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October 30, 2018

Russ Kettmann, Sheriff
Jackson County Sheriff's Office
104 South Niagara Street
Maquoketa, IA 52060

Re: Jackson County Jail Tour

Dear Sheriff Kettmann:

On October 3, 2018, members of the Iowa State Sheriffs' and Deputies' Association (ISSDA) Jails Committee toured the Jackson County Jail and Sheriff's Office. The ISSDA Jails Committee is in the capacity of a neutral third party group whose members possess knowledge and experience with operating and maintaining different sizes of county jails in the State of Iowa. The purpose of the visit was to assist in identifying areas of concern regarding safety and liability, as well as offer suggestions for future plans or continuing to use the current environment and facilities, if possible.

The jail committee may reference various federal and state standards including Iowa Code (Chapter 50, State Jail Standards) throughout this document. It should be noted that Iowa implemented State Jail Standards in 1978 after one county in Iowa had a lawsuit that awarded 5 million dollars.

Prior to our visit, we were informed that the jail is linear style with 11 beds but the jail regularly has custody of approximately 20-22 prisoners. Overflow prisoners are most often housed in Muscatine, Cedar, and Dubuque counties at an average cost of \$60.00 per day but other jails throughout the state are used when needed. The agency is currently spending approximately \$30,000 per month to house prisoners in other facilities, this is only the cost of bed space and does not include the transportation costs of fuel, wear and tear on vehicles, staff salary, staff time, and overtime when applicable. Currently, there are approximately 40 people ordered by the court to serve a jail sentence by court mittimus. These have been placed on hold as there is no bed space to accommodate the court's order. The jail does not house females or juveniles but may have them for short periods of time while awaiting transport.

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The jail committee was informed that there are plans for a 28 bed jail, expandable to 36, but the \$6.9 million dollar bond for the facility had 52% of the 60% of votes needed to pass.

Some of the areas of concern to the jail committee are as follows:

- **Classification and Separation:**

The jail does not have the structure or means to adequately follow an appropriate classification system. Iowa Code 201-50.13(1) states that the following shall be sight and sound separate: juveniles from adults and males from females. The following groups shall be kept separate whenever possible: felons from misdemeanants, pre-trial from sentenced, witnesses from persons charged with crimes. In addition, the following shall be physically kept separate: prisoners of whom violence is reasonably anticipated, prisoners who are a health risk to others, prisoners of whom sexually deviant behavior is reasonably anticipated, and prisoners likely to be exploited or victimized by others. Iowa Code 50.25(3) further states that prisoners classified as maximum security may not be allowed into areas occupied by other prisoners at any time. While this requirement is listed as specific to direct supervision jails, nationally it is considered best practices and recommended to maintain safety of prisoners, especially those who do not classify to maximum security. Without an appropriate classification system and the means to separate such prisoners, Jackson County is not able to make appropriate accommodations when necessary.

In addition, the Prison Rape Elimination Act (PREA) Screening for Risk of Sexual Victimization and Abusiveness § 115.41 Screening for risk of victimization and abusiveness asserts: (a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. (b) Intake screening shall ordinarily take place within 72 hours of arrival at the facility. (c) Such assessments shall be conducted using an objective screening instrument.

The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability; (2) The age of the inmate; (3) The physical build of the inmate; (4) Whether the inmate has previously been incarcerated; (5) Whether the inmate's criminal history is exclusively nonviolent; (6) Whether the inmate has prior convictions for sex offenses against an adult or child; (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (8) Whether the inmate has previously experienced sexual victimization; (9) The inmate's own perception of vulnerability; and (10) Whether the inmate is detained solely for civil immigration purposes.

Jackson County jail is unable to comply with this federal standard. With the current practices, which have little or no option for change based on the layout and structure of the jail, a prisoner with a murder charge could be housed in the same cell as a prisoner with a simple misdemeanor or traffic violation. The jail committee recommends future plans for an objective jail classification system and means to house prisoners according to classification level in order to help reduce liability in this area.

- **Visitation:**

Iowa code 50.19(4) (a) states that “all prisoners in normal status shall be allowed reasonable visitation”. Jackson County is allowing reasonable visits but the committee expressed significant safety concerns.

The visitation accommodations for a prisoners’ family and friends to visit is unsafe for jail officers, the public visitors, and prisoners. During scheduled visitation times, visitors are allowed entry through a gate in the recreation area and then entry into the jail’s booking area. There are 3 visitation windows, allowing up to 3 prisoners to have visits at the same time. The visitors are seated at windows in the booking area and each prisoner can have up to 3 visitors at one time. Potentially, there could be nine members of the public in the booking area. The visitation area would still be unsafe if each prisoner was allowed only one visitor at a time. There is one jail officer working in the jail, with the exception of a three hour block of time. If there are arrests during scheduled visitation, the arrest must be processed in the booking area with the visitors in the same area. This is potentially dangerous to everyone in the area.

In addition, the location of visits in relation to housing areas does not allow for necessary separation as mentioned in Iowa’s Jail Standards or Federal PREA Standards. There is additional non-compliance with Federal PREA Standards by having the shower visible by visitors in one of the visitation windows and having the toilet area visible by visitors in another visitation window. Further, the monitors for the video cameras are in the booking area, where prisoner shower and toilet areas are visible to visitors by merely turning around in their chairs and looking at the monitor.

As visitation is accessible to one cell area and not the other, prisoners often have to be moved for visitation and may be in contact with other prisoners that the jail is required to keep separate. As mentioned above, this does not comply with any of the separation requirements.

The Jackson County Jail does not regularly house females. However there are times that a female will be booked in to the jail and housed in a makeshift cell area until transport to another jail can be arranged. This makeshift cell, appears to have been an office at one time but now has 2 beds. This area is in the building but appears to be separate from the secure area of the jail. There is no area for females to receive a visit, if one was in the building during visitation hours. If a female, in the jail temporarily, had an attorney visit, clergy visit, or other professional visit, it would take place in the area that is considered to be a cell. This is also a security concern.

The jail committee recommends future plans for video visitation and other electronic communication to eliminate the above liabilities and concerns.

- **Emergency and Environmental Concerns:**

- The jail has very poor air circulation. As a result, there is an unpleasant odor throughout the jail. Iowa Code 50.4(3) “Heating and ventilation: All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for prisoners and staff.”

- Iowa Code 50.4 (3) further states “fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85 degrees Fahrenheit”. The jail is using window air conditioners and/or floor fans with extension cords stretched across the floors. These pose a safety concern as they could be used as weapons or fall hazards.
 - There is a crack in the building foundation that allows water to enter the chase between the two cell areas when it rains. Upon opening the door, a moldy/musty odor immediately spreads. There is visible mold on the floor of the area. While Jackson County has not been made aware of any breathing problems by officers or prisoners, this is a significant concern to the jail committee. The jail committee recommends cleaning and monitoring mold re-growth as well as monitoring prisoners with longer than average stays and employees for breathing problems. The jail committee further recommends gathering estimates to fix the crack in the foundation if the jail must continue to be used.
 - There is no fire or smoke suppression to assist in emergency. There are five properly dated fire extinguishers. However, with only one jail officer on duty, and with all the assigned duties in various parts of the building, the jail committee is concerned that the officer could not get to a fire extinguisher and/or safely move prisoners if needed.
 - The jail has smoke detectors and carbon monoxide detectors. These are the residential type purchased from a local store and must have batteries regularly changed manually. With only one jail officer on duty, and with all the assigned duties that require the officer to be in several different parts of the building throughout a shift, it is a safety concern of the jail committee that the officer may not hear either of these detectors for a potentially dangerous period of time.
- **Additional Safety Concerns:**
 - The Jail is not ADA (Americans with Disabilities Act) compliant under federal law. There is not room to maneuver a wheelchair through the hall by the cells, or handicapped toilet facilities in cells or anywhere in the building. A handicapped prisoner would not be able to have access to the recreation area due to stairs (with no suitable alternative). Currently, handicapped prisoners are almost immediately transported to be held in other jails.
 - Lighting, ventilation covers, and bars give ample locations for prisoners to wrap sheets, uniforms, etc. around them to attempt suicide.
 - The recreation area is outdoors and fenced with razor wire on top. It appeared that all areas were visible by different camera angles. However, this is merely a chain link fence so contraband items (weapons/drugs) could be passed or left by an outsider. The gate for visitors to enter is also in the recreation area, presenting a concern for contraband or possible escape plans.
 - The booking area is small and crowded, creating the potential for serious injury to prisoner or officer in dealing with an uncooperative, intoxicated, or severely mentally ill prisoner. In addition, getting an uncooperative arrest from the booking area to the single cell at the end of the hallway will be difficult due to all of the storage in the hallway.
 - There are many items in the booking area that an uncooperative arrest could access and use as weapons if he/she got behind the counter or simply reached over the counter.

- The sally port is a small area. If a prisoner wanted to escape from that area, it appears all they would have to do is to pull the safety door pull on what appears to be a residential garage door opener.
- The public entrance for general business offers no protection for the employees working in that area. It is a fully open area that anyone can walk through one door and cause harm if desired.
- Transportation of prisoners is sometimes done by one unarmed employee. It is unclear what training was provided to these employees to ensure safe transportation.
- Of the jails that are currently used to house prisoners, one of the counties is 140 miles roundtrip, making the regular trips with one employee (armed or unarmed) burdensome.
- Prisoners are not only being transported to other jails for housing, they are also being transported (armed or unarmed) out of the jail for medical appointments as required for care since there is not access to medical care within the jail. There are many options available for most basic medical services to be handled within the jail and without prisoners leaving the jail every time. The jail committee recommends looking into options for some medical care to take place within the jail but unfortunately does not see an appropriate location to do this in the current structure.
- In addition to long electrical cords being accessible to prisoners (mentioned above regarding fans), electrical outlets are also accessible. These can be misused (ex. smoking contraband from the recreation area or other location) or extremely dangerous (starting a fire in an escape attempt).
- The makeshift cell area temporarily used for females is also occasionally used for mental health commitments awaiting transportation. As mentioned above, it appears this area used to be an office that now has two beds in it. There is a camera and a window to check on anyone housed in that location. However, the committee recognized that this is not suitable for housing any prisoners for the following reasons:
 - Drywall walls (evidence these have been patched several times due to damage by prisoners)
 - Drop ceiling
 - The temperature control in the room is accessible by prisoners and could be tampered with, possibly producing a weapon or access to items for self-harm.
 - Lighting covers are regular plastic light covers found in an office building, which were cracked. These can be extremely sharp if broken and can often be used for weapons or self-harm.
 - There is no toilet or hand washing facility in the room (cell) as required. There is a single restroom right outside but a prisoner would have to wait for staff to unlock the door to be let in to the restroom (This is also the only staff restroom). This restroom is small and not ADA compliant.
 - This is a safety concern as the prisoner could plan an attack by knowing staff movement/routine and knowing if they call, an officer will report. If a prisoner got out of that room, the prisoner could easily access the front door and escape since there are no other security measures in the area.
 - It is unclear if there is a method for prisoners in this area to contact the duty officer other than knocking or banging, which may not be heard by the officer for a potentially dangerous period of time.

- The area is carpeted, which could pose a sanitation issue, especially with no restroom facility in the cell. The jail committee was advised the carpet is regularly cleaned.
 - There is no desk/table area to eat meals as required.
 - There is no shower available to any prisoner in this area.
- **Miscellaneous Concerns:**
 - The kitchen area used to prepare prisoner meals is not part of the Sheriff's Office and actually belongs to the police department. With police department changes or growth, or a variety of other reasons, this area is not guaranteed to be available. If unavailable, prisoner meals would need purchased from an outside source, which would be an added expense.
 - The hallway has lockers and cabinets, one set holds prisoner's personal property, some hold cleaning supplies, prisoner issue items (uniforms/bedding), and some serve as pantry space for prisoner meal supplies. Though locked during the tour, if accessed, several of these items can be dangerous and used as weapons or for escape attempts.
 - The laundry and library (bookshelf) are in a location that prevent the single duty officer from hearing prisoner activity in the cell area near booking, thus preventing the officer from hearing calls for help for a medical emergency, hearing an altercation, hearing smoke/carbon monoxide detectors, or being aware of other inappropriate activity.
 - Commissary supplies are in the Sheriff's office but outside the secure perimeter of the jail. This location prevents the single duty officer from hearing prisoner activity in the back cell area, thus preventing the officer from hearing calls for help for a medical emergency, hearing an altercation, hearing smoke/carbon monoxide detectors, or being aware of other inappropriate activity.
 - There is limited storage throughout the building, causing areas to be modified or storage cabinets and containers to be pieced together as needed, which may disrupt workflow and productivity.
 - With a mittimus count of over 40 waiting to be served, court orders are not being followed as Judges intended and the general public is not likely aware that sentences are not being served in a timely manner and may develop a false sense of security.
 - There is not an area for services to be offered to prisoners such as church, Alcoholics Anonymous, Narcotics Anonymous, educational or other programming. These services are important in the rehabilitation of prisoners and serve as a behavior modification tool as well as a support system for prisoners. The prisoners we spoke to said they lay on their bed and watch TV most of the time as their only opportunity to do anything different is to go to recreation two times per week.
 - The Federal Break Time for Nursing Mothers law requires employers covered by the Fair Labor Standards Act (FLSA) to provide basic accommodations for breastfeeding mothers at work. These accommodations include time for women to express milk and a private space that is NOT a bathroom each time they need to pump. There is no appropriate location for this accommodation. The employer does not have an obligation to provide a space if there is no employee with the need to express breast milk. However, consideration should be taken to comply with this law if

needed now or with the hopeful plans of adding additional officers to include a female per shift.

- The Department of Labor nor the Fair Labor Standards Act require employers to offer rest breaks or lunch breaks to employees. However, if the department recognizes that one jail officer on duty is demanding and desires to have a brief rest break or time for replenishment to jail officers on duty, there is an not appropriate place to do so.
- The only staff restroom is small and not ADA compliant. In addition, this restroom may have to be shared with prisoners.

- **Future:**

- Across the board nationally, a jail is considered “full” when 75-80% of the beds are full. With a prisoner head count of 21, a 28 bed facility is at 75% capacity and thereby considered “full”. The jail committee urges you to seriously consider your anticipated needs on a 20 year scope. On the day of the jail committee tour the head count was 21. A new 28 bed jail would be considered full on the day it opens and will not sustain 20 year growth.
- The average daily population of Jackson County prisoners (in all locations) is approximately 20. Bookings have increased approximately 10% per year in the last four years and are on track to do the same for 2018. At an approximate 10% increase in the number of bookings per year, the jail committee suggests additional calculation for determining the size of a proposed new jail.
 - The jail committee further recommends bringing a group together to discuss potential alternatives to incarceration and community sanctions to help slow down the growth of the jail population. This type of group may include the Mental Health and Disability Services Region that Jackson County belongs to, judges, county attorneys, probation, and neighboring counties within the MHDS Region to name a few.
- The jail committee recommends reviewing staff needs or completing a staffing analysis assessment to determine if additional officers are needed to manage daily jail operations in the current jail as well as what the need will be in the future jail. The jail currently has 5 full-time officers and 4 part-time officers.
- With the current workload and layout of the jail, the jail committee recommends that consideration be given to having more than one officer on duty throughout the day and evening.

The ISSDA Jail Committee was able to see that the Jackson County Jail has several needs at this time, many of which are safety and liability concerns. The jail has outlived its usefulness based on the condition of the facility and the conditions that prisoners and staff are subjected to. The fact that half of the jail’s population is housed at other jails shows that more space is needed. The jail committee sees very few ways for the current jail to continue to be utilized safely, efficiently, and with minimal liability. The Jackson County Sheriff’s Office should be applauded for efforts to do the best job they can with what resources they have available and understands the difficult predicament. In addition, the desire to look to the future and make every effort to protect the county from liability by building a new jail is commendable, especially since the cost of one lawsuit could be a large portion of the cost of a new jail.

Best wishes in your quest for a new jail and may your staff, prisoners, and public stay safe in the meantime.

Sincerely,

A handwritten signature in black ink, appearing to read 'ATG', with a long horizontal flourish extending to the right.

Sheriff Tony Thompson, ISSDA Jails Committee Co-Chair
ISSDA 2nd Vice-President
Sheriff of Black Hawk County