

## **DISABILITY-RELATED INQUIRIES CONCERNING INDIVIDUALS INCARCERATED IN JAILS**

**Prepared by the Disability Rights Network of Pennsylvania**

### **Jail and Prison: What Is the Difference?**

People often use the terms *jail* and *prison* interchangeably. However, jails and prisons have different purposes, authority, and populations. A prison is operated by a state or the federal government, while a jail is the responsibility of a county or city. Pennsylvania also has a few privately-operated county jails.

### **Jails in Pennsylvania**

County prisons in Pennsylvania are under the supervision of the Department of Corrections (DOC). DOC's **Office of County Inspection & Services** maintains a statewide program of independent field inspections and follow-up inspections of all 63 operating county prisons. This inspection and follow-up inspection process is performed by a Prison Inspector. The Inspector determines prison compliance with controlling Commonwealth statutes and regulations (i.e., Title 37, Chapter 95), judicial case law, Pennsylvania Department of Corrections (DOC) policy/procedures, and professional standards established by such organizations as the American Correctional Association (Standards For Adult Local Detention Facilities, 4th Edition). Note: It should be understood that all requests for the Inspection Report should be addressed to the county in question, not to the Pennsylvania DOC. The Office also receives concerns and/or complaints associated with county prison operations, endeavoring to understand the issue and then facilitating awareness to the affected county prison. The address is:

Office of County Inspection & Services  
2520 Lisburn Road,  
P.O. Box 598,  
Camp Hill, PA 17001-0598  
717-975-4927

### **What Is the Criminal Justice Process? (Flow Chart in Appendix)**

Once a person is arrested and arraigned, he or she awaits adjudication in jail or awaits adjudication in the community. The person then enters a guilty plea or the case goes to trial.

The next two steps are as follows:

1. The individual is found not guilty and is released, or
2. The individual is found guilty and is sentenced.

If an individual is found guilty and sentenced, he or she can be sent to either a federal or state prison or to a county or city jail. After a person has completed his or her sentence at a federal or state prison, he or she can either be released to the community, be sentenced to parole, or be subject to work release. After a person has completed his or her sentence at a county or city jail, he or she can either be released to the community, be sentenced to probation and/or community supervision, or be subject to work release.

If a person has violated his or her parole or probation, alternate sanctions are placed on the individual such as probation or intensive supervision probation, fines and restitution, community services, day reporting or house arrest, or any other alternative to incarceration programs.

**You know someone with a disability in jail. What can you do?**

Advocating for an individual can make a huge difference. Your efforts may mean that the person you are advocating for can get better treatment while in jail. When a person you care about who has a mental illness has entered the Pennsylvania County Jail system, the first thing that you need to do is find out which jail the person is in. Once you have the location of the jail, you may try to contact personnel who are employed by the jail. Most current information is made available in the published telephone books in each county.

Listed below are the different types of people and a brief job description of each.

**Warden:** The Warden is the top administrator. He or she serves as a manager to all other staff to ensure that they complete their duties accurately and efficiently. You may simply contact the jail and ask for the name and contact number of the Warden.

**Administrative staff:** These employees have a wide array of duties ranging from office management to scheduling. Overall, they assist in the "everyday operations" of the county prison/jail.

**Correctional officers:** Correctional officers serve a very important role. They provide overall security to staff, inmates, and visitors. They also maintain order and discipline as they supervise inmates' daily activities.

**Counselors:** Counselors assist inmates by listening to their concerns and problems. They also assist in getting inmates into specific rehabilitation programs to meet their needs if programs are available.

**Treatment and medical staff:** Most county jails have personnel on staff to take care of inmates' treatment and/or medical needs.

### **Rules and Regulations for Inmates**

Inmates are usually given a handbook or view a video which explains the rules and regulations of the county prison/jail. It is helpful for you to encourage your loved one to abide by the rules and regulations while incarcerated.

### **Mental Health Services in Pennsylvania County Jails**

The good news is that Pennsylvania county jails have mental health services. However, an individual may not receive mental health services if s/he does not ask for them. If a person is identified as having a mental illness and is placed in a mental health unit, the staff there will not have information about the person's treatment needs (except perhaps in the form of a chart from a previous incarceration). If you have important information

about what medications the person has been taking and what medication do not work well for the patient, the mental health staff at the jail needs this information.

Every county jail has counselors and they are supposed to advocate for inmates although they are not in charge of security or the grievance process.

### **I cannot reach any jail mental health staff. What do I do?**

It may be difficult to get in touch with jail mental health staff or to get staff to respond to your concerns. Jail mental health staff may resist talking to you because of concerns about confidentiality. If this happens, be polite but explain that you are not asking for any information but calling to give some information. It is important to know the inmate's full name, the date of the arrest, the inmate's disability and the type and dosage of medication he or she requires to conduct activities of daily living. If the inmate has a history of suicide attempts, you could provide this information as well. If the inmate does not have the ability to communicate his need for treatment but requires it, you may ask the county jail staff to provide the inmate with paperwork, authorizing you to speak of his or her behalf.

Write down the name and number of every person you speak to at the jail so that you can follow up if things are supposed to happen and do not.

### **Are treatment programs available in the county jail system?**

Counties receive money for programs such as drug and/or alcohol treatment based on their populations. Specific amounts of money are then budgeted for the county prison.

The availability of providing programs will depend on the size of the county jail. Many prisons offer programs designed to assist inmates, such as providing them with educational and vocational programs. However, small county jails do not have the money or the resources available to provide professional treatment to inmates.

**What do we do in such a situation where an inmate needs treatment but it is not available in the county jail?**

In such a situation, you may try to reach community services that do offer such treatment services. Contact County Mental Health/ Mental Retardation services who are often in contact with county jails. Certain county Drug and Alcohol programs may accept referrals from the inmate's probation officer, attorney, and/or the case manager at the jail.

Local colleges and community clinics are also other places that help in such situations. One must be aware that every county jail has their own criteria for security clearances that service providers must be able to fulfill in order to be admitted into the facility. In the event that you are unable to contact any staff at the county jail, you may try contacting personnel in the following order:

1. Deputy Warden
2. Warden
3. Prison Board/Jail Oversight Board

Note that requests in writing are more reliable records than verbal requests. Mailing addresses can be requested from the County Courthouse or from the Office of the County Commissioner.

**My loved one is in need of intensive medical treatment. Are County jails responsible to provide inmates such levels of care?**

County jails are constitutionally required to provide necessary medical care to inmates and if they cannot provide appropriate care, they must contract with other entities to do so. Finally, inmates can file grievances in County jail systems and this is often the best way to obtain appropriate treatment. This is also required as a prerequisite to any lawsuit regarding care or treatment or any constitutionally protected interest. Family members should encourage and assist inmates in filing appropriate grievances when the circumstances dictate such a course of action.

**Criminal Justice Language**

Familiarizing yourself with these terms may be helpful when working with your local jail-

**Community Corrections:** Elements of the criminal justice system that take place in the community, including bail monitoring, sanctions in lieu of incarceration, and post-incarceration supervision.

**Alternative Sanctions:** Individuals who commit misdemeanors and certain felonies may be sentenced to an alternative sanction to divert them from incarceration. Common alternative sanctions include supervision by a probation officer and community service.

**Parole:** A form of post-release supervision for individuals released from incarceration, generally in state or federal prison. While on parole, individuals must meet certain conditions, which might include abiding by curfews, seeking and maintaining employment, or participating in drug testing and substance abuse treatment.

**Probation:** A sanction imposed by the court requiring an individual to abide by specified conditions for a period of time under community supervision by a probation officer.

**Cognitive Behavioral Treatment:** Therapeutic techniques designed to help individuals address problematic thinking patterns and actions (Chapman and Hough 1998).

**Continuum of Care:** Coordination between corrections administrators and community-based partners to ensure that when an individual is released from incarceration he or she continues to have access to services.

**Criminogenic Needs:** Factors that research has shown to be highly correlated with future criminal behavior and that can be changed.

**Discharge Planning:** Preparation in the form of creating a written plan for an individual's release from custody, including that person's goals and the services and programs he or she should access. In some jurisdictions, discharge plans are referred to as case management, transition, reentry, supervision, or aftercare plans.

**Evidence-Based Practices:** The conscientious, explicit, and judicious use of current best evidence in making decisions about the care of individual offenders by integrating individual clinical expertise with the best available external clinical evidence from systematic research (adapted from Sackett et al. 1996).

**Felony:** A crime typically considered serious, such as murder, aggravated assault, rape, battery, arson, and some levels of drug sales. Conviction for a felony generally results in more than one year of incarceration in a state or federal correctional institution.

**Gender-Responsive:** Taking into account that women's pathways to crime and needs are significantly different from those of their male counterparts.

**In-Reach:** The process of community-based agencies working with offenders during their period of incarceration in a jail or prison setting.

**Misdemeanor:** A crime typically considered less serious, such as petty theft, prostitution, simple assault, disorderly conduct, trespassing, vandalism, and minor drug

possession. Conviction for a misdemeanor generally results in less than one year of incarceration or an alternative sanction.

**Reentry:** The process of leaving prison or jail and returning to society. All returning inmates experience reentry, irrespective of their method of release or form of supervision, if any (adapted from Travis, Solomon, and Waul 2001).

**Recidivism:** The rearrest, reconviction, or reincarceration of an individual.

Reincarceration can occur through violation of post-release supervision requirements or committing a new crime.

**Risk and Needs Assessment:** A system of assessing criminogenic risks and needs for the purpose of determining transition needs (Martin and Rosazza 2004).

**Work Release:** Provides incarcerated individuals with the opportunity to work in the community while they are housed in a correctional facility. Work release acts as a transition from incarceration to the community. It is at times ordered by a judge.

**Wrap-Around Services:** Supportive services, such as child care, vocational, educational, and transportation services, that are designed to improve an individual's access to and retention in primary supportive services, such as substance abuse treatment.

Unless otherwise noted, definitions have been adapted from Lindahl and Mukamal (2007) and Reentry Policy Council (2005).

### **Who can I contact for help?**

If you need more information or help, please contact the intake unit of the Disability Rights Network of Pennsylvania (DRN) at 800-692-7443 (voice) or 877-375-7139 (TDD) or [intake@drnpa.org](mailto:intake@drnpa.org) (email). You can also contact the Pennsylvania Prison Society for more information at 1.800.227.2307 or [geninfo@prisonsociety.org](mailto:geninfo@prisonsociety.org).

DRN's mission is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, DRN cannot provide individual services to every person with advocacy and legal issues. DRN prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

**IMPORTANT: This publication is for general information only. This publication is not intended, nor should be construed, to create an attorney-client relationship between the Disability Rights Network of Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.**

**PLEASE NOTE: For information in alternative formats or a language other than English, contact the Disability Rights Network of Pennsylvania at 800-692-7443 ext. 400 (voice) or 877-375-7139 (TDD), or [drnpa-hbg@drnpa.org](mailto:drnpa-hbg@drnpa.org).**

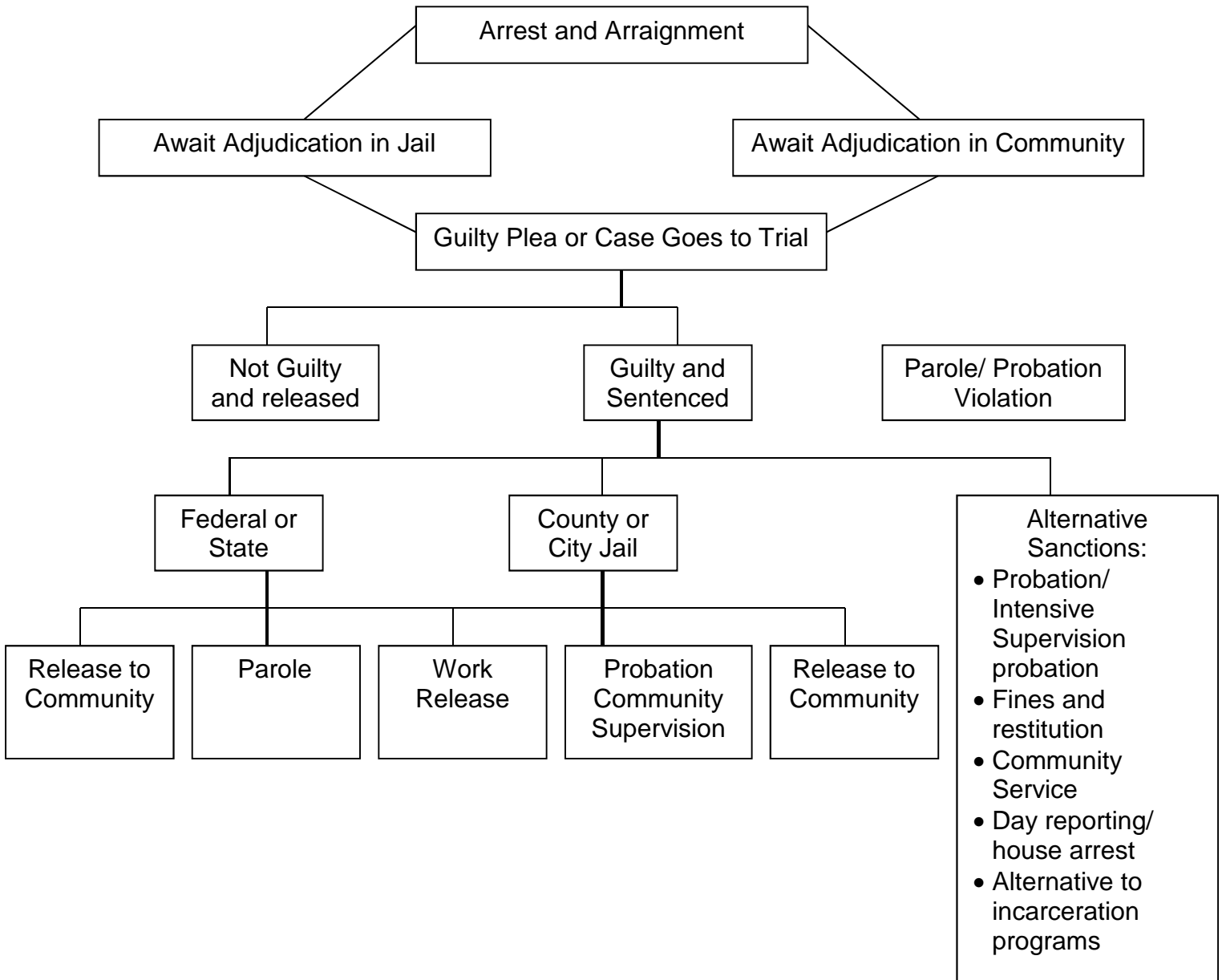
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### Appendix: Flow Chart of the Criminal Justice Process (Description below flow chart)



Description of Flow Chart of the Criminal Justice System: The above image depicts the process involved from the time an individual is arrested by law enforcement. Once a person is arrested and arraigned, he or she awaits adjudication in jail or awaits adjudication in the community. The person then enters a guilty plea or the case goes to trial. The next two steps are as follows:

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