



July 2004

Proceedings of the **Large Jail Network Meeting**

Inmate Gangs

Inmate Mental Health

**Prison Rape Elimination
Act of 2003**

**Consular Notification
& Access Process**



NIC Jails Division

Large Jail Network Meeting

July 11-13, 2004

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MEETING HIGHLIGHTS

LARGE JAIL NETWORK MEETING

JULY 11-13, 2004

This document summarizes a meeting of NIC's Large Jail Network held in Longmont, Colorado, on July 11-13, 2004. Approximately 60 administrators of the nation's largest jails and jail systems attended the meeting.

- **Gangs in the 21st Century.** Richard Valdemar, formerly with the Major Crimes Bureau of the Los Angeles County Sheriff's Office, provided an overview of the gang problem, both on the streets and in prisons. He focused especially on gangs in Southern California and the West.
- **Network Issues: A Discussion of Issues Important to Large Jail Network Members.** The topics included National Sheriffs Association Training on responding to weapons of mass destruction; the new ACA Standards; a simulation exercise in Fairfax County, Virginia; response to a staph infection in Miami-Dade County, and a "culture study" conducted with NIC support in Douglas County, Nebraska.
- **Identifying and Managing Inmate Gangs.** Jim Whitley, Fairfax County, Virginia described that county's gang problem and the Sheriff's Office's approach to dealing with gangs in the jail. They have established criteria that define a validated gang member and are moving to the COMSTAT system of tracking data. Mike Pinson, Arlington County, Virginia, noted that they Sheriff's Office has defined gangs as a "security threat group," which also includes possible terrorists. The Sheriff's Intelligence Group, a volunteer group, does intelligence gathering on gangs and terrorists.
- **Open Forum Discussion: Gang Management.** During this session, meeting participants had the opportunity to discuss gang management strategies with others at their tables. Each table's spokesperson then reported on the discussion to the group as a whole.
- **Preventing Gang Influence and Violence in the Jail.** Richard Valdemar showed a video from Fox News on gang violence in prison. He talked about the importance of identifying gang members and, especially, "shot callers." His program, Operation Safe Jails, was effective in controlling gangs in the Los Angeles county jails.
- **Problems Associated with Managing Inmate Mental Health in Jails.** Dr. Joel Dvoskin offered suggestions for identifying whether or not a jail's mental health program is working. He highlighted the legal requirements for mental health care and pointed to important aspects of quality care for inmates with mental disorders, including the needs of juveniles and women.

- **Mental Health Issues in Jails.** Dennis Balaam, Washoe County (Reno), Nevada, noted that the Washoe County jail has an unusually high rate of mentally ill inmates. He pointed to the problems that inmates with mental health problems pose for the jail, and he summarized a variety of Washoe County's solutions, including some that involve working in cooperation with other agencies, including law enforcement. Tim Moore, Multnomah County, Oregon, highlighted the fact that in Multnomah, all mental health services are provided by another branch of county government. He pointed to some strategies used in the county and facilitated a group exercise among meeting participants, which was designed to increase awareness of the role of risk management in dealing with mentally ill inmates. Herb Bernsen, St. Louis County, Missouri, focused on a number of strategies, including jail diversion, a Mental Health Court, and Crisis Intervention Teams. All of these approaches involve collaboration with other agencies or branches of government.
- **Addressing Mental Health Incidents.** Tim Ryan, Orange County, Florida, highlighted the importance of counting all aspects of dealing with the mentally ill in a jail and then sharing that information with others in the criminal justice system. He also summarized several partnerships through which Orange County is responding to the mentally ill.
- **Prison Rape Elimination Act.** Larry Solomon, Assistant Director of NIC, summarized the provisions of this recent legislation. He highlighted NIC's role in providing information and technical assistance under the Act.
- **Consular Notification Process.** Bill Wilkey, Office of International Assistance, NIC, reminded attendees of the importance of following the Consular Notification Process. He also pointed to some clarifications of requirements for corrections officials' responsibility for notification.

GANGS IN THE 21ST CENTURY

RICHARD VALDEMAR, LOS ANGELES COUNTY SHERIFF'S OFFICE, MAJOR CRIMES BUREAU (RETIRED)

VALDEMAR'S GANG AXIOMS

The breeding ground for all gangs begins with an excluded group who feels victimized by poverty, or the establishment, or some other real or imagined injustice. It is fed by an anti-establishment culture of drugs, power, hate, and racial separatism.

1. Gangs are NOT part of the Hispanic, Black, Asian, or White culture.
2. All gangs are part of a criminal culture.
3. It is the nature of criminals to band together. (C.R.I.P.S = Cowards Run in Packs.)
4. All gangs are initially formed in defense (and later prey on their own kind).
5. Gangs multiply by dividing. (Charismatic leaders within a group fight each other.)
6. Gangs develop their own Code of Conduct.
7. To a gang member, the gang comes before God, family, marriage, community, friendship, or the law.

WEST COAST GANGS

West coast gangs are nothing like gangs in Chicago or elsewhere, but certain gangs around the country originated in Southern California. The culture of gangs in Los Angeles comes from the U.S.-Mexico border region in El Paso, Texas. This is essentially a no-man's land between borders and is full of smuggling, prostitution, and gambling. Many bandits fled to the area because neither country had jurisdiction.

Pancho Villa (the name of whoever was in charge in the area) supported his army with marijuana sales, along with heroine and cocaine, which were readily available products. They sold to the U.S. and with the profits, bought weapons and vehicles, including planes. From then on, there were two arms of the gang: a militant arm for making war and a money-making arm, which sold drugs.

SOUTHERN CALIFORNIA GANG STRUCTURE

“A gang is a group of three or more persons who have a common identifying sign, symbol, or name, and whose members, individually or collectively, engage in a pattern of criminal activity, creating an atmosphere of fear and intimidation within the community.”

There is no official leader in a L.A. gang. The gang is a democratic organization, although there are always charismatic people within the group. Although we try and legislate against gangs, it can't be done. There are 150,000 gang members in Los Angeles. Female gang members number over 3,000, but they are considered second-class citizens in the gang world.

Southern California gang members tend to be committed to the gang by the sixth grade. They join and leave through a formal process that involves being beaten up. One reason gang prevention programs don't work is that they intervene too late in members' lives.

STREET GANGS AND ETHNICITY

Gangs have flourished into widely organized criminal enterprises reaching across state lines. Southern California gangs produce good false identification cards, which are showing up all over the world.

Gangs exist among a number of ethnic groups. A 1999 survey found that 47% of street gangs were Hispanic, 31% African-American, 13% Caucasian, and 7% Asian.

Gang members are not stupid; some are geniuses. The king of Chicago gangs has his own website, as do several others. They have risen to the top in a difficult system.

PRISON AND JAIL GANGS

Many groups pass themselves off as anti-gang groups, but they are actually run by gangs rather than ex-gang members. Los Angeles often hires these "ex-gang members" to work in jails. There is a riot a week in L.A. jails, and they are all related to drugs and money.

Inmates join prison gangs for protection. Gangs establish their own prison rules and have authority over disruptive groups. Their whole purpose seems to revolve around control and drugs. There is often collusion between gang members and staff. Gangs are good at sizing up staff and finding those who are open to collusion.

COMMERCIALIZATION OF GANGS

Kids identify with gangs through their clothing and through symbols such as 4/20, which is a sign of smoking dope as well as Adolph Hitler's birthday. The Columbine school massacre took place on that day as well.

A variety of magazines focus on the gang culture and can provide a great deal of information about gangs. One, "Teen Angels," encourages teenage girls to write to gang members in jails and prisons. A number of rappers also have gang backgrounds.

All gangs have their own languages and tattoos. Law enforcement tends to pay attention to bikers' tattoos, but the only tattoos that matter are blue-black ink under the skin, not the commercial tattoos of bikers.

For additional information, contact Richard Valdemar, (909) 744-0599; calgangsarge@earthlink.net

DEFINING NETWORK ISSUES: A DISCUSSION

This session of the meeting was open to meeting participants who wanted to bring issues to the attention of the group.

NATIONAL SHERIFF'S ASSOCIATION TRAINING

- **Clifton Uranga, Oklahoma City, Oklahoma.** Our jurisdiction participated in the National Sheriff's Association (NSA) training under its Weapons of Mass Destruction Initiative. Focused on jail evacuation and planning during an episode of mass destruction, the training was very relevant to our needs. NSA limits participants to 50, but we made a mistake in not involving our courts. NSA provides 8 hours of free training under this program; they pay for food, snacks, pencils and paper—everything.
- **Harry Tipton, Albuquerque, New Mexico.** Albuquerque also participated in this training program. We included city, county, and state providers. One good thing about the training is that it lays out a footprint for jurisdictions to follow, but it also recognizes that one approach doesn't fit everyone. You are given a checklist to go through in planning. Although the training is built around weapons of mass destruction, it also applies to other kinds of emergencies.
- **Steve Thompson, Snohomish County, Washington.** Our participation was especially valuable because it created regional collaboration. All mutual aid agreements for jails in the region are now in place. It was a very positive experience, well worth the time.
- **Mike Jackson, National Sheriffs Association.** Large Jail Network members have priority in receiving this training, but there is currently some back up in requests. We must limit the number of participants to 50, so we have started doing a 2-day program in the same jurisdiction. We split a large group and do the same program on 2 consecutive days.

ACA STANDARDS

- **Dave Parrish, Hillsborough County, Florida.** Please read the article on the new AJA standards in the new issue of the *LJN Exchange*. We are now working to go beyond what is defined there to develop something like “core standards,” so that any jail administrator can get involved in the accreditation process. I would appreciate your input; let me know what you think must be included.

SIMULATION ON RESPONDING TO WEAPONS OF MASS DESTRUCTION

- **Jim Whitley, Fairfax County, Virginia.** Our jurisdiction, along with Loudoun and Prince William Counties, ran a simulation exercise on responding to a weapon of mass destruction—anthrax. The drill was an eye-opener on many levels. I did not realize, for example, that it takes firefighters half an hour to put their HAZMAT suits on. We involved volunteers, who posed as high-risk inmates. This was our first experience with such an exercise, and it required extensive planning. Involving the county's Emergency Preparedness Office was valuable, as we learned more about their resources. Our plan was to take inmates to the field house of a local

college and set up perimeter security there. We have secured grant funding to do another simulation exercise next year.

DEALING WITH A STAPH INFECTION

- **Anthony Dawson, Miami-Dade County, Florida.** We experienced a staph infection that got out of control very quickly. We had to take action very fast to get a handle on it. We managed to do so, but I wanted to let everyone to know that such an infection can spread very rapidly among inmates and staff. We did well in handling it quickly for inmates, but we didn't act quickly enough for staff. I also wanted to mention that we developed a process for handling protestors against the Free Trade of America meeting. We found a way to move John Does through booking quickly, and protestors who refused to give their names understood that their stay with us would be longer. We had major cooperation from the police in our efforts.

NIC "CULTURE STUDY"

- **Robert Houston, Douglas County, Nebraska.** I came to the local level of corrections from the state level, and I asked Richard Geaither for help in looking at our agency. We have a long history of strife between different employee factions and unions, and we are building a new jail that will increase our inmate capacity by 600. We haven't done a very good job in resolving conflicts, so NIC helped us with an operational study that gave us a lot of information. NIC also offered to do a "culture study," which is usually done in prisons. It was difficult to admit that we had real problems with our culture, but unless you know the culture of an institution, it is hard to address operational issues. Prior to having the cultural study investigators in the facility, we did a lot of preparation. When they came, they did structured staff interviews for 5 days, asking about supervision, relationships, major issues for the agency, and their vision for the future. These interviews were followed by informal group discussions with staff. The process provided a valuable look in the mirror. Even those staff who were critical of the consultants' report recognized its truth. It helped give us a clear road map to address many issues. We found a big disconnect between administrators and line staff and between line officers and first line supervisors, for example. We have now run a series of training sessions for line staff, and the executive staff now meets every morning. The process was very helpful for us.

IDENTIFYING AND MANAGING INMATE GANGS

JIM WHITLEY, FAIRFAX COUNTY, VIRGINIA

Fairfax County is certainly a less urban area than Los Angeles, and it has a high quality of life. Incidents such as a machete attack and murder in Herndon, Virginia, are very recent. However, we are seeing a growth in violence involving gangs in the area. We first noticed the trend in 1992 and formed a gang unit of a dozen officers.

Police recognized early on that good intelligence comes from inmates. We look for something that indicates gang involvement of one inmate, and then get the names of others from that inmate.

THE JAIL

The Adult Detention Center has been expanded twice. The original design was linear, but it became podular in 1987. We have a number of different ways to manage our gang population, but our problem is staffing. We still have two floors in a new facility that are not open because of staff shortages, but we are now getting support for that.

GANG ACTIVITY AND RESPONSE

The biggest gang problem in our area is with the MS-13 gang; they came from Los Angeles in 1994-95. Virginia has the second highest Salvadoran population after LA. The current estimate is that there 1500 MS-13 gang members in the Washington, DC area.

We currently have about 100 gang members in the jail, about 10% of the population. The following incidents, activities, or observations are criteria for possible gang involvement. An inmate who is positive on any two of the criteria is considered a validated gang member:

- Admits to membership;
- Is identified as a gang member by a documented, reliable informant;
- Resides in or frequents a particular gang's area and adopts their style of dress, their use of hand signals or tattoos, and associates with known members;
- Identified as a gang member by an informant of previously untested reliability and such information is corroborated by independent information;
- Has been arrested more than once in the company of confirmed gang members for offenses which are consistent with usual gang activity;
- Is identified as a member or associate by physical evidence such as photographs or other documentation;
- Has been stopped in the company of gang members; or
- On the basis of another agency's gang unit of gang affiliation.

Suspected gang members are interviewed, using a standard set of questions. The Sheriff's Intelligence Unit (SIU) is constantly vigilant for gang activity, including recruitment attempts. We do constant shakedowns to disrupt activity. We have a zero tolerance policy

regarding gangs, and the SIU trains other staff about gangs and drugs. We are also in the process of developing informants, which, of course, results in both useful and bad information.

We are moving to the crime analysis and management tool used effectively at Rikers Island in New York City, COMSTAT. Violence in Rikers Island was reduced by over 97% using this approach. Using the COMSTAT system, we are collecting data to track trends and then acting quickly. The result in our facility has been better staff morale and a decline in sick leave. COMSTAT has had a huge impact on facility operations so far, and we are excited about its possibilities.

We have also increased our segregation housing, and about 160 cells are being used for Administrative Segregation. Our policy is to separate gang members from the general population as much as possible. What determines housing is an inmate's criminal record up to that point. We also look at the disciplinary record in the jail. At times, we do place gang members together for intelligence-gathering purposes.

We record phone calls from time to time, but we don't have a set-up for wired visiting areas or cell blocks. Depending on growth in our gang population, we may need to look at this.

Compared to Los Angeles, our gang problem is not huge. However, it is a growing problem, and gangs are proliferating in our area.

For additional information, contact Major James Whitley, Fairfax County Sheriff's Office, 4110 Chain Bridge Road, Fairfax, VA 22030; (703) 246-4432; james.whitley@fairfaxcounty.gov

MIKE PINSON, ARLINGTON COUNTY, VIRGINIA

Arlington County's picture is also radically different from Los Angeles. We are the smallest county in the U.S. However, we are located next to metropolitan Washington, D.C. and all the federal monuments. The Pentagon and Arlington National Cemetery are in the county, and Reagan National Airport is under our authority.

We are seeing a growing gang problem and are trying to address it. By seeing gangs as a "security threat group," we can also tie in possible terrorists to our efforts. After 9/11, the FBI did an assessment of the top 50 sites for attacks, and our public safety complex was rated number 17. This helped us see that we needed to address the problem broadly.

SECURITY THREAT GROUPS

Our definition of a "security threat group" is as follows: "A Security Threat Group is an organization of two or more individuals who work together to jeopardize the safety, security, or well being of the facility, staff members, the community, or citizens."

We created a Security Threat Group Committee in 1996. We identified staff to be on the committee and created links to police and other agencies and to the Metro Washington Council or Governments.

The group is now called the "Sheriff's Intelligence Group" and has an expanded role that includes intelligence gathering for gangs and terrorists. It is a volunteer group. Most money for intelligence is going to the police, so we are trying to get corrections included as part of the recognized group that shares intelligence.

JUSTICE CENTER SECURITY

The justice center is in an urban area and has public access on all sides. We are unable to close the streets unless there is an emergency. What we have done to counter this vulnerability is establish:

- CCTV perimeter surveillance;
- Blast containment in trash cans; and
- Random foot patrols 24 hours a day. The frequency varies depending on the national alert level and is currently once every 3 hours.

We are also attempting to secure additional perimeter cameras, funding for a video alert management system, and funding for training and exercise drills.

Courthouse security includes an initial assessment of trials and a plan for needed staff and resources, including a tactical team. We include police and street intelligence and use layers of security in the courthouse. There are emergency plans in case of an event in the courthouse.

The jail is linked to the courthouse via a secure tunnel. Jail security includes a maximum security design and a segregation unit for hard-core offenders. The segregation unit is over capacity, in part because of gangs. The facility is a direct supervision jail, which creates

problems with separation, so we have an agreement to send serious gang members to other area jails when necessary.

DEALING WITH GANGS

Identification of gang members begins at intake with a review of criminal history. A file then follows all security threat group members. We do a follow-up interview with them, but we do not automatically separate inmates simply on the basis of gang membership.

We have been monitoring phone calls for about 2 ½ years, which is an invaluable tool. We also do surveillance at public visiting and other locations. There are many cell searches, through which we have uncovered maps, codes, and gang communications. Our rules and regulations define disciplinary actions for gang affiliation.

There are 20 different gangs represented in the jail; 65-75 inmates have been identified as members of gangs (20% of the population).

- Photos are taken of tattoos and gang markings.
- Cell marking is most prevalent in the segregation unit, probably because the stakes are lower. We debit inmate accounts to pay for damage.
- Members of Security Threat Groups are interviewed.

RECENT GANG ACTIVITY IN THE COMMUNITY

- A gang murder outside an EconoLodge. This was the result of a dispute between MS-13 and South Side Locos. Six South Side Locos were arrested for the murder of a civilian bystander caught in the crossfire. The police automatically requested that we separate the gang members.
- A machete attack in Alexandria, which was an attack on a rival gang member.
- A murder of a 16-year-old in Herndon, who was killed by another gang member on a bicycle.

Responses have included a Governor's State Police Task Force on gangs. It includes six state troopers, whose mission is not very well articulated, but the focus is on gangs. There has also been a bill on Gang-Free School Zones, and a Congressional appropriation of \$300,000 for gang education in schools.

MANAGING HIGH-PROFILE INMATES

One of our jail's most serious gang members was Dennis Rivera, an MS-13 leader, who received a 35-year sentence, and had 19 local charges, including malicious wounding, use of a firearm, receipt of stolen property, and forgery. While in custody, he spent most of his time in segregation, but he was still able to recruit gang members from Houston through phone calls and to direct altercations between gang members in the jail.

We worked with the U.S. Attorney and U.S. Park Police. The Feds set up a system to monitor his phone calls and got a Federal murder conviction for murder of a witness. We also secured a conviction for attempted escape.

Brenda Paz was Rivera's girlfriend. She left the MS-13 gang, entered the Witness Protection Program, and was working with law enforcement. Rivera set her up with information to expose her as an informant and he ordered her execution from his jail cell. MS-13 members lured her on a fishing trip and stabbed her to death. Three defendants in the case are still in our custody.

Rivera also planned an armed assault on a transport to the Arlington jail, but a Security Intelligence Group Coordinator received a tip from the police. An interview with other inmates led to a search of Rivera's cell, where we found a detailed map of the Fairfax Judicial Complex. We assigned a Spanish-speaking deputy to monitor and review his phone calls, and we seized his mail. An Internal Affairs Sergeant worked with prosecutors and police, resulting in a conviction and a 10-year sentence.

Rivera was with us for 18 months. He was classified in our jail as High Security/Escape Risk and housed in administrative segregation with special restraint and supervision orders. He was later separated from all inmates and moved to secluded cells in court holding and medical to be sure that he and other inmates did not know where he was. He could not leave the jail without Command Staff approval. He is now in a maximum-security prison.

REGIONAL RESPONSE

- Surrounding Jails--In Northern Virginia, it's not how far you go but how long it takes to get there that matters. The distance from the Arlington jail to the Fairfax jail is 14.64 miles; it is 9.81 miles to the Alexandria jail.
- Metro/Washington Council of Governments—This group is important to our regional response. We have recently become more involved in a Public Safety Policy Committee, which is holding a Gang Summit in September 2004. There is also a Corrections Chiefs Sub-Committee that involves nine surrounding jurisdictions. The Gang Task Force meets monthly and has established a database, a policy statement, and standardized forms for information sharing.

CONCLUSION

- Gangs are becoming more prevalent and violent.
- They represent unique security concerns for jails.
- We must partner with other law enforcement agencies.
- There must be a community response to gangs.

For additional information, contact Mike Pinson, Director of Corrections, Arlington County Sheriff's Office, 1425 North Courthouse Road, Suite 9100, Arlington, VA 22201; (703) 228-4492; mpinso@co.arlington.va.us

OPEN FORUM DISCUSSION: GANG MANAGEMENT

During this session, meeting participants had the opportunity to discuss gang management strategies with others at their tables. Each table's spokesperson then reported on the discussion to the group as a whole. Following is a summary of these discussions:

- Gang management approaches obviously vary around the country. In some places, we can't segregate gang members, so we keep them in the general population and watch the balance of power in each unit. If gang members' behavior is disruptive, they are locked down. It works out because they would rather be watching TV than be locked down for a week.
- I am from Las Vegas and was very interested in having gangs as a meeting topic. The Los Angeles County sheriff asked to meet with our county because he believes that, next to homeland security, gang violence is the biggest threat to us. So far we have been able to convince gangs that the jail is neutral territory, but in L.A., Hispanic gangs have openly taken over the yards. Some gangs are pushing farther north in California. We have to push neutrality in the jail between Black and Hispanic gangs. Hispanics stand together, although Blacks won't always do so. However, not everyone at our table has a huge gang problem.
- We discussed a variety of approaches, but they are generally based in the classification unit. They include color-coded admin segregation and a weekly committee meeting on gang movement. Whatever all our jails do, however, we all emphasize good classification
- Texans dominate our table, and our discussion centered on the problems in different regions in the state. Because of our proximity to the border, we have a problem with Mexican fighting with gangs on this side of the border. Mexican gang members in our jail boasted that they would be tougher than others because they thought they would all be housed together. We let them know that wouldn't be the case. El Paso is right on the border, and they are always trading inmates with Mexico and New Mexico. The drug cartel is very active in Juarez, which also houses a large number of U.S. Marshals inmates. We have a transportation issue because there are 26 miles between our two facilities and the courthouse. Because we transport about 200 inmates day to court, the question of whether we need an escort is a real issue. We had five homicides in a new facility that were attributed to gangs. We do have a rank structure in our gangs, but, fortunately, we have a good intelligence group that works with the Texas DOC, the FBI, and other departments. We have gang meetings monthly at which we trade information. We must work together on this problem.
- We talked about managing gangs and segregating them as well as about technology. We have a new phone provider that enables us to record calls for intelligence purposes. A pin number is issued to each inmate, and phone calls go to detectives for monitoring. We have a staff member who has been very successful in getting gang intelligence; the key is to have someone who can get the respect of gang members.

- Our phone provider has come out with a new piece of software that will bring out key words from conversation. As jail administrators, we have to decide whether to separate or integrate gang members. If separate, gangs can create their own turf areas. If we integrate them, we hope to get some version of détente, a mutual deterrence of violence. Gang membership alone is not a basis for separation, but violence and behavior are. As gangs move out of L.A., the epicenter of gang activity is moving. The Aryan Brotherhood is now showing up in Kentucky. It is very difficult to segregate in our current jails, so we may need a different physical plant design in the future to enable more segregation.
- Maricopa County has 28 top Mexican Mafia federal inmates. They are all in a special management pod that is sight and sound separated from the general population. Every facet of their lives is controlled, and they are moved in leg and belly chains. To protect their identities, officers in the area don't have nametags because the inmates have made threats. We also have an entire division that monitors phone calls, including software that recognizes many different language patterns. We also use activity recognition technology that identifies preconceived activity patterns in an area to track potential security breaches.
- Intelligence gathering is important, but what happens to the intelligence after it is gathered is even more important. We need to develop strong relationships with other law enforcement agencies. It is often difficult to subpoena gang members from around the state when there is a trial.
- We now integrate gang members in New York City. One warden tried to segregate gang members, but then he realized that violence had increased. We have a lot of dorm housing. We now house about 50 different gangs. There are about 1100 known gang members among our inmates, but it's the ones you don't know about who will hurt you. Some of us are in denial about having gangs in our jails, but we do realize there is a problem. We have gang experts in all units, which has resulted in less violence. Supervision of gangs has also helped.
- Are there any multiracial gangs, or are they all separate? The Bloods have both Black and Hispanic members. In Alaska, all gangs include mixed races. In Miami, there is a growing group of Haitian American gangs, which is one of the largest transmission points for cocaine. Their gang activity is increasing enormously, but we don't have enough Creole-speaking officers, which makes it hard to track them.
- The standard today is to put everyone together. We are sharing information between law enforcement and corrections so that we are not working in the dark. In 1995, when this topic came up for the Large Jail Network, I thought there was no relevance to our jurisdiction. My eyes were opened at that point, and as a result, we began training our staff on the issue. It would be helpful to have some national coordination on an ongoing basis, because we need to share information.

PREVENTING GANG INFLUENCE AND VIOLENCE IN THE JAIL

RICHARD VALDEMAR

Richard Valdemar showed a video from Fox News on gang violence in prison. The video noted that shifting alliances among gangs make management difficult, as tensions between gangs create violence and power struggles. Violence rules.

Younger kids are brainwashed, and racist propaganda is used to recruit more gang members. Gangs are all about drugs, and much of the violence in prisons is related to drugs. Drugs are used to control inmates and the yard. When not attacking each other, gang members attack corrections officers.

MANAGING INMATE GANGS

My education on gangs came when I was assigned to the county jail. We all trained for the street in those days, but in custody, you learn how to use the weapons you have at hand. Your mouth becomes a secondary defense weapon when you don't have mace or guns or radios.

Ruben Martinez, a member of the Mexican Mafia, was my best instructor. Gangs ran the module I was in; 40% of the inmate population was gang-affiliated in some way. The Los Angeles County Jail does not isolate gang members, so the strongest ones take over the modules. Ruben Martinez offered to help, and he suggested we put White, Black, and Hispanic trustees together. If you balance the power, you balance the disruption. Gang members don't care about jail rules, but they obey prison gang rules. They know the system because it is their system.

I noticed that many administrators had a gang denial attitude. They could see the overt gang activity, but not the covert side. They didn't see people getting extorted, robbed, or murdered.

Classification—Gang Identification

- Gangs run jails.
- Gangs make rules.
- Gangs run drugs.
- Most assaults are gang-related.
- Charge rent. Inmates were paying two dollars a week rent for their cell to drug members.
- Extortion of other Inmates. In the “crazy man act,” a common extortion system, five guys in a cell agree to extort someone. The other four inmates say that one guy in the cell is crazy and they need to look out for each other. The new cellmate is extorted by the other four inmates, who promise to keep watch at night.
- Tax other inmates' criminal activities. All activity is controlled by gangs.

Gang members have an attitude they must express while in custody. It involves bigger clothes, shinier shoes, upper body strength, slim legs, a neat haircut, and an attitude with a

raised chin. Knowing this helps you pick out shot callers. We can then call the state DOC to validate them on the spot before they can influence other inmates.

“OPERATION SAFE JAILS”

Operation Safe Jails worked very well. Gang members were segregated and isolated. We conducted random searches and shakedowns, and we tried unsuccessfully to get an x-ray machine. Narco dogs were allowed in the parking lot on visiting days, which was very helpful.

- We monitored all phone calls, visits, and attorney room contacts. We were so successful that we had to go to an inmate and tell him he was going to be killed. We began to get other assignments, including gang crimes. Up to that point, many crimes were not getting filed if they happened in custody.
- We also investigated inmate disturbances because someone in a prison gang always called the riots, sometimes in several facilities at the same time. We developed a variety of other kinds of gang intelligence and gang informants. What’s good about an informant is that he will tell you something for a phone call or a cup of coffee.
- A lot of crimes were based on a three-way phone system. For example, a girl on the street would order a phone in the name of a child. Gang members would make thousands of calls to that number, planning criminal activity and never intending to pay for the calls. There are now systems that enable you to track how many inmates are calling a specific number.
- We also tracked pen pals, who became conduits for inmate letters that furthered criminal activities.
- One of the best things we did was to join task forces and other groups focused on gangs in jails. The groups now have monthly meetings and are a great place to exchange information. By shutting down the narcotics valve, we shut down gang activity. Federal task forces are also useful places to get involved.
- We need to make gang management a priority in the jail.

OPEN FORUM DISCUSSION BY MEETING PARTICIPANTS

Meeting participants raised the following issues in response to the presentation.

Stab Vests

- Do you issue stab vests? (Approximately 25% of participants require staff to wear stab vests.)
- I wish I could give stab vests to officers, but I can’t. Some staff wear their issue vests, and anyone transporting bad guys has a stab vest. If it were up to me, all staff would have them.
- Actually, your brain and mouth are better defenses than stab vests, which are cumbersome. My suggestion is that you train staff in communication skills and thinking on your feet. Stab vests give a false sense of security and, in my view, are a waste of money.

Monitoring With Technology

- It is helpful to have your phone system compatible with the state prison's. The prison has put video cameras in the visiting area because inmates were using codes and sign language at the visiting screen.
- Gang modules and visiting are obvious places to monitor; you don't have to monitor everywhere.

For additional information, contact Richard Valdemar, (909) 744-0599; calgangsarge@earthlink.net

MENTAL HEALTH SERVICES IN JAILS: IDENTIFYING PROBLEMS

JOEL A. DVOSKIN, ASSISTANT PROFESSOR OF PSYCHIATRY, UNIVERSITY OF ARIZONA COLLEGE OF MEDICINE

HOW DO YOU KNOW IF IT'S NOT WORKING?

- Your staff hate the shrinks.
- The shrinks hate your staff.
- You can't find the mental health staff.
- They can't get to you.
- Take a walk through Administrative Segregation. The more mentally ill inmates you see, the worse you're doing. If most of your seg unit is made up of the mentally ill, you will never win a lawsuit.
- Ask staff and inmates about the referral system: "What would happen if...?" You need a good referral system. Mental health people tend to exaggerate confidentiality, but anything related to harm can be shared.
- There are delays in receiving medication. Write into your contract the time limits for delivery of medication.
- There are delays in renewing prescriptions. If a psychotic inmate runs out of medication, there is a risk to the safety of the inmate and staff.

HOW DO YOU KNOW IT'S WORKING?

- Mentally ill inmates who are out of control are brought up in the morning report—because they are rare.
- The Mental Health Director is part of your management team.
- Community mental health agencies visit their clients in jail. The jail is part of the community, and these agencies must provide services.
- The fewer surprises, the better.
- Your captains drink coffee in the mental health office. This is a good sign of interaction between mental health and corrections staff.
- You do cross-training of both corrections and mental health staff.

AMERICAN PSYCHIATRIC ASSOCIATION GUIDELINES

- "Principles Governing the Delivery of Psychiatric Services in Jails and Prisons"—Buy this APA guide and use it to hold contractors accountable.

LEGAL CONTEXT

- Estelle v. Gamble
- Bowering v. Godwin
- Ruiz v. Estelle
- Langley v. Coughlin
- Madrid v. Gomez

- Youngberg v. Romeo
- Turner v. Safely
- Also note Wakefield—the first aftercare case. It cites a duty to provide aftercare. A 9th Circuit Court case only, but it will become broader. There is a trend in the direction of requiring aftercare.

LEGAL REQUIREMENTS FOR CORRECTIONAL HEALTH SERVICES – RUIZ CASE

- Systematic screening and evaluation;
- Treatment that is more than mere seclusion or close supervision;
- Participation by trained mental health professionals;
- Accurate, complete, and confidential records;
- Safeguards against psychotropic medication prescribed in dangerous amounts without adequate supervision, or otherwise inappropriately administered; and
- A suicide prevention program.

ACCESS TO MENTAL HEALTH CARE AND TREATMENT

- Adequate and appropriate access to care.
- You need programs in co-occurring disorders, and you should try and find a psychiatrist with expertise in substance abuse disorders.
- Access to care in segregation units.

SERVICE COMPONENTS

- Intake screening at booking. Everyone should be screened for suicide risk and serious mental health need.
- Evaluation following initial screening. Evaluation should be followed by recommendations for treatment.
- Assessment of competency to stand trial. If you determine incompetence, notify the attorney of a question of the inmate's ability to stand trial.
- Use of psychotropic medications. There are studies showing that more expensive medications are more effective in the long run.
- Substance abuse counseling. This is not a constitutional right. However, if someone has a co-occurring disorder, you must treat him or her.
- Psychological therapy. There is a question of how much a jail must require, but this is a clinical judgment issue.
- External hospitalization. You must be able to transfer those you cannot stabilize.
- Case management. This is not a legal requirement, but it is a good way to do business.
- Discharge planning. This is increasingly viewed as a legal requirement. Failure to provide aftercare can be negligence.

QUALITY OF CARE

- Fundamental policy goal: to provide the same level of mental health services to each patient in the criminal justice process available in the community.

- Communication psychology model—jail environments are examined and modified to minimize negative impact and promote pro-social living.
- An adequate number of trained staff must be present in every jail.

CULTURAL AWARENESS

- Positive attitudes are usually developed after exposure to and awareness of other belief systems.
- Tolerance for diverse populations.
- Empathy for the minority experience—Blacks and Hispanics are typically less often served by the mental health system.
- Understanding ethnocentric bias and its effects.
- Cultural competence may be asking too much; most people will settle for respect.

CONFIDENTIALITY

- Situations where confidentiality is not applicable:
 - a. Patient is self-injurious or suicidal
 - b. Patient is assaultive or homicidal
 - c. Patient presents a risk of escape or creation of disorder within the facility.

SUICIDE PREVENTION PROGRAM ELEMENTS

- How to recognize danger signs—special stressors of inmates and their effects
- Effective and well-understood referral system
- Communication between staff members on needs and risks of suicidal inmate
- Debriefing in the event of a completed suicide
- Be careful about a punitive response to suicidality
- Policy and procedural guidelines
- Suicide prevention intake screening guidelines
- Training program for jail and lockup officers in suicide prevention
- Training for mental health personnel

REASONS FOR MENTAL HEALTH SERVICES

- Alleviate unnecessary suffering
- Alleviate symptoms of mental disorders that interfere with an inmate’s ability to function in the surrounding environment
- Make the institution safer
- Meet legal requirements

HOW IS STANDARD OF CARE DETERMINED?

- The basic case is *Estelle v. Gamble*, which says that you cannot be deliberately indifferent to serious medical needs.
- A “pattern of indifference” represents systemic malpractice.

- Malpractice means failing to meet the community standard of care. To define “community standard,” look at comparable jails. There is no absolute definition of “community.”
- These are normative standards. A judge will sometimes require a higher standard, an “aspirational standard.”

FIX BEFORE TRIAL

- Your big advantage is that relief is at the time of trial. If you fix the problem before the trial, you win.

DIFFERENCES IN HANDLING JUVENILES

- Mental health issues are difficult for kids. ADHD causes the most trouble because they can’t sit still.
- Try to have a separate yard for juveniles and get them outside as much as possible.
- Be sure and meet requirements for education. Most kids in jail are learning disabled, which means that the local school district has an obligation to provide services.

DIFFERENCES IN HANDLING WOMEN

- The prevalence of mental illness among women is twice that of men. The difference seems to be in rates of depression, anxiety, and trauma spectrum disorders.
- Up to 70% report a history of abuse either as a child or as an adult.
- Clinical and corrections staff should receive training in gender-specific issues.
- Women are more likely to be the custodial parent for their children and have greater concerns about them.
- A free phone is very important, as it allows them to talk to their children.

A RECOMMENDATION

- Get mental health, corrections, judge, and law enforcement together for a day to discuss mental health. Identify the vulnerabilities in all relevant systems. Talk to each other about how to make everyone’s approach more successful.
- We know that a 10-1 case management system is much more successful than 20-1 or 40-1, so why not spend your money wisely?
- One possibility is to exchange one correctional officer position with the community mental health center for a social worker position.
- Remember that NAMI (National Association for the Mentally Ill) is a valuable ally in keeping the mentally ill out of jail. NAMI is a good resource because of its political power. Get to know local representatives.

For additional information, contact Dr. Joel Dvoskin, 3911 E. Ina Road, Tucson, AZ (520) 577-3051; joelthed@aol.com

MENTAL HEALTH ISSUES IN JAILS

DENNIS BALAAM, SHERIFF, WASHOE COUNTY, RENO, NEVADA

ABOUT WASHOE COUNTY AND THE JAIL

- 2003 Population: 375,000
- Area is 6,603 square miles (about the size of Connecticut)
- The jail serves 34 arresting agencies
- Average daily population: 1,021
- Criminal bookings: 23,158
- Sheriff's Community Work Program Bookings: 4,454
- Number of beds: 1,210; 60 mental health beds

OVERVIEW: MENTALLY ILL IN WASHOE COUNTY JAIL

- The national average for inmates is 15%; in the Washoe County Jail, however, the average is 30% and has peaked at 40%.
- Of the 30% in Washoe County Jail:
 - a. 20-25% are Serious Schizophrenic-Bipolar
 - b. 2% Special needs, e.g., mentally retarded
 - c. 20-25% "Co-Occurring Disorder"—alcohol and drugs
- The other 48% are adjustment disorders, malingerers or manipulators, or situationally depressed.
- Staff do mental health assessments at intake to determine whether an inmate should be considered for special housing.
- Some offenders, usually those with drug or alcohol problems, are referred immediately to groups outside the jail. However, an 85-bed mental hospital built last year has not opened because it has not yet been staffed.

WHAT ARE THE PROBLEMS?

Inmates and arrestees with mental health issues pose a wide variety of problems to a jail, staff, and other inmates.

- Physical resistance in intake—the reaction of a paranoid schizophrenic to standard control procedures.
- Detoxification process—must be completed before other medications can be ordered or administered.
- Suicide attempts, self-mutilation, fecal artwork and missiles, and assaults on fellow inmates and/or staff. Spending on suicide risks up front will save money later on.
- "Felony" cases involving shoplifting or minor vehicle burglaries languish in courts due to questions of competency. These cases clog up the whole system.
- The "merry-go-round" of mental hospitals, veterans' hospitals (not accessible to inmates), and the jail. The responsibility of dealing with this rests with the sheriff.

- Varying degrees and methods of treatment at all stages of the “merry-go-round.” Services in the community are inadequate.
- Inmate “stigma” and cessation of benefits, including treatment and medication.
- Critical lack of a safe bridge from jail or hospital to the community.
- Residential community rejection criteria that include active criminal activity, violent criminal history, aggressive behavior, or public graffiti. When rejected, offenders often end up back in jail.
- Increase in cost of medical services in the areas of psych meds, newer classes of drugs, etc. The budget for all medications was \$23,000 a month, of which \$18,000-\$20,000 was for psych medications. The monthly budget was exceeded four times during the past year.
- Increasing numbers of seniors with Alzheimer’s and dementia are being booked.
- The Reno area has no actual services to handle these concerns
- Reno is a huge tourist area. Our transient population increases the cost of serving these individuals, who often become inmates.

SOLUTIONS

- A housing unit in the jail is being remodeled. It will hold mentally ill inmates until they are stabilized and can be moved to the other side.
- Homeless Evaluation Liaison Program (HELP)—In this innovative program involving the Reno Department of Police, deputies and police officers work with the homeless at a Greyhound Bus substation. They have 130-150 contacts a month, many of them with mental health problems. Police try to find placement or a support group for these people. After getting a commitment from a relative or friend to take the homeless person, the police provide transportation and follow-up.
- Early recognition of “frequent flyers” is important so that they can be detoxified and their medications restarted quickly.
- Continuity of care and acceptance of occasional failures—We need to partner with state mental health and private providers. We are working with the state legislature to get funding, but we are not confident, as the Feds seem to be pushing expenses to the state and the state to the counties. The state has yet to fund four tech positions they had promised us.
- Residential treatment for the somewhat aggressive—They must be controlled and, if missing, located and returned immediately so that they are in the mental health system rather than the jail. The public has very little understanding of the issue, and they have no patience with those who re-offend while in programs or those who have been in the criminal justice system.
- A key is to establish a “triage system” to address these individuals prior to their arriving at the jail. In this way, they can be stabilized and return to normal.
- Mental health and social services are our best allies. No single group can shoulder all the responsibilities.

For additional information, contact Sheriff Dennis Balaam, Washoe County Sheriff's Office, 911 Parr Boulevard, Reno, Nevada 89512, (775) 328-3010; dabalaam@mail.co.washoe.nv.us

TIM MOORE, MULTNOMAH COUNTY, OREGON

BACKGROUND

I have degrees in social work and criminal justice, which is unusual, but people have become more tolerant of my social work perspective over the years. We have had a direct supervision facility since 1983, but there was a learning curve involved in operating it effectively. It took us four or five years to implement the Principles of Direct Supervision effectively.

SERVICES PROVIDED BY COUNTY GOVERNMENT

Our medical, mental health, and dental services are provided by another branch of county government. The jail is seen simply as another arm of community clinics for low-income people; inmates are regarded as another group of low-income consumers. This system has resulted in no problem with the exchange of information and has cut down on assessment and triage time.

There was a time when a mental health diagnosis meant that an inmate was cut from work release. Although advocacy groups were in favor of allowing these inmates on work release, the custody staff resisted. The culture has come a long way since then. We give deputies early warning signs that enable them to remove mental health inmates from work crews, but we also have a number of success stories.

Changes in the economy have affected our services. Since the Federal government pulled money for co-occurring disorders, we have no specific services in this category. For a while, we had funds to pump up community mental health treatment, but the funds have gone by the wayside with the drop in our economy. We also have a new \$58 million jail building that there is no money to operate.

STRATEGIES

- **Research.** We conduct research on mental health services four times a year and take the results to the state and local level to make clear the need for services. One in five inmates has a diagnosed mental illness; 10% of inmates have a serious mental illness.
- **Risk Management Approach.** We need to take on the role of risk management in relation to mental health issues. The staff must become risk managers, and it is important to involve the county risk managers in decisions. They provide a useful perspective.
- **Involve County Litigators.** Our county attorney's office is split between general counsel and litigators. In the Sheriff's Office, we have relied solely on general counsel—the people who play nice. The problem is they play too nice; in a room with correctional experts, they defer to our opinion. This means that they don't provide an outside perspective, so we have now introduced the litigation department into the team. He thinks differently from the rest of the world, so we bring him in whenever there is an incident because he can give us what we will need later on in court.

RISK MANAGEMENT EXERCISES

Note: Tim Moore took the meeting participants through two exercises designed to increase awareness of the role of risk management in dealing with mentally ill inmates. He offered case summaries of two cases and asked each group table to identify the questions that would need to be asked and the information that would be required in order to defend the jurisdiction in each case.

Risk management exercises are useful tools for bringing staff together ahead of time to think through current gaps in policy and practice. Such exercises can build a bridge between the current body of expertise (e.g., best practices and standards in health care, policies, and procedures) and actual practice. Following the exercise, staff and administrators should outline steps for building such bridges. What you do needs to match what you should do.

For additional information, contact Timothy Moore, Chief Deputy, Multnomah County Sheriff's Office, 501 SE Hawthorne, Suite 350, Portland, OR 97214, (503) 988-4409; timothy.moore@mcsos.us

HERB BERNSEN, ST. LOUIS COUNTY, MISSOURI

MENTAL HEALTH COURTS AND CRISIS INTERVENTION TEAMS

ST. LOUIS COUNTY STATISTICS

- 524 square miles
- 91 Municipalities
- Bi-State Metro Population: 2,603,607
- St. Louis County: 1,016,315
- St. Louis City: 350,000. The county and city have separate governments, but there are opportunities for cooperation.

DEPARTMENT OF JUSTICE SERVICES

- Bookings in 2003: 33,046
- Avg. Daily Population: 1125
- Available Beds: 1232

MENTAL HEALTH COURT TASK FORCE

- Established in 2001, this is a valuable coalition.
- Members: Criminal Justice and Mental Health Services, State Dept of Mental Health, Dept of Justice Services, National Alliance for the Mentally Ill, BJC Behavioral Health, Missouri Dept. of Mental Health, Prosecuting Attorney, County Counselor, St. Louis University, and Judges

GOALS

- “Establish mental health court to divert persons with serious mental health disorders from the criminal justice system to appropriate mental health treatment and services to improve their mental health functioning and deter future criminal behavior”

OBJECTIVES

- Improve coordination
- Supervise individuals
- Link individuals
- Identify gaps
- Develop methodologies and outcome measures (in relation to grants)
- Explore grant funding—as a regional coalition

TARGET POPULATION

- Disability—with serious mental illness, mentally retarded, or with co-occurring disorders
- Criminal charges
- Court jurisdiction

- Voluntary vs. mandatory participation—Both the mental health court and jail diversion program are voluntary.

JUST DO IT!

- St. Louis County Missouri Mental Health Court: October 2001
- Reallocated existing resources—we initially had no additional funds.
- First yr. results: 67 cases 1st yr
56= (84%) ongoing Mental Health Court supervision
5= (9%) pled guilty for probation/substance abuse treatment
51 = (91%) remaining cases dismissed upon compliance w/conditions

GRANTS

- After a year and a half, we applied as a coalition of groups; our experience made a lot of difference in our receiving funds.
- Mental Health Court
2 yr. Bureau of Justice Grant – Awarded in 2003
- Complementary Grants
- Dept of Justice Services
1 of only 2 agencies in the country with both grants
- Jail Diversion Program: SAMHSA
- 3 yr. SAMHSA grant
- MDMH available 2002

SERVICES

- 3-5 weeks with case manager
- Medical management and psychological services
- Shelter, employment, Life skills
- Transportation to appointments

CRISIS INTERVENTION TEAMS (CIT)

- County Police: Memphis model (in conjunction with Natl. Alliance for Mentally Ill-NAMI)
- Training Stats: 1st class – 9/03
- Hospital referrals to:
Jail Diversion. Program
Mental Health Court Program
- Individuals served
- Behavioral Health response

WHERE DO WE GO FROM HERE?

- Sustainability—After grants end, the key is the coalition
- BJA training component
- Partners with city & county governments

- State Courts Administrators'. Office

CONTRACTS WITH MUNICIPALITIES

- Proposed for Mental Health Court
- 91 municipalities
- 5 municipalities expressed interest

DON'T MISS THIS OPPORTUNITY... FORM COLLABORATIONS NOW!

For additional information, contact Herbert Bernsen, Assistant Director, St. Louis County Department of Justice Services, 100 South Central Ave., Clayton, MO 63105, (314) 615-3269; hbernsen@stlouisco.com

ADDRESSING MENTAL HEALTH INCIDENTS

TIM RYAN, ORANGE COUNTY, FLORIDA

I am the Chief of Corrections of the Orange County Corrections Department in Orlando, Florida. The county has 1 million people; 42 million visitors are expected this year, and 800,000 go through our airport every 4 days. We have Walt Disney World, Universal Studios, Sea World, and other places to visit. We also have crime and mental illness.

The Corrections Department reports to the County Chairman and is responsible for 35,000 inmates in nine buildings on three different sites. We booked 54,000 last year. We are also responsible for over 8,000 in community corrections (misdemeanor probation, home confinement, day reporting, work release, and electronic monitoring.)

Our budget is \$121 million, which covers 1667 FTEs, 1,010 Certified Correctional Officers, 200 medical staff, 35 probation officers, and many others. We have federal inmates, state probation violators, and direct arrests from 22 arresting agencies.

MENTALLY ILL INMATES

We have 500-600 mentally ill inmates, 50-60 of them acutely mentally ill. The medical budget has remained a moving target of between \$12-14 million for seven clinics. It covers such things as \$106 a month in prescriptions for each mentally ill inmate up to \$1400 a month for an inmate with AIDS. We have about 300 inmates who receive a special diet and 20-30 inmates who are pregnant and receive two snacks a day. In other words, we are pretty much like each of you.

We also understand how mental illness arrived at our jail—as at many other jails. First, in one respect, mental illness has always been there from the time of our earliest prison in Apple Hill, where insanity was a normal expectation of being isolated in cells for years. However, since 1970, it has been the result of a public policy decision that in some respects was made for all the right reasons. Essentially, state mental hospitals were not working as expected because they were crowded and thus were returning the mentally ill to the community. The community wasn't ready for them, and dollars were not available to build more mental hospitals.

JAILS: THE DE FACTO MENTAL HOSPITALS

As a result, jails became the de facto mental hospitals. Interestingly, society is seemingly satisfied with that situation, although, as administrators, we certainly are not. We never went to an Academy to understand psychosis or depression or the other large words that mental illness experts hold us accountable for. However, because of our general experience, we do get pretty good at dealing with the situation. In some instances, I have seen my correctional officers calm inmates with words after a mental health expert has thrown up his hands. But I certainly would never say we can deal better with mental illness than the experts.

Whether we like it or not, we have become the managers of institutionalized mental health services in America today. Until that changes, we must manage to the best of our abilities within the constraints within which we operate.

ORANGE COUNTY'S APPROACH

Following are some of the ways that Orange County is dealing with the mentally ill in our facilities. These are my recommendations:

Count what you do. I do not believe you can truly understand the size, expectations, process, and needs until you count things. By that, I do not mean produce a small, trivial report. I mean an extremely extensive and exhaustive assessment that includes:

- The number of inmates that are mentally ill by diagnosis;
- The number of different types of medications and their costs;
- The number of clinic visits and trips to outside hospitals;
- The time each visit takes;
- Every court process that occurs from pretrial to trial the mentally ill.

Then, assess what all these numbers mean. When you can show the time, cost, and manpower each component takes, you are ready to make a difference and garner the help you need. When you can show that the misdemeanor mentally ill inmate is staying two or three times longer than others under equal charges and costing six to seven times more, then gather the best of your criminal justice community to assess all aspects of responsibility for this situation. Remember, the criminal justice community and citizens think we are the problem. When you can show that a piece of paper on a competency case took three weeks to get through the system, you make clear that it isn't the jail that is holding things up. Only when we can show that the problem lies elsewhere will a change in emphasis be possible.

Start sharing information. One of the best formats is a Criminal Justice Coordinating Council. Many of us have them, but some may not. NIC has given us a road map for establishing such a committee. We have created subcommittees that tackle the incremental issues that bother us all. For example, we had a task force that examined the process for determining competency to discover what took so long. The state-level representatives and social workers at the table enabled us to look at the complete process. Shared responsibility surfaces at such meetings, and the jail no longer is the focus of all the problems. If you facilitate the meeting with numbers rather than anecdotes, the arguments disappear.

Although we are here to discuss mentally ill inmates, we discovered that it was taking 29 days to transport a convicted and sentenced felon from court to state prison; it now takes 7 days. We analyzed every piece of paper, who handled it, where it sat, what phone calls were done, and what technology could do to help.

Develop partnerships. Let me share some Orange County partnerships:

1. ***Crisis Intervention Training:*** We recognized that the program for street officers was applicable in the jails as well, so we now train both law enforcement and corrections officers. We have 166 officers trained in crisis intervention. Law enforcement officers go through the jail and experience the life of a correctional officer as part of the training. One part of the program involves the use of scenarios. If you aren't doing this kind of training, I highly recommend it.

2. **Central Receiving Center.** As a result of one of our studies, we realized that there was a huge gap in the options available to street officers dealing with mentally ill. The law enforcement officer needed to move the person out of the situation, and the response was usually to arrest the person and take him to jail. We needed an option.

The Central Receiving Center was created as a 24/7 help location in an old wing of an unused hospital. It is designed for 24-48 hour holding; staff are all trained in mental health issues and are not law enforcement or corrections officers. The criteria for admission are still restrictive, but 250 of the nearly 6000 people we booked went there instead. Law enforcement is beginning to use it, and the county and state are looking at expanding it by another 30 beds. It is expensive, but as a society, we can make a political decision to take this approach.

3. **Pretrial Mental Health Diversion.** On each shift we have staff who can assess those that are arrested for mental health rather than criminal reasons. We can divert back to the Central Receiving Center if the charges have been misread, and we also spend time seeking court bases for community mental health treatment. Pretrial Services staff have been connecting them with community alternatives, when possible. This has been working well for us.
4. **Jail Services.** Of course, we want to address inmates' psychological needs and stabilize them. When they are in custody and are going to be with you for a while, you need trained clinicians. Again, you must count everything. Every day, our mental health staff meet with custody staff to talk about what is going on. We know that what we pay attention to is what our staff will do. If we focus on haircuts and sharp uniforms, our staff will as well. If we focus on the mentally ill, so will staff.
5. **Re-entry.** There is an old Days Inn for sale about 100 yards from the jail. It has parking, a bus stop, and a cafeteria. We are exploring the purchase for a reentry center where an inmate could stay over night or until they have a place to go. We need to think about how we can make a difference in the re-entry of the mentally ill to the community.

IN SUMMARY

1. Count things and truly speak with numbers.
2. Bring people together. Be the catalyst, but get them to help you.
3. Break each area into bite-sized projects and work on the details.
4. Create a future vision of mentally ill people out of the jail and in a new environment.

For additional information, contact Tim Ryan, Chief of Corrections, Orange County Corrections Dept., P.O. Box 7970, Orlando, FL 32802, (407) 836-3565;timothy.ryan@ocfl.net

PRISON RAPE ELIMINATION ACT OF 2003

LARRY SOLOMON, DEPUTY DIRECTOR, NATIONAL INSTITUTE OF CORRECTIONS

SEXUALLY TRANSMITTED DISEASES

Before I get to the Prison Rape Elimination Act, I wanted to mention some information on sexually transmitted diseases that NIC is making available to you. Several years ago, we used the Large Jail Network to gather some information on sexually transmitted diseases in jails and prisons. Subsequent to that, the Bureau of Prisons developed a curriculum on the topic, which is geared to federal offenders, for staff and inmates entering and leaving prisons.

The Bureau developed documents on sexually transmitted diseases, which we have been disseminating to the field. The original plan was to put the information on a Web site, but because it included some explicit pictures, it could not be handled that way. The documents contain valuable information, and there is an accompanying CD. The materials are being provided to you. They are useful for both staff and inmates, and they could be part of a training program on the topic.

PRISON RAPE ELIMINATION ACT

This legislation, supported by both the right and left of the political spectrum, passed in September 2003. A number of us in the corrections field helped tame the legislation, but its requirements are still quite complex. You need to be aware of the provisions of this legislation, which deals with inmate-inmate rape and also sexual misconduct by staff.

The videotape summarizes the law and alerts you to the responsibilities of various agencies. (Shows videotape.) Large Jail Network members will receive a copy of the tape, in DVD format, along with additional training materials, which will also be available on NIC's Web site.

Section 2 of the Act summarizes the findings and statistics that led to passage of the legislation. They make clear that we really know very little about the extent of rape in correctional facilities. The legislation requires the Bureau of Justice Statistics (BJS) to conduct an annual review and analysis of the incidents and effects of prison rape. The review is to be based on a sample of not less than 10 percent of all federal and state prisons and county jails, including at least one from each state. A Review Panel on Prison Rape under BJS will then conduct public hearings on the facilities with the highest and lowest incidence of rape to discover what contributes to both high and low rates. BJS will receive an appropriation of \$15 million each year from 2004 through 2010 for this work.

NIC'S ROLE

NIC was appropriated \$5 million a year for 2004-2010 to establish a national clearinghouse of information and provide technical assistance (TA) under this Act. As NIC's total operating budget is only \$20 million, this is a major appropriation for the agency. There is enormous pressure surrounding this issue from a number of special interest groups,

so we knew that we would have to move quickly. On July 21, 2004, we will conduct our first satellite videoconference on this issue.

NIC has gained considerable experience in the past decade dealing with sexual misconduct, especially staff sexual misconduct. Some of your staff may have attended our training program, and we also have an investigation program. What we will do under this Act builds on our experience in this area.

NIC's lead person for this initiative is Andi Moss of the Moss Group, formerly on the NIC staff. She has pulled together a team of 16-18 people to deliver technical assistance. To request T.A., please call Dee Halley at NIC (800) 995-6423, x 40374.

COMMENTS AND QUESTIONS

- *There must be criminal charges where there is evidence, which means that criminal prosecutors need to be brought in. If there is no criminal charge for sexual misconduct, the exercise of collecting evidence becomes an empty activity.*

Solomon: We need to reach out to prosecutors and judges, which we are doing by working with national groups. We must be serious about this legislation. The law itself does not require sanctions, but it raises the issue. Many states already have legislation on the books that includes sanctions.

- *Lynn Lund is currently providing training on this law. Unfortunately, Congress only understands corrections at the state level, so there is no way a jail will be able to get a grant under the law.*

Solomon: A fairly substantial amount of our funding is available for TA and training, and our focus will be on the local level as well the state. The legislation also includes reentry into the community. So do call on us for help.

- *NIC, ACA, AJA and others testified to Congress prior the passage of this law, and what we achieved is actually a compromise. No legislator would vote no on this bill. The perception has been that corrections administrators have been uninterested in the issue, but we made clear that was not the case. I don't think we need to be afraid of this law; we will be able to show that a lot of good work is being done. If there are problems, I hope there will be some training to deal with whatever is uncovered.*

For more information, contact Larry Solomon, Deputy Director, National Institute of Corrections, 320 First Street, N.W., Washington, DC 20534, (800) 995-6423, x44254; lsolomon@bop.gov

CONSULAR NOTIFICATION AND ACCESS PROCESS

BILL WILKEY, OFFICE OF INTERNATIONAL ASSISTANCE, NATIONAL INSTITUTE OF CORRECTIONS

CONSULAR NOTIFICATION AND ACCESS PROCESS

The Consular Notification and Access Process deals with the detention of U.S. citizens in another country and to foreign nationals detained here. It gives both groups the opportunity to communicate with a consular official from their country. The steps to follow when a foreign national is arrested or detained are:

1. Determine the foreign national's country. Normally, this is the country on whose passport or other travel document the foreign national travels.
2. If the foreign national's country is **not** on the mandatory notification countries list (see Department of State's *Consular Notification and Access*):
 - a. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
 - b. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.
3. If the foreign national's country **is** on the list of mandatory notification countries:
 - c. Notify that country's nearest consular officials, without delay, of the arrest/detention.
 - d. Tell the foreign national that you are making this notification.
4. Keep a written record of the provision of notification and actions taken.

Most arrests don't occur during business hours, so you should fax the notification to the consular officials. Be sure and keep good records to ward off any potential legal charges.

CLARIFICATIONS

- Most countries fall under the Vienna Convention, which sets out basic international law obligations on a variety of topics. However, the United States has bilateral agreements with 56 countries, which stipulate that the consulate *must* be notified whether the detainee wants notification or not.
- In dealing with arrested or detained foreign nationals from other countries, corrections officials have sometimes been confused about the term "optional." It is *not* optional for you to ask foreign nationals from other countries if they would like their consular officials notified. The option lies with the arrestee or detainee, who may ask that officials be notified or decline.
- Since you learned about the Consular Notification Process at a meeting a few years ago, there has been a reinterpretation of the law. The original idea was that you only had to ask the question of an arrestee or detainee once, and then your obligation was over. However, it turns out that people can change their minds about wishing consular notification. This has a major implication for you. Someone might decide

at the point of arrest not to ask for notification, for example, but might change their mind after conviction.

- In addition, there was no real emphasis on documentation in previous discussions of the process. It is becoming obvious, though, that documentation is very important. You need to be able to prove what you have done, and the information should be passed on if the inmate is being moved.
- The initial interpretation was that the arresting officer was the one to notify the consular official, but this must have been the result of not understanding the arrest and booking processes. In practice, the first time the status of a foreign national is really an issue is at booking in the jail. Therefore, whether we like it not, the responsibility lies with corrections. It is very important for you to have policies and procedures on how to provide access.
- You must also know who the consular officials are and how they should provide documentation if they come to the jail. Be sure and require real State Department identification; do not accept a simple business card.
- This requirement also applies to juveniles. We want everyone to have access to his or her consulate, but it is especially important in relation to juveniles. The State Department is only now becoming aware of the importance of this, and I have suggested to them that they get out and talk to youth and juvenile authorities.

COMMENTS AND QUESTIONS

- *It would be helpful if the State Department would do a video in several languages to show inmates from other countries.*

Wilkey: In a recent case, 51 Mexican citizens were facing the death penalty and no one notified the consulate. We lost this case in the World Court.

- *Most foreign nationals that we book are booked and released. Do we still need to follow these procedures?*

Wilkey: In theory, yes. It may not need to be done in every case, but don't make light of the requirement. In some cases, the U.S. Marshals say that they have already notified, but it is good practice to collect the documentation from them.

CONCLUSION

Let me point out that, in one sense, you can say that the World Court doesn't have specific authority, but there are now some important public relations problems related to this issue. Some lawyers are now looking at failure to notify as a violation of an inmate's civil rights. There are also accusations that the U.S. has not lived up to the Geneva Convention, and, as a result, there are grave concerns that the U.S. Consulate may not be notified when traveling U.S. citizens get arrested.

For additional information, contact Bill Wilkey, Office of International Assistance, National Institute of Corrections, 320 First Street, N.W., Washington, DC 20534, (800) 995-6423, x 44266; bwilkey@bop.gov.

TOPICS FOR NEXT MEETING

PROPOSED TOPICS

Richard Geaither led participants in a discussion of potential topics for the next Network meeting, to be held January 30-February 1, 2005. Suggested topics included the following:

- Legal issues update
- “What are we doing”—a philosophical discussion of the role of jails
- Discharge planning and risk management (Dr. Dvoskin)
- Succession planning
- Leadership development
- Interstate compact
- ADA staffing
- Ethics at the line level
- Recidivism intervention—the Jacksonville program
- Results of faith-based programs
- Various staffing patterns
- Successful contract negotiations with unions
- Staff training

TOPICS SELECTED FOR THE NEXT MEETING

The group selected the following topics:

- Legal Issues, perhaps in conjunction with Risk Management
- Staff Training
- Recidivism Intervention—Jacksonville program
- Interstate Compact
- Succession Planning
- Panel on “What are we doing?”

APPENDIX A: MEETING AGENDA

LARGE JAIL NETWORK MEETING

July 11-13, 2004

Raintree Plaza Conference Center
Longmont, CO

Final Agenda

Sunday, July 11, 2004

- 6:00 p.m. Introduction and Overview Richard Geather
Correctional Program Specialist
..... Larry Solomon, Deputy Director
National Institute of Corrections
- 6:30 p.m. INFORMAL DINNER
- 7:00 p.m. *Effectively Managing Inmate Gangs in the 21st Century* . . . Richard Valdemar (Retired)
Los Angeles County Sheriff's Office
Major Crimes Bureau
- 8:30 p.m. ADJOURN

Monday, July 12, 2004

- 8:00 a.m. *Defining Network Issues: Presentation & Discussion of Issues Important to You*
- 8:30 a.m. BREAK
- 8:45 a.m. *Identifying and Managing Inmate Gangs* James Whitley
Fairfax County, VA
..... Mike Pinson
Arlington County, VA
- 9:45 a.m. Round Table and Open Forum Discussions
- 10:15 a.m. BREAK
- 10:30 a.m. *Equipping Staff in the Prevention of Gang Influence and Violence within the Jail*
..... Richard Valdemar
- 11:15 a.m. Round Table and Open Forum Discussions
- 12:00 p.m. LUNCH

APPENDIX B: PARTICIPANT LIST

Large Jail Network Meeting - 04J2402

Sunday, July 11, 2004 - Tuesday, July 13, 2004

Longmont, CO

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Large Jail Network Meeting - 04J2402

Sunday, July 11, 2004 - Tuesday, July 13, 2004

Longmont, CO

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LARGE JAIL NETWORK MEETING

July 11-13, 2004

Longmont, CO

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