



A Letter to President Obama

Executive Director's Note: Change is moving quickly through Washington, D.C., as you have probably noticed in the press. The American Jail Association (AJA) was fortunate to have the opportunity to submit in writing AJA's suggestions and priorities for the incoming Obama Administration.

Contained herein is the "Open Letter to President-elect Obama" that I submitted on behalf of our organization on December 12, 2008, with input from the AJA Board of Directors and several of our former presidents. This letter conveys our position on broad areas. It does not detail initiatives that give every element of what we need. These finer points can be advanced through meetings when the new Administration is in place.

We appreciate the work of Ms. Laurie Robinson, former Department of Justice, Office of Justice Programs Assistant Attorney General from the Clinton Administration. As a member of President Obama's transition team, she was diligent in inviting a wide range of stakeholders to submit written input toward this end. AJA was pleased to oblige. The text of that letter follows.

It is an honor and a privilege to submit to President-elect Obama and his incoming Administration through his representative, Ms. Laurie Robinson, this correspondence. The American Jail Association (AJA) is a national nonprofit organization dedicated to supporting those who work in our nation's jails and local detention facilities. We represent more than 70,000 jail professionals, and as such, advocate the following priorities for the Obama Administration's consideration.

This letter outlines the issues without going into great depth. We welcome the opportunity to work with the appropriate Obama Administration officials in the coming months and years to address these items in detail, serve as a resource, and formulate action plans.

To frame many of our issues, I will reference a June 2007 report from the United States Bureau of Justice Assistance (BJA), "Jail Leaders Speak." This report is derived from a series of focus groups funded by BJA and lead by The Center for Innovative Public Policies, Inc. The purpose was to tap into the insight and expertise of sheriffs and jail administrators from across the country in order to identify the primary issues and challenges facing the Nation's jails today and in the immediate future. AJA was an active participant in this effort.

The report serves as an outstanding guide in that it identifies issues and acknowledges that sheriffs and jail administrators struggle each day to promote public safety in the face of escalating populations, expanding responsibilities, and overwhelming obstacles. To read the report, reference www.ojp.usdoj.gov/BJA/pdf/Jail_Focus_Group_Report.pdf.

Please allow me to put these issues and challenges within the context of recent statistics. According to the United States Bureau of Justice Statistics (BJS, June 2008, NCJ 221945), there were 780,581 inmates at mid-year 2007 incarcerated in our jails on any given day. This represents an increase of 1.9 percent over the previous year. Additionally, BJS estimated that the more than 3,300 jails in this country process approximately 13 million arrestees each year. These local corrections facilities are responsible for the safe and secure management of pretrial detainees, short-term sentenced offenders, and sentenced inmates from other jurisdictions such as the State and Federal governments, community supervision programs like pretrial release and electronic monitoring, drug and alcohol diversion programs, work release, and other intermediate sanctions.

The report recognizes that the dilemmas encountered by U.S. jails continue to mount as a result of everything from fiscal constraints and lack of pub-

lic support to workforce issues, “tough on crime” legislative initiatives, and unfunded legal mandates such as the Prison Rape Elimination Act (PREA). Likewise, public policies ranging from immigration to the war on drugs and the deinstitutionalization of persons with mental illness also have a substantial impact on local corrections.

The consensus of sheriffs and jail administrators is that the predominant priority for jails revolves around the pressures of providing adequate medical care and mental health services within the constraints of inadequate resources. Consistent with the position held by the National Association of Counties, AJA supports public policy that will allow Medicaid to cover the costs of inmate health care in local correctional facilities for people who are eligible at the time of arrest.

At a minimum, Medicaid should be allowed for pretrial detainees (who comprise two-thirds of the jail population) and incarcerated youth. Passing laws that will lift the fiscal burden of jail health care costs on local municipalities and counties will better ensure that those who need medical and mental health services will be stabilized while in jail, and most importantly, not have a lapse in the care and medications needed while they await reinstatement of their benefits upon release into the community.

Efforts by the Obama Administration to support medical and mental health funding for county correctional

systems should include a focus on meaningful community resources that will work toward diverting people from jail.

Providers of medical and mental health services for the mentally ill and those with a history of substance abuse problems leaving jails should include coordination with agencies that provide housing, vocational services, and social services. A national community awareness effort on this subject would be invaluable. Federally-funded programs to assist communities toward this end are sorely needed.

Additionally, it is vital that adequate funding be appropriated for the mentally ill offender treatment grants and residential substance abuse treatment (RSAT) programs in jails.

Following the primary concern of providing medical and mental health services are the issues surrounding the recruitment and retention of the jail workforce. These issues include difficulties with recruitment and retention of qualified professionals and the lack of pay parity between law enforcement and detention personnel (which exacerbates the problem of recruiting and retaining qualified jail employees). Adequate succession planning and staff training, including a need for resources to support the National Jail Leadership Command Academy, are a part of the equation.

At the tertiary level, reentry initiatives, security threat groups, and technology dominate the list of issues expressed by sheriffs and jail leaders. Moreover, there is a strong underlying current of concern

focused on the challenges of small jails. More than 60 percent of the local correctional facilities in this country fit into this category. These jails are eagerly seeking help in the form of best practices, evidence-based approaches, and collaborative networking opportunities. Many small jails, faced with jail crowding and operating antiquated facilities, are struggling to meet minimum standards. Some form of Federal incentive would be helpful to encourage States to explore whether the regionalization of jail operations would be appropriate. Issues to be considered would be the benefits of reducing multiple operations, eliminating the use of outdated facilities that pose fire and safety hazards, and ultimately making more efficient and effective use of the limited local resources by consolidating efforts.

However, regardless of a jail’s size, there is a prevalent concern expressed by virtually all representatives that a concerted effort is needed to educate the community and elected officials to bring jail-related issues to the forefront of the public policy-making agenda. Otherwise, jails are destined to continue to struggle with their role as the unacknowledged and underfunded resource for responding to community problems ranging from inadequate medical care to insufficient mental health treatment.

Simply put, there are not enough resources to fund the multitude of necessary programs that must exist if we are

to ever be successful at offender reentry. To this end, it is vital that funds authorized by the Second Chance Act in 2008 be appropriated so that the benefits of the Act may be implemented. This funding should enable local corrections to directly apply for the grants and not rely on having funds funneled through a State's department of corrections.

A time-sensitive matter that will demand close involvement of the Obama Administration is the enforcement by the U.S. Attorney General (AG) of the PREA standards. The draft standards promulgated by the National Prison Rape Elimination Commission under PREA will soon be delivered to the AG. The statutory requirement that the AG enforce them, coupled with the impact the proposed standards will have on every community in the United States, needs to be carefully considered by the Obama Administration. This process must include engaging stakeholder groups like AJA, the National Sheriffs' Association, the American Correctional Association, the Association of State Correctional Administrators, and others. We request that the Obama Administration and its AG appoint a PREA contact person quickly. It is vital that these standards be meaningful, realistic, and achievable by all correctional agencies.

The new AG will likely be involved with the illegal immigration issue with regards to State and local laws that have and continue to be passed. Our concern is that many will be challenged on constitutional points. Given the nature of

arrests in accordance with some of these laws, there may be Federal prosecution of local law enforcement and detention for violations of civil rights. It is important that we meet with the AG's office regarding these laws to gain an understanding of what the Administration views as the Federal role in this issue and the potential vulnerability of many counties in the United States. On a related matter, it is important that funding be continued for State Criminal Alien Assistance Program (SCAAP) grants.

AJA also would like the Obama Administration to be aware that the Federal Communications Commission (FCC) and Congress are examining inmate telephone systems. We encourage such an examination to take into account the complexities that accompany a jail's responsibility to contract with private carriers for inmate phone services. AJA believes that working with a single carrier to monitor and control inmate calling allows jails to ensure affordable access for all inmates, support inmates' continued communications with friends and family during their incarceration, and prevent unwanted/unauthorized calls while providing a tool in criminal investigations.

Additionally, AJA is grateful for the enormous contributions that the National Institute of Corrections (NIC) has made to all corrections including local detention. We believe that it is vital that the President's budget provide ongoing funding to NIC, and if possible, that the President advocate restoring the agency as an independent arm

within the U.S. Department of Justice. Currently, it is housed under the Federal Bureau of Prisons. As NIC's focus is to serve States and localities, this placement seems inappropriate.

Another issue of note is that only 33 of the 50 States have adopted basic jail standards. Given that jail facilities have so many issues to address (life and fire safety, medical and mental health care, sanitation, treatment, work and education, staff training, reentry, and so on), State standards are vital to establishing basic guidelines for addressing issues. Creating a Federal incentive for all States to establish effective jail standards is important.

Our organization asks the Obama Administration to encourage the Centers for Disease Control and Prevention to include correctional personnel (jail and prison) in the same direct contact category as health care workers, in order that they may receive flu vaccinations. Currently, there is no such provision. Should there be a pandemic outbreak, jail professionals would be at high risk, which could lead to an inability for facilities to be properly staffed and secured, let alone the potential for the rapid spread of infectious disease among the inmate population. Ultimately, this would be a devastating public health issue.

AJA supports the reporting of data and information relating to the welfare of those offenders in our Nation's jails. We recognize the Bureau of Justice Statistics as the optimal repository for data relating to the welfare of jail offenders, including the

reporting of information about offender deaths in custody. We encourage the Obama Administration to share this view and support reauthorization of The Deaths in Custody legislation as it comes before the President in the future.

Ultimately it is the goal of jails to achieve quality hospice and end-of-life care for offenders. Specialized education and training for detention personnel, as well as effective care of the seriously and chronically ill as they approach the end of life, is needed. The aging of our offender populations has

become a growing issue in jails. AJA encourages legislatures and the judiciary to develop mechanisms for the release of terminally ill inmates from confinement who do not pose a risk to public safety, and asks the Obama Administration to advocate for public policy to this effect. AJA urges all detention systems to take steps to address the needs of this population in a way that respects human dignity.

Thank you for your consideration of these issues and our position with regard to each. I look forward to hearing from the appropriate officials regarding these matters and working with you to support success within the Obama Administration for the betterment of our Nation.

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American Jail Association