

Large Jail Survey (2) (June 27, 2001)

(check or X all that apply; fill in blanks where applicable)

This survey has five parts. Part I asks a few questions about the survey taker’s jurisdiction, facility (if applicable), and job. The rest is more in-depth: Part II asks about individual inmate lawsuits (cases brought by one or a few inmates or their families, nearly always seeking money damages), Part III about class action lawsuits (cases brought in the name of a large group of inmates, often seeking both money damages and some kind of court-ordered injunctive relief), Part IV about longstanding court orders (both current orders and recently terminated orders), and Part V asks for some overall assessments. Please answer all the questions about your “jurisdiction/facility” consistently, including either the entire jurisdiction (e.g., the County of Los Angeles, or the L.A. Sheriff’s Department) or a particular facility (e.g., the Men’s Central Jail) – and please note in question 3 which of these you are choosing.

I. Background	
1. What is the name of your jurisdiction?	
2. What is the name of your facility (if there is more than one in your jurisdiction)	
<p>Please answer this survey about whichever you have more accurate information about: the entire jurisdiction, or your particular facility.</p> <p>3. Which will your answers refer to, the entire jurisdiction, or a particular facility?</p>	<p>___ (a) the entire jurisdiction ___ (b) my particular facility</p> <p>Note: wherever the rest of this survey asks about your “jurisdiction/facility,” please answer consistently according to your choice here.</p>
4. What state?	
5. How would you characterize the “feeder area” for your jurisdiction/facility?	<p>___ (a) Urban ___ (b) Suburban ___ (c) Rural</p>
6. What is the typical average daily population?	_____ ADP
7. What is rated/design capacity?	_____ capacity
8. What is the annual number of people admitted?	_____ annual admissions ___ DON'T KNOW
9. What is your job title/description?	(this question is directed at the primary survey-taker)
10. How much of your typical working week is spent on matters relating to inmate litigation?	<p>___ (a) All or nearly all ___ (b) At least half ___ (c) Under half, but a significant amount ___ (d) Some ___ (e) Hardly any</p>
11. Which (if any) of the following does your jurisdiction/facility have and use in responding to inmate litigation?	<p>check all that apply:</p> <p>___ (a) County/city counsel ___ (b) Sheriff’s or Superintendent’s counsel, or the equivalent ___ (c) outside counsel ___ (d) compliance officers ___ (e) litigation officers ___ (f) risk management personnel ___ (g) other: _____ ___ DON'T KNOW</p>

II. INDIVIDUAL INMATE LAWSUITS	
<p>12. About how many individual inmate lawsuits (cases filed by one or a small group of inmates, usually seeking monetary compensation for some claimed injury) are filed against your jurisdiction/facility in a year?</p>	<p>___ individual inmate lawsuits/year</p> <p>___ DON'T KNOW</p>
<p>13. Over the past few years, what portion of the individual inmate lawsuits seek some kind of relief instead of or in addition to money damages? (e.g., change in policy, medical treatment, etc.)</p>	<p>Portion of individual inmate lawsuits seeking non-monetary relief:</p> <p>___ (a) none or almost none</p> <p>___ (b) some</p> <p>___ (c) about half</p> <p>___ (d) more than half</p> <p>___ (e) nearly all or all</p> <p>___ DON'T KNOW</p>
<p>14. Over the past few years, what have been the topics of these individual inmate lawsuits? (Check each that applies, or, if you know, estimate number.)</p>	<p>Check each that applies, or, if you know, estimate number per year:</p> <p>___ a) crowding</p> <p>___ b) medical facilities, staff, practices, or procedures</p> <p>___ c) suicide prevention</p> <p>___ d) use of force</p> <p>___ e) administrative segregation</p> <p>___ f) protective custody</p> <p>___ g) disciplinary segregation</p> <p>___ h) disciplinary procedures</p> <p>___ i) inmate-on-inmate violence</p> <p>___ j) other personal injury (e.g., slip & fall, work injury)</p> <p>___ k) loss or damage to property</p> <p>___ l) search policies</p> <p>___ m) security staffing</p> <p>___ n) counseling programs or staffing</p> <p>___ o) food services/nutrition/diet</p> <p>___ p) sanitation/living conditions</p> <p>___ q) recreation</p> <p>___ r) visiting, mail, phone</p> <p>___ s) fire safety</p> <p>___ t) access to lawyers</p> <p>___ u) law library services</p> <p>___ v) other library services</p> <p>___ w) religious programs or policies</p> <p>___ x) gender equity</p> <p>___ y) sexual assault/coercive sex by officer</p> <p>___ z) race discrimination</p> <p>___ aa) "totality of conditions"</p> <p>___ bb) other: _____</p> <p>___ DON'T KNOW</p>
<p>15. Over the past few years, approximately what portion of the individual inmate lawsuits have been filed in state court and in federal court?</p>	<p>___ % are filed in state court</p> <p>___ % are filed in federal court</p> <p>___ DON'T KNOW</p>

<p>16. Over the past three years, have the inmate plaintiffs in any of these individual inmate lawsuits been represented by counsel? Which ones? (Again, check each that applies, or, if you know, estimate the number.)</p>	<p>Estimated percentage of individual inmate lawsuits in which inmates are represented by counsel: _____%</p> <p>Check each that applies, or approx. # per year or %.</p> <p><input type="checkbox"/> a) crowding</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures</p> <p><input type="checkbox"/> c) suicide prevention</p> <p><input type="checkbox"/> d) use of force</p> <p><input type="checkbox"/> e) administrative segregation</p> <p><input type="checkbox"/> f) protective custody</p> <p><input type="checkbox"/> g) disciplinary segregation</p> <p><input type="checkbox"/> h) disciplinary procedures</p> <p><input type="checkbox"/> i) inmate-on-inmate violence</p> <p><input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury)</p> <p><input type="checkbox"/> k) loss or damage to property</p> <p><input type="checkbox"/> l) search policies</p> <p><input type="checkbox"/> m) security staffing</p> <p><input type="checkbox"/> n) counseling programs or staffing</p> <p><input type="checkbox"/> o) food services/nutrition/diet</p> <p><input type="checkbox"/> p) sanitation/living conditions</p> <p><input type="checkbox"/> q) recreation</p> <p><input type="checkbox"/> r) visiting, mail, phone</p> <p><input type="checkbox"/> s) fire safety</p> <p><input type="checkbox"/> t) access to lawyers</p> <p><input type="checkbox"/> u) law library services</p> <p><input type="checkbox"/> v) other library services</p> <p><input type="checkbox"/> w) religious programs or policies</p> <p><input type="checkbox"/> x) gender equity</p> <p><input type="checkbox"/> y) sexual assault/coercive sex by officer</p> <p><input type="checkbox"/> z) race discrimination</p> <p><input type="checkbox"/> aa) "totality of conditions"</p> <p><input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>17. Over the past three years, has your jurisdiction/facility settled any individual inmate lawsuits for more than token damages?</p> <p>Check any that apply:</p>	<p><input type="checkbox"/> NO</p> <p>If any, check each that applies, or, if you know, estimate number per year:</p> <p><input type="checkbox"/> a) crowding</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures</p> <p><input type="checkbox"/> c) suicide prevention</p> <p><input type="checkbox"/> d) use of force</p> <p><input type="checkbox"/> e) administrative segregation</p> <p><input type="checkbox"/> f) protective custody</p> <p><input type="checkbox"/> g) disciplinary segregation</p> <p><input type="checkbox"/> h) disciplinary procedures</p> <p><input type="checkbox"/> i) inmate-on-inmate violence</p> <p><input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury)</p> <p><input type="checkbox"/> k) loss or damage to property</p> <p><input type="checkbox"/> l) search policies</p> <p><input type="checkbox"/> m) security staffing</p> <p><input type="checkbox"/> n) counseling programs or staffing</p> <p><input type="checkbox"/> o) food services/nutrition/diet</p> <p><input type="checkbox"/> p) sanitation/living conditions</p> <p><input type="checkbox"/> q) recreation</p> <p><input type="checkbox"/> r) visiting, mail, phone</p> <p><input type="checkbox"/> s) fire safety</p> <p><input type="checkbox"/> t) access to lawyers</p> <p><input type="checkbox"/> u) law library services</p> <p><input type="checkbox"/> v) other library services</p> <p><input type="checkbox"/> w) religious programs or policies</p> <p><input type="checkbox"/> x) gender equity</p> <p><input type="checkbox"/> y) sexual assault/coercive sex by officer</p> <p><input type="checkbox"/> z) race discrimination</p> <p><input type="checkbox"/> aa) "totality of conditions"</p> <p><input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>

<p>18. Over the past three years, has your jurisdiction/facility lost any trials in any individual inmate lawsuits? Which ones?</p>	<p><input type="checkbox"/> NO</p> <p>Check each that applies, or (if you know) approx. #:</p> <p><input type="checkbox"/> a) crowding</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures</p> <p><input type="checkbox"/> c) suicide prevention</p> <p><input type="checkbox"/> d) use of force</p> <p><input type="checkbox"/> e) administrative segregation</p> <p><input type="checkbox"/> f) protective custody</p> <p><input type="checkbox"/> g) disciplinary segregation</p> <p><input type="checkbox"/> h) disciplinary procedures</p> <p><input type="checkbox"/> i) inmate-on-inmate violence</p> <p><input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury)</p> <p><input type="checkbox"/> k) loss or damage to property</p> <p><input type="checkbox"/> l) search policies</p> <p><input type="checkbox"/> m) security staffing</p> <p><input type="checkbox"/> n) counseling programs or staffing</p> <p><input type="checkbox"/> o) food services/nutrition/diet</p> <p><input type="checkbox"/> p) sanitation/living conditions</p> <p><input type="checkbox"/> q) recreation</p> <p><input type="checkbox"/> r) visiting, mail, phone</p> <p><input type="checkbox"/> s) fire safety</p> <p><input type="checkbox"/> t) access to lawyers</p> <p><input type="checkbox"/> u) law library services</p> <p><input type="checkbox"/> v) other library services</p> <p><input type="checkbox"/> w) religious programs or policies</p> <p><input type="checkbox"/> x) gender equity</p> <p><input type="checkbox"/> y) sexual assault/coercive sex by officer</p> <p><input type="checkbox"/> z) race discrimination</p> <p><input type="checkbox"/> aa) "totality of conditions"</p> <p><input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>19. Approximately how much money has your jurisdiction/facility paid out in settlements or litigated damages (judge or jury verdicts) over the past three years in individual inmate lawsuits?</p>	<p>Settlements and verdicts:</p> <p>_____ Total money paid out in individual lawsuits, including attorneys' fees, if any (write \$0 if none)</p> <p>_____ Attorneys' fees</p> <p>If you know, approx. amount paid out in each category:</p> <p><input type="checkbox"/> a) crowding</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures</p> <p><input type="checkbox"/> c) suicide prevention</p> <p><input type="checkbox"/> d) use of force</p> <p><input type="checkbox"/> e) administrative segregation</p> <p><input type="checkbox"/> f) protective custody</p> <p><input type="checkbox"/> g) disciplinary segregation</p> <p><input type="checkbox"/> h) disciplinary procedures</p> <p><input type="checkbox"/> i) inmate-on-inmate violence</p> <p><input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury)</p> <p><input type="checkbox"/> k) loss or damage to property</p> <p><input type="checkbox"/> l) search policies</p> <p><input type="checkbox"/> m) security staffing</p> <p><input type="checkbox"/> n) counseling programs or staffing</p> <p><input type="checkbox"/> o) food services/nutrition/diet</p> <p><input type="checkbox"/> p) sanitation/living conditions</p> <p><input type="checkbox"/> q) recreation</p> <p><input type="checkbox"/> r) visiting, mail, phone</p> <p><input type="checkbox"/> s) fire safety</p> <p><input type="checkbox"/> t) access to lawyers</p> <p><input type="checkbox"/> u) law library services</p> <p><input type="checkbox"/> v) other library services</p> <p><input type="checkbox"/> w) religious programs or policies</p> <p><input type="checkbox"/> x) gender equity</p> <p><input type="checkbox"/> y) sexual assault/coercive sex by officer</p> <p><input type="checkbox"/> z) race discrimination</p> <p><input type="checkbox"/> aa) "totality of conditions"</p> <p><input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>

<p>20. Currently, how important is your jurisdiction/facility's interest in avoiding/managing inmate individual inmate lawsuits for policy development or other planning?</p>	<p>___ (a) extremely important ___ (b) quite important ___ (c) somewhat important ___ (d) not very important ___ (e) not important at all</p> <p>___ DON'T KNOW</p>
<p>21. Currently, how burdensome are individual inmate lawsuits for your jurisdiction/facility?</p>	<p>___ (a) extremely burdensome ___ (b) quite burdensome ___ (c) somewhat burdensome ___ (d) not very burdensome ___ (e) not burdensome at all</p> <p>___ DON'T KNOW</p>
<p>22. Has your jurisdiction/facility changed any policies/procedures/ practices in recent years, as a result of individual inmate lawsuits?</p>	<p>___ (a) No ___ (b) Yes. ___ DON'T KNOW</p> <p>If yes, please describe:</p> <p>(continue on attached sheet if necessary)</p>
<p>23. What has been the impact of the federal Prison Litigation Reform Act (effective date 1996) and/or its state court counterparts on the individual inmate lawsuits filed against your jurisdiction/facility?</p>	<p>Check all that apply:</p> <p>___ (a) No impact</p> <p>___ (b) Increase in total number of lawsuits ___ (c) Decrease in total number of lawsuits ___ (d) No change in total number of lawsuits</p> <p>___ (e) Increase in number/proportion of frivolous lawsuits ___ (f) Decrease in number/proportion of frivolous lawsuits ___ (g) No change in number/proportion of frivolous lawsuits</p> <p>___ (h) Increase in burden created by lawsuits ___ (i) Decrease in burden created by lawsuits ___ (j) No change in burden created by lawsuits</p> <p>___ (k) Change in type/subject matter of lawsuits Please describe: _____ _____</p> <p>(l) Other effect: _____</p> <p>___ DON'T KNOW</p>

<p>24. Overall, in your opinion, how true are each of the following statements about individual inmate lawsuits:</p> <p>(a) "Individual inmate litigation is a very good thing, overall. Although some of the cases are frivolous, the possibility of being sued encourages us to keep up with best practices."</p> <p>(b) "Individual inmate litigation is sometimes justified – where something went seriously wrong, it's only fair that we be held accountable. But such cases are few and far between. Most of the lawsuits are totally unjustified and a waste of time."</p> <p>(c) "Overall, inmates just shouldn't be allowed to sue, especially for damages. The lawsuits they file aren't just frivolous, they're harassment. People should be able to do the difficult job of running a jail without looking over their shoulders and having to justify their decisions to some judge."</p>	<p>Please answer each: 1= entirely true 5 = entirely false</p> <p>(a) 1 2 3 4 5</p> <p>(b) 1 2 3 4 5</p> <p>(c) 1 2 3 4 5</p>
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III. CLASS ACTION LAWSUITS	
<p>25. Estimate the number of inmate class action lawsuits (cases brought in the name of a large group of inmates, often seeking both money damages and some kind of court-ordered relief), filed against your jurisdiction/facility over the last three years. If none, skip to question 36 (page 11).</p>	<p>___ No class action lawsuits in three years</p> <p>IF NO LAWSUITS, SKIP TO QUESTION 36 (page 11).</p> <p>___ class action lawsuits in three years.</p> <p>___ DON'T KNOW</p>
<p>26. Are the inmate class action lawsuits filed against your jurisdiction/facility typically focused on damages or on court-ordered (or negotiated) injunctive relief?</p>	<p>___ (a) damages</p> <p>___ (b) court ordered or negotiated injunctive relief</p> <p>___ (c) both, or it varies</p> <p>___ DON'T KNOW</p>
<p>27. What have been the topics of these inmate class action lawsuits (check each that applies, or, if you know, estimate number)</p>	<p>Check each that applies, or estimate number:</p> <p>___ a) crowding</p> <p>___ b) medical facilities, staff, practices, or procedures</p> <p>___ c) suicide prevention</p> <p>___ d) use of force</p> <p>___ e) administrative segregation</p> <p>___ f) protective custody</p> <p>___ g) disciplinary segregation</p> <p>___ h) disciplinary procedures</p> <p>___ i) inmate-on-inmate violence</p> <p>___ j) other personal injury (e.g., slip & fall, work injury)</p> <p>___ k) loss or damage to property</p> <p>___ l) search policies</p> <p>___ m) security staffing</p> <p>___ n) counseling programs or staffing</p> <p>___ o) food services/nutrition/diet</p> <p>___ p) sanitation/living conditions</p> <p>___ q) recreation</p> <p>___ r) visiting, mail, phone</p> <p>___ s) fire safety</p> <p>___ t) access to lawyers</p> <p>___ u) law library services</p> <p>___ v) other library services</p> <p>___ w) religious programs or policies</p> <p>___ x) gender equity</p> <p>___ y) sexual assault/coercive sex by officer</p> <p>___ z) race discrimination</p> <p>___ aa) "totality of conditions"</p> <p>___ bb) other: _____</p> <p>___ DON'T KNOW</p>
<p>28. Approximately what portion of the inmate class action lawsuits are filed in state court and in federal court?</p>	<p>___ % are filed in state court</p> <p>___ % are filed in federal court</p> <p>___ DON'T KNOW</p>

<p>29. Over the past three years, have the inmate plaintiffs in any of these class action lawsuits been represented by counsel? (Again, check each that applies, or, if you know, estimate number:)</p>	<p>Estimated percentage of class action lawsuits in which inmates are represented by counsel: _____%</p> <p>Check each that applies, or, if you know, number or %:</p> <p><input type="checkbox"/> a) crowding</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures</p> <p><input type="checkbox"/> c) suicide prevention</p> <p><input type="checkbox"/> d) use of force</p> <p><input type="checkbox"/> e) administrative segregation</p> <p><input type="checkbox"/> f) protective custody</p> <p><input type="checkbox"/> g) disciplinary segregation</p> <p><input type="checkbox"/> h) disciplinary procedures</p> <p><input type="checkbox"/> i) inmate-on-inmate violence</p> <p><input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury)</p> <p><input type="checkbox"/> k) loss or damage to property</p> <p><input type="checkbox"/> l) search policies</p> <p><input type="checkbox"/> m) security staffing</p> <p><input type="checkbox"/> n) counseling programs or staffing</p> <p><input type="checkbox"/> o) food services/nutrition/diet</p> <p><input type="checkbox"/> p) sanitation/living conditions</p> <p><input type="checkbox"/> q) recreation</p> <p><input type="checkbox"/> r) visiting, mail, phone</p> <p><input type="checkbox"/> s) fire safety</p> <p><input type="checkbox"/> t) access to lawyers</p> <p><input type="checkbox"/> u) law library services</p> <p><input type="checkbox"/> v) other library services</p> <p><input type="checkbox"/> w) religious programs or policies</p> <p><input type="checkbox"/> x) gender equity</p> <p><input type="checkbox"/> y) sexual assault/coercive sex by officer</p> <p><input type="checkbox"/> z) race discrimination</p> <p><input type="checkbox"/> aa) "totality of conditions"</p> <p><input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>30. Over the past three years, has your jurisdiction/facility settled any inmate class action lawsuits for injunctive relief (that is, resolved the case by agreement to take specified action to modify jail conditions or practices)?</p> <p>Check any that apply:</p>	<p><input type="checkbox"/> NO</p> <p>If any, check each that applies, or approx. number:</p> <p><input type="checkbox"/> a) crowding</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures</p> <p><input type="checkbox"/> c) suicide prevention</p> <p><input type="checkbox"/> d) use of force</p> <p><input type="checkbox"/> e) administrative segregation</p> <p><input type="checkbox"/> f) protective custody</p> <p><input type="checkbox"/> g) disciplinary segregation</p> <p><input type="checkbox"/> h) disciplinary procedures</p> <p><input type="checkbox"/> i) inmate-on-inmate violence</p> <p><input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury)</p> <p><input type="checkbox"/> k) loss or damage to property</p> <p><input type="checkbox"/> l) search policies</p> <p><input type="checkbox"/> m) security staffing</p> <p><input type="checkbox"/> n) counseling programs or staffing</p> <p><input type="checkbox"/> o) food services/nutrition/diet</p> <p><input type="checkbox"/> p) sanitation/living conditions</p> <p><input type="checkbox"/> q) recreation</p> <p><input type="checkbox"/> r) visiting, mail, phone</p> <p><input type="checkbox"/> s) fire safety</p> <p><input type="checkbox"/> t) access to lawyers</p> <p><input type="checkbox"/> u) law library services</p> <p><input type="checkbox"/> v) other library services</p> <p><input type="checkbox"/> w) religious programs or policies</p> <p><input type="checkbox"/> x) gender equity</p> <p><input type="checkbox"/> y) sexual assault/coercive sex by officer</p> <p><input type="checkbox"/> z) race discrimination</p> <p><input type="checkbox"/> aa) "totality of conditions"</p> <p><input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>

<p>31. Over the past three years, has your jurisdiction/facility settled any inmate class action lawsuit for more than token money damages?</p> <p>Check any that apply:</p>	<p><input type="checkbox"/> NO</p> <p>check each that applies or approx. number:</p> <p><input type="checkbox"/> a) crowding</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures</p> <p><input type="checkbox"/> c) suicide prevention</p> <p><input type="checkbox"/> d) use of force</p> <p><input type="checkbox"/> e) administrative segregation</p> <p><input type="checkbox"/> f) protective custody</p> <p><input type="checkbox"/> g) disciplinary segregation</p> <p><input type="checkbox"/> h) disciplinary procedures</p> <p><input type="checkbox"/> i) inmate-on-inmate violence</p> <p><input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury)</p> <p><input type="checkbox"/> k) loss or damage to property</p> <p><input type="checkbox"/> l) search policies</p> <p><input type="checkbox"/> m) security staffing</p> <p><input type="checkbox"/> n) counseling programs or staffing</p> <p><input type="checkbox"/> o) food services/nutrition/diet</p> <p><input type="checkbox"/> p) sanitation/living conditions</p> <p><input type="checkbox"/> q) recreation</p> <p><input type="checkbox"/> r) visiting, mail, phone</p> <p><input type="checkbox"/> s) fire safety</p> <p><input type="checkbox"/> t) access to lawyers</p> <p><input type="checkbox"/> u) law library services</p> <p><input type="checkbox"/> v) other library services</p> <p><input type="checkbox"/> w) religious programs or policies</p> <p><input type="checkbox"/> x) gender equity</p> <p><input type="checkbox"/> y) sexual assault/coercive sex by officer</p> <p><input type="checkbox"/> z) race discrimination</p> <p><input type="checkbox"/> aa) "totality of conditions"</p> <p><input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>32. Over the past three years, has your jurisdiction/facility lost any trials in any inmate class action lawsuits?</p>	<p><input type="checkbox"/> NO</p> <p>check each that applies or approx. number:</p> <p><input type="checkbox"/> a) crowding</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures</p> <p><input type="checkbox"/> c) suicide prevention</p> <p><input type="checkbox"/> d) use of force</p> <p><input type="checkbox"/> e) administrative segregation</p> <p><input type="checkbox"/> f) protective custody</p> <p><input type="checkbox"/> g) disciplinary segregation</p> <p><input type="checkbox"/> h) disciplinary procedures</p> <p><input type="checkbox"/> i) inmate-on-inmate violence</p> <p><input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury)</p> <p><input type="checkbox"/> k) loss or damage to property</p> <p><input type="checkbox"/> l) search policies</p> <p><input type="checkbox"/> m) security staffing</p> <p><input type="checkbox"/> n) counseling programs or staffing</p> <p><input type="checkbox"/> o) food services/nutrition/diet</p> <p><input type="checkbox"/> p) sanitation/living conditions</p> <p><input type="checkbox"/> q) recreation</p> <p><input type="checkbox"/> r) visiting, mail, phone</p> <p><input type="checkbox"/> s) fire safety</p> <p><input type="checkbox"/> t) access to lawyers</p> <p><input type="checkbox"/> u) law library services</p> <p><input type="checkbox"/> v) other library services</p> <p><input type="checkbox"/> w) religious programs or policies</p> <p><input type="checkbox"/> x) gender equity</p> <p><input type="checkbox"/> y) sexual assault/coercive sex by officer</p> <p><input type="checkbox"/> z) race discrimination</p> <p><input type="checkbox"/> aa) "totality of conditions"</p> <p><input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>

<p>36. Currently, how important is your jurisdiction/facility's interest in avoiding/managing inmate class action litigation for policy development or other planning?</p>	<p>___ (a) extremely important ___ (b) quite important ___ (c) somewhat important ___ (d) not very important ___ (e) not important at all ___ DON'T KNOW</p>
<p>37. What has been the impact of the federal Prison Litigation Reform Act and/or its state court counterparts on the inmate class action lawsuits filed against your jurisdiction/facility?</p>	<p>Check all that apply:</p> <p>___ (a) No impact (skip to question 38)</p> <hr/> <p>___ (b) Increase in total number of lawsuits ___ (c) Decrease in total number of lawsuits ___ (d) No change in total number of lawsuits</p> <hr/> <p>___ (e) Increase in number/proportion of frivolous lawsuits ___ (f) Decrease in number/proportion of frivolous lawsuits ___ (g) No change in number/proportion of frivolous lawsuits</p> <hr/> <p>___ (h) Increase in burden created by lawsuits ___ (i) Decrease in burden created by lawsuits ___ (j) No change in burden created by lawsuits</p> <hr/> <p>___ (k) Change in type/subject matter of lawsuits Please describe: _____ _____</p> <hr/> <p>(l) Other effect: _____</p> <hr/> <p>___ DON'T KNOW</p>

IV. Longstanding Court Orders and the Prison Litigation Reform Act	
<p>38. Does your jurisdiction/facility currently have any court orders (including consent decrees or other settlement agreements) governing any aspect of operations?</p> <p>IF NO, SKIP TO QUESTION 49 (page 15)</p> <p>Check any that apply:</p>	<p><input type="checkbox"/> No current court orders (SKIP TO QUESTION 49, page 15)</p> <p><input type="checkbox"/> Court order(s) relating to (check each that applies):</p> <p><input type="checkbox"/> a) crowding</p> <p style="padding-left: 40px;">Specify:</p> <p style="padding-left: 80px;"><input type="checkbox"/> Population cap or other release order</p> <p style="padding-left: 80px;"><input type="checkbox"/> No population cap or release order</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures</p> <p><input type="checkbox"/> c) suicide prevention</p> <p><input type="checkbox"/> d) use of force</p> <p><input type="checkbox"/> e) administrative segregation</p> <p><input type="checkbox"/> f) protective custody</p> <p><input type="checkbox"/> g) disciplinary segregation</p> <p><input type="checkbox"/> h) disciplinary procedures</p> <p><input type="checkbox"/> i) inmate-on-inmate violence</p> <p><input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury)</p> <p><input type="checkbox"/> k) loss or damage to property</p> <p><input type="checkbox"/> l) search policies</p> <p><input type="checkbox"/> m) security staffing</p> <p><input type="checkbox"/> n) counseling programs or staffing</p> <p><input type="checkbox"/> o) food services/nutrition/diet</p> <p><input type="checkbox"/> p) sanitation/living conditions</p> <p><input type="checkbox"/> q) recreation</p> <p><input type="checkbox"/> r) visiting, mail, phone</p> <p><input type="checkbox"/> s) fire safety</p> <p><input type="checkbox"/> t) access to lawyers</p> <p><input type="checkbox"/> u) law library services</p> <p><input type="checkbox"/> v) other library services</p> <p><input type="checkbox"/> w) religious programs or policies</p> <p><input type="checkbox"/> x) gender equity</p> <p><input type="checkbox"/> y) sexual assault/coercive sex by officer</p> <p><input type="checkbox"/> z) race discrimination</p> <p><input type="checkbox"/> aa) "totality of conditions"</p> <p><input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>39. How many court orders?</p>	<p><input type="text"/> court orders</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>40. Who asked the court to enter the orders?</p>	<p>Check all that apply:</p> <p><input type="checkbox"/> a) inmate law suit</p> <p><input type="checkbox"/> b) jail/county officials</p> <p><input type="checkbox"/> c) other local officials (e.g. health or fire safety officials)</p> <p><input type="checkbox"/> d) state prison officials</p> <p><input type="checkbox"/> e) federal government (Justice Department, or other)</p> <p><input type="checkbox"/> f) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>41. Are the orders in federal or state/local court?</p>	<p>Check all that apply:</p> <p><input type="checkbox"/> a) federal</p> <p><input type="checkbox"/> b) state or local</p> <p><input type="checkbox"/> DON'T KNOW</p>

<p>42. Were the orders entered pursuant to state law, local law, or federal law (including the federal Constitution)?</p>	<p>Check all that apply: <input type="checkbox"/> a) local <input type="checkbox"/> b) state <input type="checkbox"/> c) federal <input type="checkbox"/> DON'T KNOW</p>
<p>43. What was the origin of the orders (were they, for example, consent decrees or settlement agreements, or written by the court itself)?</p>	<p>Check all that apply: <input type="checkbox"/> a) consent decree or otherwise entered on consent of the parties <input type="checkbox"/> b) litigated and entered by the court without consent of the jail/county <input type="checkbox"/> c) based on proposal of inmates' counsel <input type="checkbox"/> d) based on proposal of jail/county officials <input type="checkbox"/> e) based on joint proposal <input type="checkbox"/> f) entered without trial <input type="checkbox"/> g) entered after partial trial <input type="checkbox"/> h) entered after complete trial (but before verdict/judgment) <input type="checkbox"/> i) entered after judicial verdict/judgment <input type="checkbox"/> DON'T KNOW</p>
<p>44. Has your jurisdiction/facility recently sought termination of the orders, under the Prison Litigation Reform Act?</p>	<p><input type="checkbox"/> (a) yes: termination sought, and case is pending <input type="checkbox"/> (b) yes: termination sought but rejected by court <input type="checkbox"/> (c) no If no, why not? _____ _____ <input type="checkbox"/> DON'T KNOW</p>
<p>45. Is your jurisdiction/facility currently in full compliance with any applicable orders? (Or, if an order has recently terminated, was your facility in compliance prior to termination?)</p>	<p><input type="checkbox"/> a) yes – and the court has said so <input type="checkbox"/> b) yes – though the court has not acknowledged this <input type="checkbox"/> c) yes – though the court found non-compliance <input type="checkbox"/> d) no <input type="checkbox"/> DON'T KNOW</p>
<p>46. As a result of the orders, has your jurisdiction/facility:</p>	
<p>(a) hired additional personnel? (if so, what kind)</p>	<p><input type="checkbox"/> a) no <input type="checkbox"/> b) yes: <input type="checkbox"/> (i) correctional, <input type="checkbox"/> (ii) medical, <input type="checkbox"/> (iii) counseling, <input type="checkbox"/> (iv) other _____ <input type="checkbox"/> DON'T KNOW</p>
<p>(b) built new housing areas?</p>	<p><input type="checkbox"/> a) no <input type="checkbox"/> b) yes: _____ # of additional beds, _____ # of replacement beds</p>

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<p>(c) reduced population? How?</p>	<p>___ a) no</p> <p>___ b) yes (check all that apply):</p> <p>___ (i) refusing some new entries</p> <p>___ (ii) releasing inmates from confinement</p> <p>___ (iii) releasing inmates to other facility</p> <p>___ (iv) changed bail criteria/ procedures</p> <p>___ (v) other: _____</p> <p>___ DON'T KNOW</p>
<p>(d) altered programming?</p>	<p>___ a) no</p> <p>___ b) yes: how? _____</p> <p>___ DON'T KNOW</p>
<p>(e) changed some other aspect of operations/policy</p>	<p>___ a) no</p> <p>___ b) yes: how? (describe below):</p> <p>___ DON'T KNOW</p>
<p>47. In each of the specified areas, rate the impact of any court order governing conditions from 1 (most negative) to 5 (most positive)</p>	<p>a) inmate behavior (-- 1 2 3 4 5 ++ No impact</p> <p>b) inmate health (-- 1 2 3 4 5 ++ No impact</p> <p>c) physical plant (-- 1 2 3 4 5 ++ No impact</p> <p>d) staff morale (-- 1 2 3 4 5 ++ No impact</p> <p>e) overall functioning of facility (-- 1 2 3 4 5 ++ No impact</p> <p>f) other: (identify) _____ (-- 1 2 3 4 5 ++ No impact</p> <p>g) other: (identify) _____ (-- 1 2 3 4 5 ++ No impact</p> <p>___ DON'T KNOW</p>
<p>48. How expensive has compliance been?</p>	<p>___ a) not very expensive</p> <p>___ b) somewhat expensive</p> <p>___ c) very expensive</p> <p>Please estimate amount of money spent on compliance if possible: _____</p> <p>___ DON'T KNOW</p>

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<p>49. Has your jurisdiction/facility had any court orders governing any aspect of operations lifted over the past five years (i.e., since 1996)?</p> <p>If no, skip to question 60 (page 18)</p> <p>Check any that apply:</p>	<p><input type="checkbox"/> No recently ended court order(s): (SKIP TO QUESTION 60, page 18)</p> <p><input type="checkbox"/> Court order(s) were lifted that related to (check each that applies):</p> <p><input type="checkbox"/> a) crowding Specify: <input type="checkbox"/> Population cap <input type="checkbox"/> No population cap</p> <p><input type="checkbox"/> b) medical facilities, staff, practices, or procedures <input type="checkbox"/> c) suicide prevention <input type="checkbox"/> d) use of force <input type="checkbox"/> e) administrative segregation <input type="checkbox"/> f) protective custody <input type="checkbox"/> g) disciplinary segregation <input type="checkbox"/> h) disciplinary procedures <input type="checkbox"/> i) inmate-on-inmate violence <input type="checkbox"/> j) other personal injury (e.g., slip & fall, work injury) <input type="checkbox"/> k) loss or damage to property <input type="checkbox"/> l) search policies <input type="checkbox"/> m) security staffing <input type="checkbox"/> n) counseling programs or staffing <input type="checkbox"/> o) food services/nutrition/diet <input type="checkbox"/> p) sanitation/living conditions <input type="checkbox"/> q) recreation <input type="checkbox"/> r) visiting, mail, phone <input type="checkbox"/> s) fire safety <input type="checkbox"/> t) access to lawyers <input type="checkbox"/> u) law library services <input type="checkbox"/> v) other library services <input type="checkbox"/> w) religious programs or policies <input type="checkbox"/> x) gender equity <input type="checkbox"/> y) sexual assault/coercive sex by officer <input type="checkbox"/> z) race discrimination <input type="checkbox"/> aa) "totality of conditions" <input type="checkbox"/> bb) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>50. How many court orders lifted in the past five years?</p>	<p>_____ court orders lifted since 1996</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>51. Who asked the court to lift the order(s)?</p>	<p>Check all that apply:</p> <p><input type="checkbox"/> a) jail/county officials <input type="checkbox"/> b) other local officials <input type="checkbox"/> c) state prison officials <input type="checkbox"/> d) other: _____</p> <p><input type="checkbox"/> DON'T KNOW</p>
<p>52. Were the orders in federal or state/local court?</p>	<p>Check all that apply:</p> <p><input type="checkbox"/> a) federal <input type="checkbox"/> b) state or local</p> <p><input type="checkbox"/> DON'T KNOW</p>

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<p>53. Were the orders entered pursuant to state law, local law, or federal law (including the federal Constitution)?</p>	<p>Check all that apply: <input type="checkbox"/> a) local <input type="checkbox"/> b) state <input type="checkbox"/> c) federal <input type="checkbox"/> DON'T KNOW</p>
<p>54. What was the origin of the orders (were they, for example, a consent decree or settlement agreement, or written by the court itself).</p>	<p>Check all that apply: <input type="checkbox"/> a) consent decree or otherwise entered on consent of the parties <input type="checkbox"/> b) litigated and entered by the court without consent of the parties <input type="checkbox"/> c) based on proposal of inmates' counsel <input type="checkbox"/> d) based on proposal of jail/county officials <input type="checkbox"/> e) based on joint proposal <input type="checkbox"/> f) entered without trial <input type="checkbox"/> g) entered after partial trial <input type="checkbox"/> h) entered after complete trial (but before verdict/judgment <input type="checkbox"/> i) entered after judicial verdict/judgment <input type="checkbox"/> DON'T KNOW</p>
<p>55. Why did the court orders get lifted?</p>	<p><input type="checkbox"/> a) Termination sought and granted under the Prison Litigation Reform Act <input type="checkbox"/> b) Order expired <input type="checkbox"/> c) Facility closed <input type="checkbox"/> d) Other: _____ <input type="checkbox"/> DON'T KNOW</p>
<p>56. Was your jurisdiction/facility in full compliance with the orders prior to termination)</p>	<p><input type="checkbox"/> a) yes – and the court has said so <input type="checkbox"/> b) yes – though the court has not acknowledged this <input type="checkbox"/> c) yes – though the court found non-compliance <input type="checkbox"/> d) no <input type="checkbox"/> DON'T KNOW</p>
<p>57. As a result of the orders, did your jurisdiction/facility:</p>	
<p>(a) hire additional personnel? (if so, what kind)</p>	<p><input type="checkbox"/> a) no <input type="checkbox"/> b) yes: <input type="checkbox"/> (i) correctional, <input type="checkbox"/> (ii) medical, <input type="checkbox"/> (iii) counseling, <input type="checkbox"/> (iv) other _____ <input type="checkbox"/> DON'T KNOW</p>
<p>(b) build new housing areas?</p>	<p><input type="checkbox"/> a) no <input type="checkbox"/> b) yes: _____ # of additional beds, _____ # of replacement beds <input type="checkbox"/> DON'T KNOW</p>

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<p>(c) reduce population? How?</p>	<p>___ a) no</p> <p>___ b) yes (check all that apply):</p> <p>___ (i) refusing some new entries</p> <p>___ (ii) releasing inmates from confinement</p> <p>___ (iii) releasing inmates to other facility</p> <p>___ (iv) changed bail criteria/ procedures</p> <p>___ (v) other: _____</p> <p>___ DON'T KNOW</p>
<p>(d) alter programming?</p>	<p>___ a) no</p> <p>___ b) yes: how? _____</p> <p>_____</p> <p>___ DON'T KNOW</p>
<p>(e) changed some other aspect of operations/policy</p>	<p>___ a) no</p> <p>___ b) yes: how? (describe):</p> <p>_____</p> <p>___ DON'T KNOW</p>
<p>58. In each of the specified areas, rate the impact of the order(s) from 1 (most negative) to 5 (most positive)</p>	<p>a) inmate behavior (--) 1 2 3 4 5 (++) No impact</p> <p>b) inmate health (--) 1 2 3 4 5 (++) No impact</p> <p>c) physical plant (--) 1 2 3 4 5 (++) No impact</p> <p>d) staff morale (--) 1 2 3 4 5 (++) No impact</p> <p>e) overall functioning of facility (--) 1 2 3 4 5 (++) No impact</p> <p>f) other: (identify) _____ (--) 1 2 3 4 5 (++) No impact</p> <p>g) other: (identify) _____ (--) 1 2 3 4 5 (++) No impact</p> <p>___ DON'T KNOW</p>

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<p>59. How expensive was compliance?</p>	<p>___ a) not very expensive ___ b) somewhat expensive ___ c) very expensive</p> <p>Please estimate amount of money spent on compliance if possible: _____</p> <p>___ DON'T KNOW</p>
<p>60. Overall, in your opinion, how true are each of the following statements?</p> <p>(a) "For us, court orders have been a very good thing, overall. Although not every piece of the orders has been what we would choose, the orders have given us some of the tools we've needed to run our facility."</p> <p>(b) "Court orders are sometimes justified – where some major part of jail operations is out of control, it makes sense that a court would intervene. But such cases are few and far between. Most of the orders are totally unjustified and just waste time and money."</p> <p>(c) "Overall, courts shouldn't enforce inmates' 'rights' by injunctive orders. Court orders are just about substituting what a judge or an inmates' attorney wants for the more expert – and more accountable – judgment of the duly elected officials in my jurisdiction."</p>	<p>Please answer each one: 1= entirely true 5 = entirely false</p> <p>(a) 1 2 3 4 5</p> <p>(b) 1 2 3 4 5</p> <p>(c) 1 2 3 4 5</p>
<p>V. OVERALL ASSESSMENT</p>	
<p>61. Who is most concerned about litigation in your jurisdiction/facility?</p>	<p>___ a) Line officers ___ b) Supervisors ___ c) Administrators/policymakers</p> <p>___ DON'T KNOW</p>
<p>62. The kind of litigation that we are the most concerned about is:</p>	<p>___ a) actions seeking damages ___ b) actions seeking court orders/changes in policy ___ c) both equally ___ d) other: _____</p> <p>___ DON'T KNOW</p>
<p>COMMENTS: (feel free to continue on an attached sheet)</p>	

