



NOVEMBER 2017

North Carolina Jail Administrators' Association

President's Message

With the successful completion of the 2017 annual conference, it's time to look ahead and begin planning the future of the North Carolina Jail Administrators' Association (NCJAA). Like my predecessors, as President I am committed to continue to move this organization forward with emphasis on professionalism, training, and networking.

Our first board meeting will be at the end of November. This is where we lay the foundation of the upcoming year. At this meeting we examine the surveys you completed at the conference and we discuss your suggestions and comments, making changes to better serve our association. I would ask that if you didn't get to attend the conference and you have suggestions or comments to please send me an email. We will also be appointing chairpersons to the numerous committees that are needed to operate the organization. Some of these committees depend on you, the two that need your help the most are for awards and scholarships. I encourage every one of you to be looking out for emails specifying the requirements to submit Officers and family members for awards and scholarships. I know all of us work with Officers that are very deserving; these awards are a good way to recognize their hard work.

I am writing this message on 10/13/2017 and I would be amiss if I didn't recognize the two Officers that were killed and the ten others that were hospitalized in an attempted prison break at the Correction Enterprises Specialty Sewing Plant, located at Pasquotank Correctional Institute in Elizabeth City. This happened on the 12th and is fresh on my mind; this is one example of the dangers of our profession. Safety and security are the goals of all Detention Centers and we all strive to go home at the end of our shift as good as or better than when we started. We all must be alert to the dangers we face daily, learn from the unfortunate situations that happen in Detention Centers across the country. If you observe unsafe practices or have suggestions to better your facility, go to your supervisor. We tend to dismiss the ideas of new Officers. Let's break that habit; sometimes "new eyes" see things we don't.

I am excited about the future of this organization. Whether it's training or just having someone to call when you have a question, I hope all of you take advantage of all we have to offer. The entire board is available if you need anything. Our contact information is on the website. I look forward to serving as your President, be safe and watch out for each other.

Lt. Donald B. Anthony, President NCJAA

SAVE THE DATE

Jail Symposium

April 25-27, 2018

Embassy Suites, Greensboro

See Page 7 for Justice Academy Courses for Spring 2018

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Evaluating the Sincerity of an Inmate's Religious Beliefs

Inmates do not forfeit the right to practice their religious faith while they are incarcerated. But of course that right is not unlimited. Officers can impose certain restrictions when an inmate's religious practices would conflict with the institution's legitimate interests in safety, security, and good order. There is a lot of case law about those restrictions, both as a constitutional matter under the First Amendment, and under a federal statute, the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), [42 U.S.C. § 2000cc-1\(a\)\(1\)–\(2\)](#)—which is even more protective of inmates' rights than the Constitution.

Two important threshold questions often arise when evaluating a situation involving an inmate's request for a religious accommodation. First, what is a *religion* within the meaning of these laws? And second, how sincere must an inmate be in his or her beliefs for them to justify legal protection? Many officers may have seen situations where an inmate presented what may have been a secular request as a religious one, either to improve the chance that it would be accommodated, or sometimes as an intentional effort to create a headache for officers. But for those requests that are sincere, the jail may have a legal obligation to accommodate it—constitutionally, by federal law, and under North Carolina administrative regulations. (“Modified diets shall be provided when reasonably possible to accommodate the sincerely held religious beliefs of an inmate.” 10A NCAC 14J . 0905.)

The Supreme Court has said that “officials may appropriately question whether a prisoner's religiosity, asserted as the basis for a requested accommodation, is authentic.” *Cutter v. Wilkinson*, 544 U.S. 709, 725 n. 13 (2005). However, looking at court cases decided over the years, it is clear that officers should be very cautious in screening and denying religious requests solely on the basis that the inmate's professed beliefs are not actually part of any organized religion, or that the inmate is not sincere in his or her beliefs.

As a starting point, officers should know that many faith traditions beyond the major world religions are religions within the meaning of the law. In addition to Christianity, Islam, Hinduism, Buddhism, Judaism, and other broadly recognized faiths, courts have deemed many sects within those major religions and other traditions such as Rastafarianism, Satanism, and atheism to be religions. Recognizing the difficulty of passing judgment on what constitutes a bona fide religious faith, courts will sometimes assume for the sake of argument that an inmate's professed faith is a religion—even when the group is connected with acts of violence or a belief in racial superiority. *See In re Long Term Administrative Segregation of Inmates Designated as Five Percenters*, 174 F.3d 464, 468 (4th Cir. 1999) (“[T]he [trial] court assumed—as do we—that the Five Percenters [a group classified as a gang for other purposes] are a religious group entitled to First Amendment protection. We thus avoid the difficult and delicate task of examining the nature and sincerity of the inmates' professed beliefs.”).

Officers should also be cautious about denying a request out of a sense that an inmate is not practicing his or her professed faith *correctly*. A lack of basic knowledge about the history or practices of the faith is a relevant consideration, but an inmate need not abide by the professed faith with saintly devotion throughout his or her incarceration to be entitled to a religious accommodation. For example, an inmate should not be presumed to be insincere and denied access to celebrations of the Islamic holy month based on one break of the Ramadan fast, *Lovelace v. Lee*, 472 F.3d 174 (4th Cir. 2006), or denied accommodations of his Jewish faith because he had been observed eating non-kosher food from the canteen, *Young v. Lane*, 733 F. Supp. 1205 (N.D. Ill. 1990).

Along similar lines, an inmate need not practice his or her purported faith with doctrinal accuracy to justify a request for accommodation. In some facilities, requests for accommodation are reviewed by a chaplain or local faith leader, who will sometimes respond by saying “your faith does not require that practice.” A review by a religious leader or scholar may be helpful in responding to a request, but it generally should not be the sole basis for denying it outright. An inmate who sincerely believes a practice is an important part of his or her *personal* understanding of the faith may be entitled to an accommodation even if that practice is actually out of step with canon law. RLUIPA itself defines religious exercise to include “any exercise of religion, whether or not compelled by or central to, a system of religious belief.” 42 U.S.C. § 2000cc-5(7)(A).

None of this is to say that every inmate request styled as a religious accommodation must be granted. Some requests will be so outrageous or so clearly motivated by secular desires that officers will be right to deny them. And oc-

Religious Beliefs (cont'd)

asionally the facility will have clear proof—through an admission from the inmate himself or herself or some other evidence—that a request was pretextual. In the absence of such proof, officers evaluating a religious request generally will do better to focus less on the inmate's religious sincerity and more on how the request might affect the facility's legitimate interests.

James M. Markham

Associate Professor of Public Law and Government, UNC School of Government

NCJAA Detention Officer of the Year Award



(Pictured Right to Left) Major Robert Slater, Joey Garren, Sheriff Charles McDonald

The winner of this year's NCJAA Detention Officer of the Year Award is Joey Garren. Officer Garren has been with the Henderson County Sheriff's Office Detention Facility since October 2011. Since that time, he has become a Field Training Officer entrusted with training new detention officers to be able to function as a team or individually while performing their duties to the highest agency standards. Officer Garren has often gone above and beyond the call of duty, both in and out of the detention center, and we congratulate him on this much deserved award for his excellent service.

Richard Frye Scholarship

The recipient of the 2017 Sheriff Richard Frye scholarship is Mr. Trevor Williams. He is the son of Captain Jerry Williams, Jail Administrator of Polk Detention Center and Deputy Breena Williams, Arson Investigator. Trevor started his own lawn service at the age of twelve. Since then, he has purchased a vinyl decal cutting machine and expanded into doing custom graphics. Trevor is attending Mars Hill University in the Fall of 2017. His goal is to earn a Bachelor's degree in Criminal Justice and Business. After graduation, he hopes to work for the Secret Service or Homeland Security.

Submitted by Samenthia Jones

SAVE THE DATE

NCJAA 2018 Annual Conference

Embassy Suites, Greensboro NC

September 24-27, 2018

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WHAT'S UP?

Have something interesting going on in your department? New personnel, someone that was promoted, or someone retiring? New equipment at your agency? Someone receive an award? Write it down and send it to us so we can share among other agencies in the state. You may send photos along with your news. It doesn't take long to jot down a few lines. You can mail items, fax them to 919-878-7413 or e-mail them to elaine@execman.net.

SAVE THE DATES!

JAIL SYMPOSIUM

APRIL 25-27, 2018

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**NEXT NEWSLETTER DEADLINE IS
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Chatham County Jail—A ‘Miracle’ of Collaboration

By Stanley Peele

This article originally appeared in The Herald-Sun and is reprinted with permission.

On May 12, 2017, I drove up Renaissance Road in Chatham County to visit the Chatham County Detention Center. I had not seen it before.

Its size stunned me. It is 60,000 square feet and 396 feet long. There are three parts to the building: a central cell block, a general-purpose wing and a kitchen wing.

It was built in 2014, and is a medium-grade lockup. However, the security is as tight as a maximum-security prison. The prisoners are under constant observation. They are accompanied by an officer when they leave the cellblock. The center has a long, straight hallway that runs the entire length of the building. All the cells, all the pods, all the rooms and all the hallways are observed from a central office. Yes, all of them!

The cellblock has high ceilings, crowned by huge skylights. This gives it an open, lighter quality.

Sheriff Mike Roberson said: “This gives the inmates a sense of day or night and vastly improves the morale of the prisoners. We designed the facility with a lot of glass which helps the inmates feel secure and limits hiding spaces.”

Visiting a prisoner

If you want to visit a prisoner, you first go into a small foyer. Behind that is a waiting room. It is spartan. Steel benches are attached to the floor.

Next, you would go into a visiting room containing eight cubicles, each containing a stool which faces a TV screen. You would see an image of the prisoner on the screen and he would see you. You would talk through a phone. There is enough room in each cubicle for three visitors.

Prisoners are brought in through the sally port. It is big enough for two buses! There is a small clean-up and shower area in case the prisoner is dirty.

Next, the prisoner is brought into the pre-booking room. There he is fingerprinted, his picture taken, and his criminal record checked.

Next, he is taken to the magistrate office, a secure room inside the building. The prisoner stands outside the office, speaking through a glass window.

Next, he is taken to the booking room where his papers are checked. Then he is placed in his cell. However, most don't see the cells. Those who will be released soon are kept in the booking room rather than the cellblock. That is one reason that the booking area is large.

Cells and pods

The cells are arranged into six pods: four pods for males, one for females and one for prisoners needing segregation. Each pod contains open common spaces. Each pod has metal furniture attached to the floor. The pods are designed for the prisoner's well-being and for efficiency.

“We take pride in our efforts to help inmates who are having mental or medical issues,” Roberson said. “Many are in need of detox, medications or emotional help. We have access to our own mental health doctor.”

They have a solitary padded cell for mental cases or self-destructive prisoners.

All cells are checked every 15 minutes.

There is a nurse's station which contains a separate, locked room for medications – only the nurse can open that room. There are four interview rooms and one interrogation room, all of which can hold four people.

The most impressive part of the center is the spacious kitchen with gleaming, immaculate stainless steel tables and equipment. It is the pride of the sheriff's department.

There is a training room that will hold 80 students.

An amazing center

The population of Chatham County is about 75,000. It is amazing that a detention center this big could be created. Even after touring the facility for an hour and 15 minutes, I did not see it all.

Chatham County (cont'd)

“Since at least 2004 Chatham County has had the lowest or second to the lowest incarceration rate of all 100 counties,” Roberson said. “We switch that claim back and forth with Orange County. Our community works hard to only hold those who need to be there.”

“Our average length of stay since 2004 has been between 10 to 14 days!” the sheriff continued. “This is all a result of teamwork with our detention staff, DA, magistrates, judges, attorneys, and our relationship with the public defender’s office. We don’t just hold inmates. We believe in protecting their constitutional rights. Most of them are just like you and me.”

“How in the world did you get this done?” I asked.

Roberson’s answer: “First and foremost, it took teamwork! We visited multiple jails. The main thing we learned was what not to do! We took what we thought was the best of every jail we saw. Our facility is actually a service center, not just a jail. We considered the needs of every person that comes to the facility: the inmate, the office, the family, the attorney, the investigator, the magistrate, the delivery person, the marrying couples and more.”

I have never seen a jail that is any cleaner. The staff works very well together and the *esprit de corps* is good.

The Chatham Detention Center is the miracle on Renaissance Drive.

Vigilance During the Holidays

With the holiday season approaching, the Jail Inspections Unit is encouraging Jail Administrators and Detention Officers to be extra vigilant in supervising inmates. The holidays can be a stressful time on inmate populations and detention staff as well. The following tips may help in identifying inmate issues and preventing incidents:

1. Booking/Intake staff should be observant of inmates being admitted.
2. Initial Medical/Mental Health screening should be carefully reviewed in an effort to determine if any conditions exist or there has been a prior history that would warrant a four times per hour direct observation watch.
3. Officers should be sure to make supervision rounds as required by Rule. Making more thorough rounds can assist facilities in identifying inmates that may have issues.
4. Spend additional time in inmate areas listening and observing inmate behavior.
5. If you observe something you think is suspicious, report your observation to the appropriate persons or the chain of command. Err on the side of caution.

If you have any questions, please contact our Section for assistance. The Jail Inspection Unit wishes everyone a safe and happy holiday season.

Submitted by Chris Wood

North Carolina Justice Academy—Classes for Spring 2018

Registration has already started for these classes.

Detention Officer Certification Course

Salemburg—January 29-February 28

First Line Supervision for Detention Supervisors

Salemburg-March 19-23 | Edneyville-April 9-13

Detention Field Training Officer

Edneyville-May 21-25 | Salemburg-June 11-15

Basic Inmate Transport

Salemburg-June 28-29 | Edneyville—TBD, Fall 2018

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