoner living areas. (Community Resource Services, Inc., Detention Reporter, No. 24, Kents Hill, Maine, October, 1985, p.6-7)

### **FIRE EVACUATION ROUTES:**

The current intent of expanding the housing of prisoners in the Work Release 2 area, located in the basement of the facility outside of the primary operations area was observed as having limited capability for evacuation routes as well as potentially being difficult for staff to access in the event of an emergency to assist and secure the prisoners housed in that section of the facility.

**Concealed for security reasons.**

### **FIRE INSPECTIONS (Fire Department/Marshal)**

**5/28/15 Fire inspection done. Awaiting final report.**

NIJO strongly recommends that a fire inspection be completed as soon as possible and that the fire authority review the plans and physical area involving the housing of prisoners in the two basement housing areas of the facility. It is additionally recommended that staff training be completed on fire\smoke response and evacuation.

### **COURT \PRISONER TRANSPORTATION TO\FROM JAIL.**

A complete review of the court security and transportation process was not completed, however the two general avenues of transportation were observed during the site visit at the jail. One was a direct outside route through a public parking lot and the other was a tunnel access route from the jail to the basement of the courthouse.

Jail staff and enforcement deputies routinely transport prisoners from the jail to the courthouse located within several yards from the jail. Routes were observed and were found to lack adequate security.

- The outside route through the public parking lot is the shortest, most direct access. It does not provide adequate security for prisoners and staff. Staff and prisoners are very vulnerable from persons in the public area of the parking lot or courthouse who may wish to assault a prisoner or assist in an escape.
- The basement route has many physical concerns with low ceilings, pipes, vents and other physical concerns. Additionally the basement area of the courthouse is not secured and cluttered with many items that may be used as potential weapons.
- The courthouse is an historically valuable facility, however it does not provide adequate secure areas for prisoner, judges, witnesses, etc. (It is recommended that a full court security review be conducted)

### **Cell Space (Dormitory Units and Cells)**

Observation of dormitory areas available space does not appear to meet adequate square feet of clear floor space. Occupancy limits for dormitory style housing units should generally be determined by requiring 40 square feet of clear floor space for the first inmate and 18 feet of clear floor space for each additional inmate.

Observation of single and double cell areas available cell space do not appear to meet adequate square feet of clear floor space. In existing facilities, double ceiling should be limited to cells with an area of 55 square feet or more.

While conducting the onsite review of the facility, the dayroom space in each type of housing unit was observed along with the available space in the sleeping\bunk area. Although measurements were not taken during this review, it appeared that the size of the dayrooms and or the common areas do not provide for adequate space for prisoners to move freely about their cell area and to engage in authorized activities with a minimum of impediment. This current condition coupled with the limitations of out of block activity in the outside recreation area due to lack of available security staff, extended periods of inclement weather, and other events severely inhibits prisoner's ability to exercise. Prisoners should be provided opportunity to exercise and it has been described by the Supreme Court as a basic necessity of life. Exercise is especially important for prisoners incarcerated for an extended period of time awaiting trial or serving out a sentence.

### **Natural Lighting**

As mention above, there are no existing barriers in protecting the facility to prevent persons from having unrestricted access to vulnerable security areas. Access directly to the outside of the jail, which includes windows into the housing units are accessible directly from the street-sidewalk areas and areas between the jail and the court building. Windows in the housing units have been

painted over to minimize communication or visual observations between prisoners in the housing units and the public. This significantly reduces the amount of natural light available to prisoners. Observations of the dormitory areas did not appear to have any access to natural light at all.

In considering the factors involved in the lack of cell-dayroom space and the limits on outside recreation access, the limited access to natural light is a concern in the opinion of the inspectors. The concerns specifically are due to the combination of prisoner's not having the ability to move freely about their cell area and to engage in authorized activities with a minimum of impediment, limitations to outside recreation areas for extended times during inclement weather and the lack of natural lighting may create an environment that contributes to prisoner unrest and or disturbances. Having proper environments contribute to the safety and security of staff as well as other prisoners. Both inspectors initial reaction, though, based on many years of experience assessing various jail facilities, is that the current combination of deficiencies should be of great concern to jail officials. This combination of conditions may pose a risk to the safe, secure, and orderly environment for staff and prisoners.

## STAFFING CONCERNS

### STAFF SUPERVISION

**Revising appropriate personnel and training policies.**

The facility chain of command does not set in place a responsible officer for each shift. The Current chain of command structure does not extend below the jail administrator. The lack of designating a shift supervisor and or a lead officer responsible for each shift is inadequate in ensuring that policy and procedures, operations, and day to day prisoner supervision duties are being properly facilitated. The supervision of the prisoner population is very difficult, due to the configuration of the facility with multiple housing levels and inadequate sight lines. The lack of adequate staff supervision capabilities presents risk management issues for the county.

There was not an opportunity for a detailed formal staffing analysis of the facility. However a cursory review of the current deployment of staffing levels was briefly reviewed. The review indicated coverage as follows:

- Weekdays having 5 jailers on duty, some of which have assigned duties such as Courts, Programs, and Work Release duties. No designated supervisor other than the jail administrator.
- Nights; Seven days a week scheduling of three jailers assigned. No designated supervisor other than the jail administrator being available on call.

- Saturday Day Shift, 3 staff members. No designated supervisor other than the jail administrator being available on call.
- Sunday Day Shift. 2 staff members. No designated supervisor other than the jail administrator being available on call.

With the recent new addition of a second work release housing area, located outside of the secure area exacerbates the reduction of safety and security. This newly renovated housing area is an additional basement housing location that is outside the secure area of the facility and is accessed through an administrative hallway. This housing location would present an extremely difficult task in the event of a fire, prisoner disturbance, or needed evacuation of the facility.

Both inspectors initial reaction, though, based on many years of experience assessing various jail facilities, is that the current staffing level is not sufficient to provide adequate supervision to properly ensure a safe, secure, and orderly environment for staff and prisoners.

## Prisoner Management

### PRISONER CLASSIFICATION:

**Revising policies for classification specific to the facility.**

Currently the facility does have housing assignments with designated classification levels. It is managed in general by the jail staff on duty and on a case by case basis. Options for staff to house prisoners by the facility classification procedures are very limited due to the physical limitations of the facility. Classification and housing assignments should work hand in hand to provide a reasonable degree of safety, security, order and control of the facility. The physical layout and limitations of special housing unit options are insufficient to manage multiple prisoners in housing units at risk for assaultive or self-destructive behavior.

### PRISONER DISCIPLINE:

**Revising policy with reference to facility limitations.**

Jails incarcerate persons who have been accused, and/or convicted, of violating criminal law, and include among their numbers many of society's most violent, dangerous, manipulative, intimidating, and unpredictable members. It should come as no surprise that corrections officials must have the means to enforce policies, regulations, and rules and to control prisoners' behavior and conduct.

Prisoner Discipline is a cornerstone of effective jail management and operations. An effective disciplinary process is one of the most crucial functions of day to day management of the jail.

The purpose of prisoner discipline is to enforce compliance with regulations governing prisoner conduct to further the legitimate penological interests, including, but not limited to:

- Protecting the safety of staff, prisoners, and others;
- Safeguarding facility security;
- Maintaining order; or
- Ensuring discipline.

The physical layout and limitations of special housing unit options are insufficient to manage multiple prisoners that have demonstrated behavior contrary to the rules and regulations of the facility. The lack of specialized housing units may pose a significant risk to the safety, security, order, and control of the facility.

## OVERALL ADMINISTRATIVE RESPONSE.

The Codington County Jail is not under a current court order. However, the administrative staff has pointed out numerous issues not in compliance with a constitutionally operated facility and are seeking help to correct the concerns addressed in this report. NIJO finds that the Codington County Sheriff's Office is putting forth good-faith efforts to run a constitutionally safe jail, maximizing the limited resources and budget provided to them. However, they are severely limited by the facility design and staffing to operate a constitutionally safe jail.

## TRAINING

It is noted that currently there is no state requirement for jail staff to attend an academy and certify as a corrections or detention officer. It was noted that although there is no state requirement for training, the Sheriff has implemented some training for staff and has recognized the importance of providing training at the county level.

Any training provided should be considered based on the facilities design, current constitutional minimums, and legal-based guidelines to protect prisoner rights. Training should address the importance of following clearly established law from the U.S. Supreme Court, 8<sup>th</sup> Circuit Court of Appeals and South Dakota state laws and statutes. The courts have said the following regarding training:

*Administrators/supervisors may be found to be liable for failure to provide adequate training to subordinates if the training inadequacies rise to the level of deliberate indifference.<sup>3</sup>*

*Deliberate indifference is not susceptible to a rigid definition; however, the court stated that it would be deliberate indifference where no training (or obviously inadequate training) was provided, and: "the need for . . . training is . . . obvious, and the inadequacy . . . likely to result in the violation of constitutional rights;"<sup>4</sup> and "policy makers know to a moral certainty that their . . . officers will be required" to carry out the function for which training was not adequately provided.<sup>5</sup>*

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<sup>3</sup>**City of Canton v. Harris**, 489 U.S. 378 (1989); **Spell v. McDaniel**, 824 F.2d 1380, 1389-1391 (CA4 1987); **Haynesworth v. Miller**, 820 F.2d 1245, 1259-1262 (DCC 1987); **Warren v. Lincoln**, 816 F.2d 1254, 1262-1263 (CA8 1987); **Bergquist v. County of Cochise**, 806 F.2d 1364, 1369-1370 (CA9 1986); **Wierstak v. Heffernan**, 789 F.2d 968, 974 (CA1 1986); **Fiacco v. Rensselaer**, 783 F.2d 319, 326-327 (CA2 1986); **Gilmore v. Atlanta**, 774 F.2d 1495, 1503-1504 (CA11 1985) (en banc); **Rock v. McCoy**, 763 F.2d 394, 397-398 (CA10 1985); **Languirand v. Hayden**, 717 F.2d 220, 227-228 (CA5 1983).

<sup>4</sup>**City of Canton v. Harris**, 489 U.S. 378, 390 (1989).

<sup>5</sup>**City of Canton v. Harris**, 489 U.S. 378, 390 n.10 (1989).

## **AUDIT INSPECTION TEAM EXPERIENCE**

NIJO assembled an experienced two person team based on meeting the needs of the project. Mike Haley and James Chipp have extensive experience in conducting verification inspections and operational reviews of detention facilities using legal-based criteria. Both have been recognized nationally for their efforts and have spoken and trained on this subject at conferences and workshops across the United States. See attached CVs for additional information.

## Curriculum Vitae

### Mike Haley

P.O. Box 535

Franklinton, LA 70438-0535

251-604-1060

[mhaleysr@gmail.com](mailto:mhaleysr@gmail.com)

#### EDUCATION:

Ph.D., New Orleans Baptist Theological Seminary, Psychology and Counseling, 2008 (converted Ed.D. to Ph.D.)

Ed.D., New Orleans Baptist Theological Seminary, Psychology and Counseling, 1977

M.Ed., New Orleans Baptist Theological Seminary, Psychology and Counseling, 1971

B.A., Mississippi College, Clinton, Mississippi, 1969

#### LOUISIANA SPECIFIC TRAINING

Louisiana Sheriff's Association, Louisiana Sheriff's Institute, completed March 2, 2012.

#### EMPLOYMENT/PROFESSIONAL POSITIONS:

**2012 -** **Chief Deputy**, Washington Parish Sheriff's Office, Franklinton, Louisiana

National Institute for Jail Operations

[www.jailtraining.org](http://www.jailtraining.org)

- 2009 - 2012**                    **Vice President**, Quality Correctional Health Care, Birmingham, Alabama
- 2003 – 2009**                    **Warden**, Mobile County Metro Jail, Mobile, Alabama,  
retired October 1, 2009
- 2004**                            **Adjunct Faculty**, University of South Alabama, Division  
Of Criminal Justice and Political Science
- 1999 – 2003**                    **Commissioner of Corrections**, Alabama Department of  
Corrections, Montgomery, Alabama
- 1992 – 1999**                    **Director of Jail Servicers, Alabama Sheriffs’ Association**, Montgomery,  
Alabama
- 1992 – 1999**                    **Adjunct Professor**, University of Alabama, Law  
Enforcement Academy, Division of Continuing Studies
- 1991 – 1992**                    **Director**, Community Corrections Center, Monroe, Louisiana
- 1988 – 1991**                    **President**, World Evangelism Bible College and Seminary,  
Baton Rouge, Louisiana
- 1987 – 1988**                    **Director of Counseling**, World Evangelism Bible College  
and Seminary, Baton Rouge, Louisiana
- 1983 – 1987**                    **Corrections Executive Management Consultant**, Louisiana Department of  
Public Safety and Corrections,  
Baton Rouge, Louisiana; **Interim Warden**, Washington Correctional  
Institute (now Rayburn Correctional Center), 1984.
- 1975 – 1983**                    **Jail Administrator**, Marengo County Sheriff’s Office, Linden, Alabama  
(through grant with West Alabama Mental Health Center); **Interim  
Director**, West Alabama  
Mental Health Center, 1981
- 1974 – 1975**                    **Associate Pastor** (Education and Counseling), First Baptist Church, New  
Orleans, Louisiana
- 1971 – 1974**                    **Clinical Director/Protestant Chaplain**, Orleans Parish  
Prison, New Orleans, Louisiana  
National Institute for Jail Operations  
[www.jailtraining.org](http://www.jailtraining.org)

**1970 – 1971**

**Clinical Intern, Orleans Parish Prison, New Orleans, Louisiana**

**PROFESSIONAL MEMBERSHIPS (past and present)**

**National Sheriffs' Association**, lifetime member; NSA Jail Guidelines and Certification Program work group (2009 - ); Accreditation, Detention and Corrections Committee (1992 - 1999); Standards and Ethics/Education and Training Committee (1992 – 1999); instructor, Jail Training Initiative; member, National Institute for Jail Operations (NIJO) Jail Training Advisory Committee

**Academy of Correctional Health Professionals**

**American Jail Association**; Board of Directors (1994 – 1999)

**Alabama Jail Association**; founder; President (2008 – 2009)

**American Correctional Association**

**Alabama Sentencing Commission**; Executive Committee

**Alabama Criminal Justice Information Systems Commission**; Chairman,

2001, 2002

**Association of State Correctional Administrators**

**Alabama Peace Officers' Association**

**Alabama Attorney General's Law Enforcement Advisory Committee**

**Southwest Alabama Health Planning Agency**

**COMMUNITY MEMBERSHIPS**

**22<sup>nd</sup> Judicial Court, Louisiana, Northshore Court Foundation**, member, 2013

thru present

**Jail Mental Health Diversion Program**, AltaPointe Mental Health,  
Mobile, Alabama, Chairman, 2008 – 2009

**Homeless Coalition Task Force**, Mobile, Alabama, member, 2005 – 2009

**Southwest Alabama Health Planning Agency**, member, 1980 – 1983

## **TRAINER**

**National Sheriffs' Association**, 2010 thru present

Instructor, NSA Jail Training Initiative, online training for corrections  
Practitioners

**National Institute for Jail Operations**, trainer at National Sheriff's Association  
conferences, summer 2013, summer 2014

**Bradley County, TN, Detention Center**, 2010

**Alabama Jail Association**, 1993 – 2009

**Alabama Sheriffs' Institute** for new Sheriffs

**Alabama Peace Officers Standards and Training Commission.**

Certified Instructor, Jail Legal Issues and Jail Management

**Southwest Alabama Police Academy**, 2003 – 2013

**Utah Sheriffs' Association**, 1997, 2006, 2007, 2008, 2010, 2011, 2014

**University of Alabama Law Enforcement Academy**, 1979 – 1983; 1992 - 1998

**Northeast Alabama Police Academy**, 1994 - 1998

**Ron Holt and Associates**, Criminal Justice Trainers, 1995 – 1998

**United States Marshal's Service**, Southern District of Alabama, 1983-1984

**University of Alabama at Birmingham, 1981**

**Auburn University at Montgomery, 1979**

## **OPERATIONS MANUALS WRITTEN**

**Alabama Sheriffs' Association, Guidelines for the Development of Policy and Procedure Directives for an Alabama County Jail, 1993**

**Lawrence County, Mississippi, Jail Policy and Procedure Manual, 1997**

**Grenada County, Mississippi, Jail Policy and Procedure Manual, 1997**

**Neshoba County, Mississippi, Jail Policy and Procedure Manual, 1994**

**Calhoun County, Alabama, Jail Policy and Procedure Manual, 1982**

**Alabama Sheriffs' Association, Minimum Standards for Alabama County Jails, 1982**

**Marengo County, Alabama, Jail Policy and Procedure Manual, 1979**

## **PROGRAM PRESENTATIONS**

**National Sheriff's Association, June 2014, trainer, Religious Issues in Jails**

**Utah Sheriff's Association, Jail Commander Certification Academy, August 2014, Contingency Planning, Ethics, Code of Conduct**

**National Sheriffs' Association, April 2010, January 2013, trainer, Comprehensive Emergency Planning for Jails**

**National Sheriffs' Association, June 2013, trainer, Prisoners With Special Needs: Mental Health Issues**

**Utah Sheriffs' Association, 13<sup>th</sup> Annual Training Conference, St. George,**

Utah, September 2008. Trainer: Managing Jail Suicides

**Utah Sheriffs' Association, Jail Commander Certification Academy, St.**

George, Utah, Contingency Planning, Ethics

**Southern Health Partners/MedGuard Health Services, Charlotte, North**

Carolina, September 2007, podcast trainer, Medical/Security Partnership

**Utah Sheriffs' Association, Law Enforcement and Training Conference,**

St. George, Utah, September 2006; trainer, Jail Emergency Preparedness

**Utah Sheriffs' Association Jail Management Training, St. George, Utah, August 2006, trainer,**  
**Managing Difficult Employees; Practicing Safe Sex in the Jail****Alabama Jail Association annual conference, Orange Beach, Alabama, 2005, 2006, 2007, 2010**  
**trainer, Legal Issues Update****American Jail Association, Annual Training Conference and Jail Expo,**

Birmingham, Alabama, 2004, speaker, Jail/Academic Partnership

**Utah Sheriffs' Association Law Enforcement and Training Conference, St.**

George, Utah, November 1998, keynote speaker and trainer

**Academy of Criminal Justice Sciences, Louisville, Kentucky, 1997; speaker,**

Jails and Academe: The Challenges of the Future

**National Commission on Correctional Health Care, Mobile, Alabama, 1996,**

speaker, Security and Treatment Partnership

**American Jail Association, Annual Training Conference and Jail Expo,**

Charlotte, North Carolina, 1995, trainer, Jail Partnerships

**American Jail Association, Annual Training Conference and Jail Expo,**

Indianapolis, Indiana, 1994, trainer, Alabama Jail Assistance Project

**American Correctional Association, Nashville, Tennessee, 1983, panelist, Jail**

and Prison Overcrowding

**National Council of Community Mental Health Centers, San Francisco,**

California, 1980, trainer, Development of Mental Health Services in

Jails

**Executive Training Program in Advanced Criminal Justice Practices,**

Baltimore, Maryland, 1978, trainer, Development of Mental Health Services in Jails

**Development of Mental Health Services in Jails, 1978-79, trainer, Atlanta, GA;**

Barnstable, MA; Traverse City, MI; Boulder, CO

**CONSULTING AND EXPERT WITNESS**

**Alabama**

Estate of Shawn Desmond Woodard, by and through Jennett

Merida, Administrator v. Washington County, AL, et al. Ball,

Matthews & Novak, attorneys, Southern District of Alabama,  
report, settled 2011

Ball,

prisoner death, expert

James T. Strickland Youth Center, Mobile County, member,

Conditions of Confinement Work Group

United States District Court, Northern District, court mediator,

Marshall County

United States District Court, Middle District, court monitor,

Macon County

City of Midfield, defense expert, jail suicide; Porter, Porter &

Hassinger, Birmingham, Attorneys at Law

Talladega County, defense expert, prisoner death; Rives & Peterson,  
Attorneys at Law, Birmingham, gave deposition

Clarke County, defense expert, prisoner suicide; Sintz ,  
Campbell, Duke & Taylor, Attorneys at Law, Mobile, gave deposition

Butler County, defense expert, jail conditions/crowding; Webb &  
Eley, Attorneys at Law, Montgomery

Dallas County, technical assistance provided on behalf of National Institute of  
Corrections Jail Center, Boulder, Colorado, 1982

Chambers County, new jail planning and design, 1991

Coffee County, pre-design recommendations, 1989 and 2008

Pierce v City of Huntsville, 1984, plaintiff's expert

Mobile County Jail, operations evaluation, 1981

PH&J Architects, Montgomery, new jail planning and design (various jails  
throughout Alabama)

**Arizona**

Spencer v Maricopa County, et al, Superior Court of Arizona, Wilenchik & Bartness,  
P.C., Phoenix, AZ, 2008, deposition 2009

Yanes v Maricopa County, et al, Superior Court of Arizona, Wilenchik & Bartness, P.C., Phoenix, AZ, 2008

**Colorado**

Homaidan Al-Turki v Joseph Ballard, et al, United States District Court, Civil Action No. 10-cv-02404-WJM-CBS, Hall & Evans, LLC, Denver, CO, deposition 2012

Debbie Ulibarri v City and County of Denver, et al, United States District Court, Civil Action 07-cv-01814-WDM-MJW, Denver Department of Law, Denver, CO, deposition 2009, settled 2012

Adam Burke v Garfield County Sheriff's Department, et al,

Civil Action 1:08-cv-00140-LTB-MEH, Greenleaf & Ruscitte, LLP, Boulder, CO, 2008

William Brent Huntley v Lou Vallario, et al, Civil Action 08-cv-00219-REB-CBS, Berg, Hill, Greenleaf & Ruscitti, LLP, Boulder, CO, 2008, settled 2009

Culverhouse v City and County of Denver, Office of City Attorney, defense expert, jail suicide, 2001 – 2002. Testified at trial, verdict for defendant

**Florida**

Biddle v Prison Health Services, Southern District of Florida, Miami Division, Case Number 1:09-cv-0391-WMH, Lou Gavin, Ft. Lauderdale, FL, attorney, deposition, November 2010, settled for plaintiff, February 2012.

**Georgia**

Chatham County, defense expert, jail suicide, 1998 – 1999; Office of County Attorney, Savannah, gave deposition, settlement

Seminole County, new jail planning and design; Donofro and Associates, Architects, Dothan, AL, 1996

<b>Kentucky</b>	Jefferson County, defense expert, jail search policies, Wyatt, Tarrant and Combs, Attorneys at Law, Louisville.
<b>Louisiana</b>	Lincoln Parish, jail bedspace evaluation
<b>Mississippi</b>	Dean and Dean Architects, Jackson, new jail planning/design  SteelPlex, Inc., architects, Pascagoula, new jail planning/design  Lincoln County, jail bedspace evaluation  Pike County, jail facility evaluation
<b>Ohio</b>	Office of Sheriff, Geauga County, jail design analysis, 2002  Office of Sheriff, Cuyahoga County, jail management analysis, 2001  <u>Board of County Commissioners, Jefferson County v The V-Companies, Inc., et al</u> , United States District Court, plaintiff expert, litigation against jail architect and contractor; Bricker and Eckler, Attorneys at Law, Columbus, 1997 – 1999, trial testimony, \$ 13.3 million verdict for plaintiff  Office of County Attorney, Cuyahoga County, defense expert, jail hostage situation, video deposition, 1985

**South Carolina** Tammy Rene Milmine as Personal Representative of the Estate of  
Billy Frank Cornett, Jr. and in her individual capacity v. Major James  
Harris, et al, Davidson & Lindemann, Columbia, SC, 2011

Rene Martin v Alvin S. Glenn Detention Center, Davidson & Lindemann, Columbia,  
 SC, 2011, trial, U.S. District Court, July 2012, jury verdict for defendants

Ricky Sanders v Sumter County, Davidson & Lindemann,  
 Columbia, SC, 2008, arbitration 2010, decision for defendant

James M. Moore v Laurens County et al, Civil Action 6:09-3083-  
 RBH, Chapman Harter & Groves, Greenville, SC 2010

Jerry White v The County of Anderson, et.al., Case Number: 6:09-  
 HFF-WMC, McDonald Patrick, Greenwood, SC, deposition 2010,  
 settled November 2010

Joan Richey et al v City of Anderson et al, Case Number 8:10-cv-  
 00449-HFF, Logan Jolly & Smith, Anderson, SC, 2010, settled

Wanda Parker v John W. Cauthen, et al, Civil Action 09-CP-29-  
 0856, Davidson & Lindemann, P.A., Attorneys at Law, Columbia, 2007,  
 settled September 2011

Jones v Sanford M. Parker, Jr., et al, Civil Action 4:07-03036-TLW-TER, , prisoner  
 death, Davidson & Lindemann, P.A., Attorneys at Law, Columbia, 2006, deposition  
 2010, settled for jail, January 2011

Ricky Briscoe v Laurens County, et al, Civil Action 6:08-2003-RBH, Chapman Harter  
 & Groves, Greenville, 2010

Elizabeth Coe King v County of Richland; Civil Action 3:05-1614-MBS, , prisoner death, Davidson & Lindemann, P.A., Attorneys at Law, Columbia, 2007 – 2008, deposition. Settled 2009.

Colvin v Richland County, et al, Williams v Richland County et al, Young v Richland County et al, defense expert, medical & food service, Davidson, Morrison & Lindemann, Attorneys at Law, Columbia, 2006, settled

Tina Mims v. Jasper Sheriff's Department and Jasper County, Civil Action No. 99-CP-27-44, defense expert, Howell, Gibson and Hughes, Attorneys at Law, Beaufort, South Carolina, settled

Beaufort County, defense expert, attempted jail suicide, Howell, Gibson and Hughes, Attorneys at Law, Beaufort, South Carolina, summary judgment for defendant

Greenville County, defense expert, prisoner death, Haynsworth, Marion, McKay & Guerard, Attorneys at Law, Greenville, prisoner death, gave deposition

**Tennessee**                    Bethany Wright, et al v Anderson County, Tennessee, et al,  
number A8LA0491, Lewis, King, Knoxville, TN, settled 2010

**Utah**                            Montoya v Slater, Weber County, defense expert, classification, Frank Mylar,  
Attorney at Law, Ogden, 2005, settled

Updated 08/01/14

**Curriculum Vitae  
For  
James Chipp**

Mailing address: P.O. Box 1115  
Midway, UT. 84049

E-mail: [jchipp@jailtraining.org](mailto:jchipp@jailtraining.org)

**Education**

Criminal Justice, Weber State University

**Employment**

2005- Present Utah Department of Corrections, Current Position Correctional Administrator, supervisor in the UDC Prisoner Placement Program. Current assignment includes the supervision and oversight duties of the contract monitoring unit and jail inspections of the 21 county jails contracted to house state prisoners. Other positions held Captain assigned to Prisoner Placement Program.

1984-2005 Weber County Sheriff's Office, Ogden Utah. Retired Captain | Jail Commander. Initially hired as a correctional officer and was promoted through the ranks of Sgt., Lt. with a final rank of Captain \ Jail Commander in June of 2000. Responsibilities inclusive of the operations of a 300 bed county jail facility.

2010-Present National Institute for Jail Operations (Independent Contract Work)  
Projects include jail audits \ inspections, providing training and coordinating training on a national basis.

**Certifications**

Utah POST Certified Corrections Officer (Utah Peace Officers Standards and Training, 1988 – Present)

Utah Post Certified Instructor (Utah Peace Officers Standards and Training, 1998-Present)

Jail Commanders Certification (Utah Sheriffs' Association, 2011)

**Major Awards**

Jail Commander of the Year (Utah Sheriffs' Association)

Executive Director's Award (Utah Sheriffs' Association)

Public Service Award (Utah Department of Corrections)

Medal of Commendation (Weber County Sheriff's Office)

Public Service Award (Federal Bureau of Investigations)

Career Achievement Award (Weber County Sheriff's Office)

National Institute for Jail Operations

[www.jailtraining.org](http://www.jailtraining.org)

**Instructor Services**

National Sheriff's Association (2012-Present)  
 National Institute of Jail Operations (2012-present)  
 Utah Sheriffs' Association (2005-present)  
 Utah POST Academy, Corrections (1998- 2005)  
 Utah Department of Corrections (2005-Present)

**National Conference Addressed**

2014 National Sheriff's Association, Intake and Release Procedures.

**Instruction-Training Provided by State**

Utah 1998-Present.  
 Michigan, Dec. 2012: New Sheriff's Academy.  
 Alabama, 2013: Alabama Sheriffs' Association-NIJO.  
 Arizona, 2013: Arizona Detention Association-NIJO.  
 Texas, 2014: NSA Summer Conference.  
 Colorado, 2014: Colorado Jail Administrators.  
 Tennessee, 2014:TCI FTO Conference  
 South Dakota, 2014: SD Sheriffs' Association Conference.  
 Colorado, 2015: Montezuma County.  
 Georgia, 2015: Georgia Sheriffs' Association, Jail Administrators Conference.

**Expert Defense Work (Technical Assistance)**

2012:Cox V. Yavapai County	No: V1300CV 20:1080489, In-Custody Death
2012 Stricker V. Yavapai County	Case No. P1300CV201100829, In-Custody Death
2012 Brown V. Calhoun County	N0:1:11-cv-01182-RBP, Use of Force
2012 Hughes V. Polk County	Case No.*:12-cv-00568-SDM-MAP, Use of Force

**Compliance Monitor**

2008- Present Currently oversee 21 contracts in excess of 30 million dollars with county jails in the State of Utah. Train, instruct and review county jail operations, to include staffing patterns, legal based practices, and policies and procedures to assure compliance with legal based standards.

**Inspections and Audits to Legal Based Standards\Guidelines.**

- 1995-Present Conducting self audit inspections and verification inspection of county jails operations to the Utah Sheriffs' Association Legal Based Standards.
- 2011-2014 Conducted Accreditation Audit Inspection to the Arizona Legal Based Guidelines for Pinal County Arizona.
- 2014 Jail Inspection to the Alabama Legal Based Guidelines for Calhoun County Alabama.
- 2014 Jail Inspection to the Alabama Legal Based Guidelines for Morgan County Alabama.
- 2013 Jail Inspection of Lincoln Parish Detention Center, Lincoln Parrish Louisiana.
- 2012 Jail Inspection to the Alabama Legal Based Guidelines for Calhoun County Alabama.