

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
FITZPATRICK PERRY, <u>et al.</u> ,)	
)	
	Plaintiffs,)	
v.)	C.A. No. 89-cv-00031-RWZ
)	
MICHAEL V. FAIR, <u>et al.</u> ,)	
)	
	Defendants.)	
_____)	

AMENDED MODIFICATION TO CONSENT DECREE

Upon the Joint Motion to Modify Consent Decree filed by the Plaintiffs, Fitzpatrick Perry, et al., and the Defendant Guy Glodis (hereinafter "Sheriff Glodis") which was approved preliminarily on July 23, 2007, and upon consideration of the comments received from the members of the plaintiff classes, and the parties' representations at the hearing on August 28, 2007, it is hereby ORDERED that the Consent Decree entered by this Court on October 6, 1989 is modified as follows:

A. General. Unless the context requires otherwise, Defendant Glodis, the current Sheriff of the Worcester County Jail and House of Correction, shall be substituted for Defendant John M. Flynn throughout the Consent Decree.

B. Section III ("Jail's Physical Plant"). Section III of the Consent Decree is modified to reflect that the rated capacity of the Jail's presently existing physical plant according to the Massachusetts Department of Corrections is 822 inmates. Section III of the Consent Decree is amended to include the following references to the Annex facility and the modular units that have been constructed since 1989:

- i. The Annex facility consists of an open-plan building of approximately 5,141 square feet divided roughly in half and including a multi-use area and a dormitory designed for occupancy by 100 persons. The rated capacity of this area is 100 inmates. The Annex contains fifteen (15) toilets, twenty-two (22) sinks and fifteen (15) showers.
- j. Modular Units H, I, J, K, and L each consist of two tiers of 30 cells (60 cells per unit) designed for occupancy by one person. The rated capacity of each modular unit is 119 inmates. There are ten (10) showers for each modular unit. Each cell is approximately 74 square feet, and contains two metal beds affixed to the wall, a sink and toilet, and a desk.

Paragraphs 2, 3, and 4 of Section III of the Consent Decree are deleted in their entirety.

C. Section IV ("Construction of Modular Units"). Section IV of the Consent Decree is deleted in its entirety.

D. Section V ("Jail Population"). Paragraph 1 of Section V of the Consent Decree is deleted in its entirety. Paragraph 2 of Section V of the Consent Decree is modified to increase the total number of prisoners that may be held in the existing facilities of the Jail as defined in Section III (which number shall **exclude** those sentenced inmates participating in the Sheriff's electronic monitoring program), to 1,451 as of October 1, 2007, to 1,351 as of November 1, 2007, and to **1,251 as of seventy-two hours after approval of this revised Modification**, and thereafter. Paragraph 3 of Section V of the Consent Decree is deleted in its entirety and in its place shall be substituted the following language: "From holding or confining more than one inmate in any cell of the maximum security facility (as referenced in Article III, Paragraph 1,

Section a), medium security facility (as referenced in Article III, Paragraph 1, Section c), and in any cell in which a person is placed on suicide watch.” Section V of the Consent Decree is modified to include the following additional Paragraphs:

5. From failing to implement and administer a program, as described in the attached Policy Guidelines, as amended from time to time, by which appropriate pretrial detainees shall remain in the Sheriff's custody and secured to an electronic bracelet, provided that decisions as to which pretrial detainees may participate in the program shall be made by an Associate Justice of the Massachusetts Superior Court upon recommendation by the Sheriff. Pretrial detainees participating in this program shall be eligible for jail credits as if housed in the County Jail.

Notwithstanding anything set forth above, pretrial detainees charged with violations of G.L. c.265, §§ 13F and 13B (indecent assault and battery), 15A, 15B, 18-18B (armed assault), or 22-24B (rape); or G.L. c. 272, §§ 35 or 35A (unnatural and lascivious acts) - including persons charged with attempting to commit these statutory offenses - or for trafficking in a Class A or Class B substance shall not be eligible for this pretrial detainee program. If, for whatever reason, this pretrial detainee program is not implemented as anticipated above, the parties may seek additional relief from this Court, including but not limited to the institution of a prisoner release plan.

- E. Section VI (“Enforcement of Population Caps”). In the first sentence of Paragraph 1 of Section VI of the Consent Decree, the two references to the “number of pretrial detainees” are changed to the “total number of pretrial detainees and sentenced inmates.” In the

second sentence of Paragraph 1 of Section VI of the Consent Decree, the two references to "pretrial detainees" are modified to refer instead to "pretrial detainees or sentenced inmates." In the first and third sentences of Paragraph 2 of Section VI of the Consent Decree, the two references to the "pretrial detainee population" are changed to the "inmate population." In the second sentence of Paragraph 2 of Section VI of the Consent Decree, the two references to "pretrial detainee" are modified to refer instead to "pretrial detainee or sentenced inmate." Paragraphs 3, 4, and 5 of Section VI of the Consent Decree are deleted in their entirety.

Section VI of the Consent Decree is modified to include the following additional paragraph:

3. At 3:00 PM each week day, the Sheriff shall use his best efforts to project its inmate/detainee population for that evening. If the projected population is above the limitation as stated in Section V, the Sheriff shall seek the assistance of the Superior Court Department of Massachusetts, on a daily basis, as needed, to assure its compliance with this Consent Decree. If despite the Sheriff's good faith projections and the assistance of the Superior Court Department of Massachusetts, the overnight population exceeds the populations limitations of Section V, the population shall be reduced the following business day as set forth in Section VI. If the Superior Court Department of Massachusetts elects not to, or is unable to, assist the Sheriff as described above, both parties agree to jointly seek additional relief from the Court which may include the appointment of a Special Master to assist the Sheriff in achieving compliance with the terms of this Decree. The

language of this paragraph shall not be read to allow the Sheriff to exceed the individual building population caps of Section III.

F. Section VII (“County Lockup Cells”). Paragraph 2 of Section VII of the Consent Decree is deleted in its entirety. Paragraph 4 of Section VII of the Consent Decree is modified by deleting the reference to “103 C.M.R. 943.00” and substituting in its place “the Sheriff’s written disciplinary policy.”

G. Section VIII (“Confinement of Pretrial Detainees”). Section VIII of the Consent Decree is deleted in its entirety. In its place, the following provision is added:

VII. ISOLATION CELLS

The Isolation Cells consist of the six cells in the rear of the maximum security facility and four cells in the rear of the medium security facility each designed for occupancy by one person. The rated capacity of these cells is 10 inmates. The Sheriff shall be permitted to confine persons in the isolation cells in compliance with the Jail’s discipline policy, as amended from time to time, on the condition that (1) the Isolation Cells shall be used solely as isolation cells in conformity with G.L. c. 127, § 41; (2) that no person shall be confined in any of these Isolation Cells for a continuous period of more than ten days as a result of any one offense; (3) that the Isolation Cells shall be modified on or before May 1, 2008 to admit natural light (though this provision shall not prevent the Sheriff from confining persons in the Isolation Cells prior to such modifications); (4) that the physical features of the Isolation Cells shall satisfy all of the minimum standards promulgated by the Commissioner of the Massachusetts Department of Corrections, (5) that any person confined in one of these Isolation Cells shall be

initially evaluated and then monitored by a mental health clinician on a daily basis; and (6) that the Isolation Cells shall be modified on or before May 1, 2009 so that persons confined in any one of these Isolation Cells shall be continuously monitored by video (though this provision shall not prevent the Sheriff from confining persons in the Isolation Cells prior to such modifications).

- H. Section IX ("Admission"). Section IX of the Consent Decree is deleted in its entirety.
- I. Section X ("Access To The Courts"). Section X of the Consent Decree is deleted in its entirety.
- J. Section XI ("Medical Care and Treatment"). Section XI of the Consent Decree is deleted in its entirety.
- K. Section XII ("Visitation Rights"). Section XII of the Consent Decree is deleted in its entirety.
- L. Section XIII ("Programs, Activities and Inmate Jobs"). In the first sentence of Paragraph 1 of Section XIII, the clause, "and activities outside of their cells or their tiers of Day Rooms for at least twenty-five (25) hours each week" is deleted.
- M. Section XIV ("Food Services"). Section XIV of the Consent Decree is deleted in its entirety.
- N. Section XV ("Laundry"). Section XV of the Consent Decree is deleted in its entirety.
- O. Section XVI ("Submission of Plan"). Section XVI of the Consent Decree is deleted in its entirety.

P. Section XVII ("Attorney's Fees"). Section XVII of the Consent Decree is deleted in its entirety.

Q. Section XVIII ("Notice of Class and Continuing Jurisdiction"). Paragraphs 1 and 2 of Section XVIII of the Consent Decree are deleted in their entirety.


R. Termination of Consent Decree. The Consent Decree is modified by adding the following provision:

XIX. TERMINATION OF CONSENT DECREE.

This Consent Decree, as modified, shall terminate at such time when additional facilities are constructed at the Jail with a rated capacity of two hundred (200).

Unless specifically provided otherwise above, the Defendant Sheriff shall comply with the terms of this Modification within forty-five (45) days hereof.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE
11/8/07

WORCESTER COUNTY SHERIFF'S OFFICE
WEST BOYLSTON, MASSACHUSETTS

952 / RELEASE PREPARATION AND TEMPORARY RELEASE

952.04 PRE-TRIAL COMMUNITY RELEASE PROGRAMS

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ATTACHMENT: PTDMP COURT AND TRANSPORTATION PROTOCOLS

* * * * *

(1) POLICY

It is the policy of the Worcester County Sheriff's Office to establish a voluntary release preparation and temporary release programs for those pre-trial detainees who are eligible and suitable for escorted and unescorted leaves into the community.

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(2) PURPOSE

It is the purpose of this policy to establish procedures governing the operation of the Pre-Trial Detainee Monitoring Program (PTDMP).

(3) DEFINITIONS

OFFENSES PROHIBITING PROGRAM PARTICIPATION

Sex offenders, sexually dangerous persons, and pre-trial detainees detained for the following crimes (or attempts to commit) are ineligible for participation in any type of unescorted furlough or release program:

Chapter 265

- Section 13 - Manslaughter
- Section 13B - Indecent Assault and Battery on Child Under Age 14
- Section 14 - Mayhem
- Section 15 - Assault with Intent to Murder or Maim
- Section 15A - Assault and Battery with Dangerous Weapon, victim 60 or older
- Section 15B - Assault with Dangerous Weapon, Victim 60 or older
- Section 16 - Attempt to Murder
- Section 17 - Armed Robbery
- Section 18 - Assault with Intent to Rob or Murder, Dangerous Weapon, Person 60 or older
- Section 18A - Assault in dwelling house with Dangerous Weapon
- Section 19 - Unarmed Robbery, victim 60 or older
- Section 20 - Simple Assault, Attempt to Rob or Steal
- Section 21 - Stealing by Confining or Putting in Fear
- Section 22 - Rape
- Section 22A - Rape of Child
- Section 23 - Rape and Abuse of a Child
- Section 24 - Assault With Intent to Commit Rape
- Section 24B - Assault of Child With Intent to Commit Rape
- Section 25 - Attempted Extortion
- Section 26 - Kidnapping; Weapons; Child Under 16
- Section 43 - Stalking

Chapter 266

- Section 25 - Larceny by Stealing, victim 65 or older

Chapter 268

- Section 16 - Escape, attempted escape
- Section 19 - Suffering or consenting to escape from penal institution

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Section 39 - Perjury, statements alleging motor vehicle theft
(Subsequent Offense)

Chapter 269

Section 10A - Gun Control Law

Chapter 272

Section 17 - Incestuous Marriage or Intercourse

Section 34 - Crime Against Nature

Section 35 - Unnatural and Lascivious Acts

Section 35A - Unnatural and Lascivious Acts With Child Under Age 16

If allowed by statute the Deputy Superintendent may on a case by case basis waive any of the restrictions listed and authorize the pre-trial detainee's participation in the PTDMP program.

Abuse Prevention Act (MGL, c.209A)

Not eligible if 209A order has been violated. However, if a 209A was lodged, but not violated, consideration for participation will be given on a case-by-case basis.

Victim/Witness Notification on File

Inmates who are the subjects of an approved CORI Certification, e.g. victim/witness notification, are not automatically excluded from participation; consideration will be given on a case-by-case basis, consistent with notification procedures and taking into account any victim/witness input received.

If allowed by statute the Deputy Superintendent may on a case by case basis waive any of the restrictions listed and authorize the pre-trial detainee's participation in the PTDMP program.

(4) PROCEDURES

A. PRE-TRIAL DETAINEE MONITORING PROGRAM (PTDMP)

1. General

The facility through its contracted vendor maintains a community based day reporting operation where program approved pre-trial detainees live in the community and receive daily supervision from PTDMP staff.

2. Screening and Selection

- a. A screening committee consisting of the chairman who shall be the Operations Captain of the Correctional Opportunities Advancement Program (COAP), a Re-

integration Specialist assigned to COAP, and a representative from the Classification Department shall review all pre-trial detainees eligible for admittance in the PTDMP.

- b. The screening committee shall forward recommendations for admittance in the PTDMP to the 1st Assistant Deputy Superintendent of Classification and Treatment or an Assistant Deputy Superintendent under the supervision of the 1st Assistant Deputy Superintendent of Classification and Treatment.
- c. The following eligibility criteria have been established:
 - (1) The pending charges must not be a criminal offense prohibiting day supervision (See definitions);
 - (2) Must have a sponsor the Sheriff's Office can contact by telephone and/or residence approved by the PTDMP staff;
 - (3) Must agree to the terms and conditions of the applicable level of participation while in the PTDMP;
 - (4) The pre-trial detainee must have been initially classified by the Classification Department to no higher than a medium security level.
- d. Pre-trial detainees may access participation via periodic reviews of their pending charges, filing a request for a classification review, or recruitment by PTDMP staff or a caseworker/counselor.
- e. Pre-trial detainees may be prohibited from PTDMP participation if their criminal history contains a violation of a restraining order, domestic A&B, or other offenses identified by the Steering Committee or the Classification Department.
 - (1) The Classification Department will take into account any victim/witness input regarding a CORI Certification and the subject's selection and placement into PTDMP.
 - (2) The placement of an inmate into PTDMP over the objections of a victim/witness will require specific notification to and approval by the Sheriff or his designee, the Deputy Superintendent.

3. Program Requirements

- a. PTDMP participants must complete a program of orientation which includes discussions of:

(1) Program goals and objectives and rules and regulations as follows:

- (a) Contract
- (b) Supervision and reporting requirements
- (c) Schedule requirements
- (d) Violation consequences
- (e) Staff assignments
- (f) Approval of sponsor, including self sponsorship
- (g) Approval of residence
- (h) Consent to follow-up

b. All PTDMP participants must have a verified and approved contract which includes:

(1) Sponsor

An approved sponsor in the community. A pre-trial detainee may be approved to serve as his/her own sponsor. In these circumstances, the 1st Assistant Deputy Superintendent of Classification and Treatment or the Assistant Deputy Superintendent of Treatment, Programs, or Classification will review and approve/deny requests for this status.

(2) Residence

- (a) A permanent residence;
- (b) If residence is with a member of the immediate family, written consent for residence must be obtained from that family member;
- (c) Place of residence must be within Worcester County. In special circumstances the Sheriff or his designee may approve a pre-trial detainee to reside at a residence outside of Worcester County.

(3) Treatment Plan

- (a) Participation in PTDMP counseling programs will be based on the need of the pre-trial detainee;
- (b) Program participation will be recommended by the pre-trial detainee's case worker / counselor;
- (c) Family therapy, if appropriate.

(4) Transportation Plan

- (a) Approved and verified transportation to and

from daily placement, community-based service, and PTDMP office.

(5) Surveillance and Reporting Plan

- (a) Unless otherwise specified, verification of access to telephone;
- (b) Pre-determined schedule for reporting;
- (c) Monitoring checks;
- (d) Drug screening;
- (e) Unless other guidelines are established, pre-trial detainees shall be equipped with Electronic Monitoring Equipment and/or GPS Tracking and Surveillance Technology.

4. Pre-Program Admission

- a. Upon approval by the Sheriff or his designee for PTDMP placement, the Classification Department shall forward sponsorship information to PTDMP staff.
- b. Staff assigned to the PTDMP program shall arrange to have a criminal background check conducted on the sponsor by the Sheriff's Department.
- c. Additionally, PTDMP staff shall interview the pre-trial detainee's sponsor and complete a Sponsorship Agreement Form.
- d. If the sponsor agrees to the terms of the PTDMP contract, PTDMP staff shall contact the Classification Department to confirm admission to the program; the Classification Department shall then arrange for records information and the pre-trial detainee's transfer to lower security.
- e. Staff assigned to PTDMP, or Deputy Sheriff's assigned to COAP/PTDMP, shall also contact the following departments to verify the pre-trial detainee's custody status:
 - (1) Finance
 - (2) Health Services
 - (3) Records (obtain copy of mittimus)

5. Program Admission/Orientation

- a. PTDMP staff or Deputy Sheriffs assigned to the COAP / PTDMP shall be responsible for the transfer of the pre-trial detainee and his property to PTDMP.

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- b. Upon arrival at the PTDMP office the following procedures shall take place:
- (1) Pre-trial detainee photo;
 - (2) PTDMP I.D. number and picture I.D. issued to the pre-trial detainee;
 - (3) The pre-trial detainee's custody status shall be entered into the monitoring and urinalysis computers;
 - (4) Establish pre-trial detainee PTDMP file;
 - (5) Require pre-trial detainee to provide an initial sample for drug screening/analysis;
 - (6) Establish initial itinerary;
 - (7) Attach electronic/GPS monitoring equipment;
 - (8) Require pre-trial detainee to sign PTDMP contracts /documents and agreements;
 - (9) Issue PTDMP Participants' Handbook.

6. Rules of Pre-Trial Detainees Conduct

- a. The pre-trial detainee cannot change his daily/weekly itinerary without prior approval from PTDMP staff.
- b. The following violations are subject to prosecution and/or administrative action:
- (1) Any violation of the laws of the Commonwealth of Massachusetts and the rules of the Office of the Sheriff;
 - (2) Possession and/or use of unauthorized medication;
 - (3) Possession and/or use of alcohol or illegal substances;
 - (4) Escape;
 - (5) Malicious destruction of monitoring equipment;
 - (6) Positive drug screening specimen;
 - (7) Refusal and/or failure to give drug screening specimen;
 - (8) Violation of any part of the contract;
 - (9) Inappropriate behavior.
- c. An infraction of rules may result in any or all of the following:
- (1) Counseling;
 - (2) Return to facility;
 - (3) Disciplinary report;
 - (4) Disciplinary Committee hearing;
 - (5) Prosecution.

7. Transfer to Sponsor's Residence

- a. Upon completion of the program admission process, PTDMP staff or Deputy Sheriffs assigned to the

COAP/PTDMP shall provide transportation and accompany the pre-trial detainee to the approved sponsor's residence.

- b. Upon arrival at the sponsor's residence, PTDMP staff or Deputy Sheriffs assigned to the COAP/PTDMP shall present the Sponsorship Agreement to the pre-trial detainee's sponsor for review. When the sponsor agrees to the requirements, he/she shall sign the document.
- c. A Deputy Sheriff assigned to COAP/PTDMP or PTDMP staff shall then install the electronic monitoring or GPS tracking or monitor technology to the sponsor's telephone line or enable the equipment to commence monitoring. Depending on the type of monitoring equipment being used, all remote answering equipment, fax machines, and modems shall first be disconnected and remain so until Sheriff's Office equipment is removed from the premises.
- d. The pre-trial detainee shall be required to remain at the sponsor's residence until the time pre-determined by PTDMP staff or the Sheriff's staff.

8. System of Supervision

- a. The pre-trial detainee will be tracked via Global Position Satellite (GPS) and/or Radio Frequency (RF) monitoring technology. The type or combination of monitoring technology employed to monitor the pre-trial detainee will be determined by the individual's current charges, criminal history and individual issues.
- b. The pre-trial detainee will be classified to one of three (3) levels. The Steering Committee /Classification Department will establish the classification criteria used to determine the classification level of the pre-trial detainee placed in the PTDMP program.
- c. Once enrolled in the PTDMP program, the pre-trial detainee's level of participation in group or individual counseling, job performance, compliance with drug testing and all rules and regulations of the program shall be monitored by the program administrator. The program administrator shall determine any adjustments to the classification level (or recommend to the Assistant Deputy Superintendent of Treatment/Steering Committee) based on the pre-trial detainee's participation in the group or individual counseling sessions, employment record and

compliance with all rules and regulations of the program.

Classification Levels

Level 1 - The pre-trial detainee will be monitored by GPS and/or RF monitoring technology. During this time, if the offender is not working, he will report to the day reporting center for group services. The program administrator shall determine the group or individual services the pre-trial detainee shall attend. If the offender is working, he will be required to report to the center a minimum of once a week to provide verification of work hours, child support, drug screening, etc., and any other requirements set by the program administrator.

Level 2 - If the pre-trial detainee does not have violations during his first 60 days or a period determined by the program administrator, the program administrator may allow a transition to Level 2. During Level 2, the pre-trial detainee will be monitored on a less restrictive level and a revised group or individual counseling schedule.

Level 3 - The pre-trial detainee, providing there are no violations, will be transitioned to Level 3 that may include a variation consisting of a less restrictive monitoring level, a revised group or individual counseling schedule and/or only check-in appointments at the day reporting center. All services should be complete by this time and if appropriate, a discharge plan will be devised at this level.

- a. The pre-trial detainee is required to meet with a case management staff on the first full business day after the pre-trial detainee's admission date to the program, or when determined by the PTDMP staff.
- b. The program administrator or designee shall explain the requirements of program attendance in addition to establishing a treatment and/or substance abuse itinerary.
- c. The pre-trial detainee shall then be required to meet with a case manager to review community employment and final approval of the pre-trial detainee's itinerary.

(1) All community employment must be approved by the case management staff who may contact the employer to explain the details of the program to the employer.

- (2) The pre-trial detainee shall be required to provide PTDMP staff with a copy of his timecards, paycheck or pay stub and signed activity logs to confirm employment.
- d. Unless otherwise instructed by the PTDMP staff, all employed pre-trial detainees shall be required to report to the PTDMP office for weekly compliance meetings, or more often if determined by the case management staff.
- e. Unemployed pre-trial detainees will report to the PTDMP office as deemed necessary by the program administrator.
- f. Unemployed pre-trial detainees will be enrolled in an "Employment Assistance Program" which includes mandatory weekly classroom employment search drills, videotapes and two (2) Department of Labor (DOL) website search Computers.
- g. Unemployed pre-trial detainees are required to turn in "Employment Search Forms" daily to provide proof of employment inquiries.
- h. The program administrator shall notify the Sheriff's Office if a pre-trial detainee remains unemployed for two (2) weeks. The Sheriff's Office will at this point determine whether to pay for monitoring services or re-incarcerate the pre-trial detainee at the jail and house of correction.
- i. Unemployed pre-trial detainees are scheduled to a mandatory "Personal Budgeting" class.
- j. Deputy Sheriff's assigned to COAP/PTDMP or PTDMP staff may conduct unannounced visits to the sponsor's residence, program site, work site, or other approved site to confirm attendance and compliance with regulations.
- k. In accordance with the program contract, the Sheriff's Office law enforcement personnel may conduct warrantless searches of the premises, personal belongings, boats, motor vehicles of all types and descriptions, owned or operated by the pre-trial detainee.
- l. The Sheriff's Office will make all necessary law enforcement notifications to the police department in

the city/town where the pre-trial detainee works and resides while participating in the program.

9. Drug Surveillance Program

- a. The PTDMP has established a drug testing program to monitor drug and alcohol abuse among program pre-trial detainees. Urine and/or other specimens will be taken on a regular basis to ensure both security and treatment compliance with Sheriff's Office regulations.
- b. The Sheriff's Office and PTDMP lab staff certified to perform drug testing shall be responsible for the initial drug testing of the pre-trial detainees participating in the PTDMP program.
- c. The Sheriff's Office and PTDMP staff shall ensure that all drug screening is performed in compliance with the drug screening policies and procedures.
- d. Upon the pre-trial detainees arrival at PTDMP for participation in substance abuse programming, PTDMP staff will indicate to the pre-trial detainee that he must provide a urine and/or other specimen and be subject to a search by law enforcement personnel of the Sheriff's Office. The Sheriff's Office personnel conducting the search shall be the same sex of the pre-trial detainee being searched. PTDMP staff collecting the specimen shall be the same sex as the pre-trial detainee providing the specimen.
- e. The appropriate chain of custody form will be completed by PTDMP staff each time urine and/or other specimens are handled or transported, staff shall:
 - view the container without opening closed containers or breaking seals to ensure the presence and condition of the specimen.
 - obtain the signature of the receiving party and if possession is changing, note the date and location on the chain of custody form.
- f. All staff involved in the transfer of drug and/or urine samples, whether in the chain of custody or in/out of the Sheriff's Office for court proceedings will:
 - inspect the container for signs of tampering. If signs of tampering, notify the applicable 1st Assistant Deputy Superintendent of Classification

and Treatment, Assistant Deputy Superintendent of Treatment or the Assistant Deputy Superintendent of Classification.

- ensure the integrity of the seal and ensure the container is kept intact until delivery to the testing area of PTDMP.
- g. PTDMP staff will order the pre-trial detainee to wash his hands immediately prior to providing the specimen.
- h. The urine specimen shall be collected in an area to afford the pre-trial detainee privacy and the lab staff person shall witness the actual passage of urine into the container.
- i. The pre-trial detainee shall then give the specimen container to PTDMP lab staff who will tag the specimen with the pre-trial detainee's name.
- j. PTDMP staff shall provide for the security, at all times, of the drug and urinalysis records, equipment, specimens and containers.
- k. The Sheriff's Office or PTDMP staff (certified tester only) will, as soon as possible, effect the test on the urine specimen. This testing will be consistent with standard training given to testers by the manufacturer of the urinalysis equipment.
- l. A positive test for drug or alcohol abuse shall be confirmed by a second test. If results indicate a positive reading, the Sheriff's Office shall be contacted to return the pre-trial detainee to the main facility. Upon confirmation of a positive reading PTDMP staff shall notify the Assistant Deputy Superintendent of Treatment, the 1st Assistant Deputy Superintendent of Classification and Treatment, and the Assistant Deputy Superintendent of Classification.
- m. At any time during a pre-trial detainee's participation in the program the Sheriff's Office or PTDMP staff may require the pre-trial detainee to provide a urine specimen.

10. Completion of Program

- a. Upon discharge from the program or sentencing of the pre-trial detainee, PTDMP staff shall be responsible to assist in the return of the pre-trial detainee to the PTDMP office with all monitoring equipment.

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- b. PTDMP staff will acknowledge return receipt of all equipment.
- c. Upon discharge or sentencing, the pre-trial detainee is then released from the program.

11. Evaluation of Program Effectiveness

- a. The Program Administrator of the PTDMP program shall submit monthly and quarterly reports to the 1st Assistant Deputy Superintendent of Classification and Treatment. The reports shall analyze the following data:
 - (1) Number of pre-trial detainees in the program;
 - (2) Number of pre-trial detainees suspended from program, and the nature of the suspensions;
 - (3) Number of terminations, and nature of the terminations;
 - (4) Number of pre-trial detainees who successfully completed the program.
- b. The Classification Department shall compile annual data to determine the impact of PTDMP participation on recidivism.
- c. In the event that monthly data analysis reveals a significant change in the statistics, the Program Administrator of PTDMP and the 1st Assistant Deputy Superintendent of Classification and Treatment shall analyze and act upon the data.

12. Escape

Pre-trial detainees participating in PTDMP or any other community based programs shall be declared escapees upon notification by staff directing the program that:

- a. The pre-trial detainee left an activity without authorization or never arrived at the location;
- b. The pre-trial detainee neglected or refused to return to the facility after being ordered to do so;
- c. The pre-trial detainee failed to return to the facility within a reasonable period of time, usually two (2) hours;
- d. The pre-trial detainee cannot be found after failure to call in while participating in PTDMP.

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(5) EFFECTIVE DATE

This policy is effective upon the signature of the Sheriff and supersedes any previous policy regarding pre-trial community release programs, specifically the pre-trial detainee monitoring program.

(SIGNED BY THE SHERIFF 3-20-07)

APPROVED _____ DATED _____
GUY W. GLODIS, SHERIFF

REFERENCE STANDARDS:

ACA: 4-ALDF-5B-14,15,16

