



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: County Correctional Institution Inspections		Policy Number: 1.3.5
Date of Issue: March 16, 2018	Authority: Signature on File John E. Wetzel	Effective Date: March 23, 2018

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

It is the policy of the Department to conduct on-site inspections of County Facilities to determine compliance with standards promulgated in the Pennsylvania Code, Title 37, Chapter 95.

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

1.1.2, Section 4-County Facility Inspections and Services, issued July 18, 2016, by Secretary John Wetzel.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

None

2. ACA Standards

None



PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

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Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

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Section 1 – General Procedures

For the purposes of this Section, a county correctional institution may represent a county jail, prison, or correctional facility.

A. Inspection of County Correctional Institutions

The procedures outlined below shall constitute the inspection format.

1. The Office of County Inspections and Services shall send an Inspection Notice electronically to the county correctional institution administrator/designee two weeks prior to the scheduled inspection. This notice is sent to ensure that required policy/procedure and associated documentation are available for review by the Department's Inspector(s) during the scheduled inspection. This notice establishes inspection arrival and departure times and date of the inspection.
2. The Prison Inspector(s) will meet with the county correctional institution administrator and/or persons designated by the administrator upon arrival at the facility on the day of the scheduled inspection to discuss the inspection agenda and related issues concerning the inspection.
3. The Prison Inspector(s) shall conduct the inspection during a designated day. The time required to complete the inspections may vary depending upon the size and functions of each county correctional institution.
4. The inspection process shall include the following: a review of local written policies/procedures, associated support documentation, and an inspection of the physical plant of the facility for compliance with each of the required minimum regulations. The Inspector(s) shall utilize the Title 37, Chapter 95 **Inspection Manual (Attachment 1-A)** for standardization and consistency in reviewing each of the minimum requirements.
5. The Prison Inspector(s) shall conduct an exit interview with the county correctional institution administrator and/or persons designated by the administrator following completion of the inspection. The Prison Inspector(s) shall orally present preliminary findings from the inspection, and solicit responses from the county correctional institution administrator.
6. Within 20 days of completing the inspection, the Inspector(s) shall issue written preliminary inspection findings to the county correctional institution administrator and the governing county prison authority electronically. The governing county prison authority or designee may submit a written response to the preliminary findings, including documentation, to the **Executive Deputy Secretary for Institutional Operations (EDSI)**/designee within 30 days of receipt of the preliminary findings.

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7. County Prison Inspector(s) may act as a resource for providing information and advice to the governing prison authority/designee(s) to assist them in addressing issues that were noted in the inspection preliminary findings.
8. If a written response is not received by the 30th day, the Prison Inspector(s) shall prepare a written/final inspection report and submit it to the **EDSI** within two working days.
9. The **EDSI** will review and issue a final inspection report within 20 days of receipt of the written response from the county correctional institution administrator, or after 30 days of issuance of the written/preliminary inspection findings submitted by the Prison Inspector when no written response is received.
10. The final inspection report will include findings on whether the county correctional institution is in compliance with each of the minimum requirements. If the final inspection report includes a finding that a minimum requirement has not been met, the report will also include reference to whether the county correctional institution administrator disputed the preliminary findings of noncompliance or provided any corrective action(s).
11. If the final inspection report includes a conclusion that the county correctional institution is in full compliance with all of the minimum requirements of Title 37, Chapter 95, the subsequent annual inspection shall be waived and the county correctional institution will be inspected on a biennial basis.
12. If the final inspection report includes a finding that the county correctional institution is in violation of any of the minimum requirements not designated as essential minimum requirements, a notice of deficiency will be issued to the county correctional institution administrator and the governing county prison authority.
13. If the final inspection report includes a finding that the county correctional institution is in violation of one or more of the essential minimum requirements, a citation of noncompliance will be issued to the county correctional institution administrator and the governing prison authority.
14. If the final inspection report includes a finding that the county correctional institution remains in violation of any of the same essential minimum requirements during a second consecutive inspection, the county correctional institution administrator and the governing county prison authority will be issued a second citation of noncompliance.
15. If the final inspection includes a finding that the county correctional institution remains in violation of any of the same essential minimum requirements for a third consecutive inspection, the county correctional institution administrator and the governing county prison authority will be issued a third citation of noncompliance.

B. Hearing to Determine whether a County Correctional Institution should be Classified as Ineligible to Receive Prisoners

1. The Secretary/designee may order a hearing to determine whether a county correctional institution should be classified as ineligible to receive prisoners sentenced to a maximum term of six months or more, but less than five years under the following conditions:
 - a. if a county correctional institution has been issued a third citation of noncompliance; and/or
 - b. if a Vulnerability Analysis (VA) report includes a finding of one or more violations of the essential minimum requirements and concludes that those violations may immediately threaten the safety and security of the county correctional institution staff, inmates, or public safety.
2. A hearing will be scheduled promptly, but in no event sooner than 20 days after the county correctional institution's receipt of the hearing notice.
3. The proceedings will be conducted in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). The hearing will be held to determine whether the conditions at the county correctional institution violating the essential minimum requirements constitute a significant and immediate threat to the safety and security of the facility, facility staff, inmates, or the public. The county correctional institution shall be permitted to present evidence disputing that any significant and immediate threat exists, including evidence that measures have been taken to eliminate or minimize the threat to safety and security.
4. The hearing will result in one of the orders below being issued:
 - a. upon finding that conditions at the county correctional institution violate the essential minimum requirements and that those violations constitute a significant and immediate threat to the safety and security of the facility, facility staff, inmates, or the public, an order will be issued classifying the county correctional institution as ineligible to receive any additional prisoners sentenced to a maximum term of six months or more until further order of the Department. If such an order is issued, the county correctional institution remains responsible for arranging incarceration at another correctional institution for those inmates committed by the county's court of common pleas to a county sentence of greater than six months;
 - b. upon finding that conditions at the county correctional institution violate the essential minimum requirements, but that those violations do not currently constitute a significant and immediate threat to the safety and security of the county facility, facility staff, inmates, or the public, an order will be issued stating that the citation of noncompliance remains in effect and that the county correctional institution is subject to a follow-up inspection within a reasonable time to determine if the county correctional institution has corrected the instances of noncompliance with the

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essential minimum requirements. If the subsequent final inspection report includes a finding that the county correctional institution continues to be in violation of some or all of the essential minimum requirements for which the hearing was conducted, the Secretary/designee may order another hearing; and/or

- c. upon finding that the county correctional institution is in compliance with the minimum requirements, an order will be issued rescinding the citation of noncompliance. The county correctional institution shall then be subject to an annual inspection.

C. Vulnerability Analysis (VA)

1. The Secretary/designee may authorize a VA of a county correctional institution when a final inspection report includes a finding of one or more violations of the essential minimum requirements and that those violations may immediately impact the safety and security of the county correctional institution, staff, inmates, or the public. The Department will be responsible for the costs of a VA authorized by the Secretary.
2. A VA report will be issued to the governing county prison authority and the county correctional institution administrator within 15 days of completion of the analysis. The report will present an analysis of the overall operations of the correctional institution and an analysis of potential threats to the safety and security of the county correctional institution, staff, inmates, and the public.
3. A governing county prison authority may at any time request that the Department conduct a VA to assist in evaluating the operations of the county correctional institution. The county correctional institution is responsible for the costs of a VA conducted at the request of the governing county prison authority.

D. Statistical and Informational Reporting

The county correctional institution will submit to the Department, Office of County Inspections and Services, a completed **DC-123B, County Monthly Report of Extraordinary Occurrence and Population Numbers (Attachment 1-B)**. This form shall be submitted within 30 days of the reporting month. An Annual County Prison General Information Report shall be submitted to the Department on designated report forms or by means of other available approved methods. The Annual County Prison General Information Report for the preceding calendar year shall be submitted by the first Monday in March of each year. The data and information submitted to the Department in the County Data Monthly Report, the **County Monthly Report of Extraordinary Occurrence and Population Numbers**, and the Annual County Prison General Information Report will be collected for statistical, analytical, and trending purposes only.

E. Reporting Requirements for Use of Restraints for Pregnant Prisoners or Detainees

1. 61 Pa. C.S. § 1104 requires every county correctional institution to provide to the Secretary a written **DC-123C, County Report of Extraordinary Occurrence (Attachment 1-C)** if a pregnant female is restrained. The report must specifically identify

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and enumerate the circumstances that led to the determination that the extraordinary medical or security circumstances dictated that the prisoner or detainee be restrained to ensure the safety and security of the prisoner or detainee, the staff of the correctional facility or medical facility, other prisoners, detainees, or the public.

2. The written report will include the following, at a minimum:

- a. the number of restraints used;
- b. the type of restraints used;
- c. the pregnancy trimester;

NOTE: Individual separate written findings for each restraint outlined in **Subsection E.2.a.-c. above**, must accompany the report.

- d. the circumstances that led to the determination that the prisoner or detainee represented a substantial risk of imminent flight; or
 - e. the circumstances that led to the determination that other extraordinary medical or security circumstances dictated the prisoner or detainee be restrained to ensure the safety and security of the prisoner or detainee, the staff of the correctional facility or medical facility, other prisoners, detainees, or the public.
3. Reports regarding the use of restraints on any pregnant prisoner or detainee in a county correctional institution shall be provided to the Department's Office of Planning, Research, and Statistics (PRS) for use in the annual report.
4. The PRS shall prepare the annual report (no later than August 1 of each year) containing information regarding the use of restraints on any pregnant prisoner during the preceding fiscal year, specifically identifying and enumerating the circumstances that led to the application of restraints.

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Glossary of Terms**

Annual Inspection - A once yearly on-site physical plant inspection conducted by Department Prison Inspectors of a county correctional institution to determine compliance with the standards promulgated in the Pennsylvania Code, Title 37, Chapter 95.

County Correctional Institution - A county prison, county correctional facility, and/or county jail.

County Prison Inspectors - Individuals who are employees of the Department, Office of County Inspections and Services who are supervised by the Deputy Secretary for Administration and who perform the inspections and prepares the reports specified by this policy/procedures manual.

Governing Prison Authority - The individual (i.e. Sheriff, County Executive) or board (i.e. Prison Board, Board of Inspectors, Jail/Prison Oversight Board, Board of Jail/Prison Inspectors, County Board of Trustees) established by law having policy, procedures, and operational responsibility for the designated county correctional institution.

Inspection Report - A written assessment drafted by County Prison Inspectors regarding the compliance by a county correctional institution with the provisions of Pennsylvania Code, Title 37, Chapter 95.

Inspection Response - A written response from the Governing Prison Authority regarding noncompliance issues noted in the Annual Inspection Report. The response is submitted to the Deputy Secretary for Administration/designee. The response addresses noncompliance and the proposed course of action to correct any deficiencies.

Office of County Inspections and Services - An office of the Deputy Secretary for Administration within the Department, assigned to conduct inspections of county correctional institutions.

Title 37 of the Pennsylvania Code - This document is Chapter 95 of Title 37 of the Pennsylvania Code. Title 37 delineates the criteria to be assessed during inspections of county correctional institutions.

Vulnerability Analysis (VA) - A systematic and measurable performance-based evaluation of a prison that includes a prison analysis, planning, prison characterization, threat definition, identification of undesirable events, performance-testing physical protection systems, generation of adversary sequence diagrams, scenario development, timeline development, and determination of risk for worst-case scenarios.