



# A WORKBOOK

# DEVELOPING A JAIL INDUSTRY

monograph

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**NCJ 182506**

This document was prepared by Community Resource Services, under grant number 96-DD-BX-0045, awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.



# Developing a Jail Industry

## A Workbook

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with George Sexton and Vic Jacobsen

# Preface

In 1987, the National Institute of Justice became actively involved with the jail industries initiative to identify the range of practices in U.S. jails, learn about successful programs and strategies, promote interest in the concept, and provide new resources to help counties develop—or expand—industry efforts. In 1992, the Bureau of Justice Assistance (BJA) began funding continuation efforts, including the BJA Jail Work and Industry Center, which serves as a national clearinghouse for information and assistance. This document has been developed and revised with the support of both agencies.

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# Introduction to Jail Industries

## Work Is the Common Denominator for “Jail Industries”

The National Institute of Justice (NIJ), the Bureau of Justice Assistance (BJA), and many professional organizations have adopted a broad view of “jail industries.” For this workbook, a jail industry is defined as an industry that uses inmate *labor* to *create* a product or provide a service that has *value* for a public or private client and that *compensates* inmates with pay, privileges, or other benefits.

Using this definition, almost every jail operates at least one industry. When a trusty cuts the grass in front of the jail and is rewarded with privileges, the elements of a jail industry are present. At the other end of the industry continuum, inmates work for private-sector firms—producing items for sale throughout the United States and earning real wages (up to \$10 per hour). Between these endpoints, there are many different approaches, programs, and opportunities.

The American Jail Association (AJA) has acknowledged the importance of jail industries in many ways, including publishing articles in *American Jails* magazine and hosting industry workshops at most annual training conferences. AJA has accepted the Jail Industries Association (JIA) as its first organizational affiliate, underscoring its commitment to jail work programs.

The National Association of Counties (NACo) has adopted the private-sector perspective on jail inmate-made goods sold through interstate commerce that underscores the need to pay inmates real wages (as interpreted by NACo to be the prevailing wage of the local community) and ensure that “real work” is accomplished.<sup>1</sup> The NACo policy suggests that salaries from such ventures can help defray the costs of incarceration, help offenders support their families, be subject to taxes, and be used to pay restitution. Recently, the National Sheriffs’ Association (NSA) adopted a similar policy.

## Benefits Are Many and Varied

Many counties have realized enormous benefits from their jail industry programs. These include:

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1. NACo Policy J. Private Industry in County Correctional Programs. Counties are encouraged, where economically feasible, to jointly develop with private industry and organized labor productive work experiences for inmates that teach marketable skills and good work habits and provide real wages. Inmates should be judged on their productivity. Congress should, with the support of organized labor, remove restrictions prohibiting inmate-made goods from being sold through interstate commerce.

- Becoming self-sufficient (and sometimes profitable).
- Providing inmates with meaningful work experience and income.
- Reducing inmate idleness.
- Reducing inmate tension and misconduct.
- Improving skills for postrelease employment.
- Providing positive publicity.
- Relieving crowding.
- Providing an inmate management tool that promotes better inmate behavior.
- Increasing inmate incentives.
- Contributing to the community.

Counties that operate jail industries agree that the programs offer one of the few win-win opportunities in corrections. Everyone benefits from a successful industry program—the jail, taxpayers, communities, families, and inmates (exhibit 1–1).

The public benefits both financially (the program provides services or products at low or no cost, and there is less vandalism and property damage in the jail) and socially (the program increases the likelihood of inmate success upon release and reduces overcrowding).

Jail administrators and staff benefit from an improved jail environment (less tension, damage, and crowding) and are provided with a

**Exhibit 1–1 Jail Industry Benefits and Beneficiaries**

Industry Benefit	Beneficiary		
	Public	Jail	Inmate
1. Self-sufficient or low-cost program	X	X	
2. Inmate work experience and income	X		X
3. Reduced inmate idleness		X	X
4. Reduced inmate tension and misconduct	X	X	X
5. Inmate incentives for good behavior	X	X	
6. Improved skills for postrelease employment	X	X	X
7. Positive publicity		X	X
8. Community contributions	X	X	X
9. Less overcrowding	X	X	X

management tool both to encourage positive inmate behavior and to form a more visible and positive public image.

Inmates clearly benefit from increased work activities, experience, and, sometimes, earnings. Further, as tension, destruction, and crowding in the jail are reduced, inmates enjoy a better living environment. For some inmates, their experience in the industries program breaks a lifetime pattern of failure by helping them secure and maintain meaningful postrelease employment.

## **Overcoming Obstacles—You Can Operate a Jail Industry**

Experience shows that jail industries can be operated under almost any condition. Exhibit 1–2 lists examples of programs that have overcome some of the most common obstacles in establishing jail industries.

## **Research Demonstrates Diversity and Flexibility**

In 1988, Abt Associates Inc. (managers of the NIJ project team) conducted extensive telephone surveys with 18 cities and counties that operate jail industries and work programs. In February 1988, the National Institute of Corrections (NIC) hosted a weeklong workshop in Boulder, Colorado, for representatives of 16 programs. Through active participation, information and insight concerning all facets of jail industries were shared. Participants became key members of the project team by contributing their experiences to newly drafted resource materials.

In 1993, NIJ commissioned a national survey of jail work and industries programs. The results, described in *Work in America's Jails* (Miller, 1997), suggest that jail inmates currently contribute as many labor hours as paid jail staff (exhibit 1–3). The survey discovered many creative forms of “other” compensation (exhibit 1–4).

The 1995 BJA Jail Work and Industry Symposium held in Houston, Texas, provided the opportunity for officials from 19 diverse cities and counties to examine critical issues associated with their programs. A pre-symposium questionnaire revealed many interesting comparisons among the programs. Exhibit 1–5 lists the practices of programs that participated in the BJA symposium, and exhibit 1–6 lists some characteristics of jail industries in the jurisdictions that participated in the symposium.

One of the most interesting and difficult tasks at NIC’s 1988 Boulder workshop was to define jail industries. Four key questions about their operations emerged during discussions:

**Exhibit 1–2 Obstacles to Jail Industry Programs and Approaches to Overcoming Them**

<b>Obstacle</b>	<b>Approach</b>
Not enough space in jail	Strafford County, New Hampshire, started its pioneering private-sector electronics program in little more than a closet. Hampden County, Massachusetts, found space outside the jail. Arlington County, Virginia, uses dayroom space. Many types of industries can operate in space currently available—some can use inmate day spaces.
Not enough funds for an industry	Belknap County, New Hampshire, created its private-sector program with no additional funds or staff. Arlington County, Virginia, uses existing county employees from other departments to expand the program’s workforce.
Not large enough for an industry	New Hampshire’s Strafford County (100 beds) and Belknap County (50 beds) are highly successful industry programs in small jails. An even smaller jail in Minnesota produces wood products.
Not allowed to operate an industry	Restrictions on the use of inmate labor vary by state, but meaningful opportunities exist in every state. For example, Pennsylvania law restricts the public-sector market for jail products, so the Philadelphia program successfully creates and sells its products within those parameters.
No support from local businesses or labor unions	Business and labor have become some of the strongest supporters of jail industry programs, after having a chance to help develop and shape them. Consult with them at the outset, but be ready to accept some of their conditions. In Iowa, labor unions have become one of the strongest supporters.
Security risk too great	Products and services are carefully selected to complement security concerns. Montgomery County, Maryland, routinely consults with security staff when any new work project is being considered.
Not enough long-term, sentenced inmates	Successful jail industries shape their programs to the unique characteristics of the inmate workforce. In Strafford County, New Hampshire, some industries use pretrial inmates, classified as medium-security risks, who spend as little as 3 weeks in confinement.

**Exhibit 1-3 Percentage of Inmates Working by Size of Jail**

Capacity of Jail	Percentage of Inmates Who Work 6 or More Hours per Day
1-49 beds	11.6
50-249 beds	22.0
250 or more beds	23.4
All jails	18.2

- Are inmate workers paid?** At what rate are they paid?
- Where is the work accomplished?** Is work performed within the jail’s security perimeter, in nonsecured areas, or in the community?
- Is the customer base from the public or private sector?**
- Is the offering a product or service?** Does inmate labor produce a product or a service?

The 1993 NIJ survey revealed many insights into the nature of the nation’s jail industry programs. For example, respondents reported several methods of compensation for inmate workers (exhibit 1-7).

The NIJ survey discovered that almost all jails have inmates working inside the jail. Ninety-three percent of respondents reported that inmates work inside the jail, 73 percent reported that inmates work adjacent to the jail (at the same site), and 63 percent reported that inmates work away from the jail.

## Private-Sector Opportunities

In 1979, Congress amended the laws restricting sale of inmate-made goods through interstate commerce; seven states were exempted from the prohibitions. The 1984 Justice Assistance Act expanded the private-sector initiatives authorized in 1979. Under this act, up to 20 correctional agencies can be certified for exemption from interstate commerce bans. Certification is coordinated by BJA, through a grant to the Correctional Industries Association (CIA).

The 1984 law provided the first clear opportunities for local governments to apply for certification, although the first such unit was not certified until 1987 (Dover, Strafford County, New Hampshire). Of the 50 certificates now available under federal law, several have been awarded to counties, including Strafford County in 1987 and Belknap County in 1988 (both in New Hampshire), Red River County, Texas, the Washington State Jail Industries Board, and Utah County, Utah.

**Exhibit 1-4 Creative Forms of Compensation Offered by Jail Industry Programs**

<b>Percentage</b>	<b>Type of Compensation (Number of responses, if more than one, in parentheses)</b>
11.8	<b>Food:</b> Barbecue (2), extra beverages (6), extra food (26), three meals per day (2), kitchen access, ice, microwave (2), eat in dining hall instead of cell or dayroom.
9.8	<b>Visits:</b> Contact visits (16), extra visits (14).
8.1	<b>Extra privileges:</b> Extra library time, extra recreation (9), better recreation equipment, later lockdown (3), no lockdown (5), weight machines in dayroom.
7.6	<b>Better conditions of confinement:</b> Housing (3), furniture, special housing/dorms/better cells (10).
5.1	<b>Fees/fines/costs:</b> Do not pay room/board, free dental, free medical, inmate program to pay existing fines (inmates volunteer), no housing charge (2), work off fines/costs (12).
5.1	<b>Commissary:</b> Discounts (3), extra commissary items (6), free cigarettes/coffee, free store call, vending machines.
4.8	<b>Release:</b> Early release (2), furloughs (5), good time (8).
4.2	<b>Classification/status:</b> Minimum-security classification (4), trusty status (4), work release (7).
3.7	<b>Smoking privileges.</b>
3.7	<b>Television/entertainment:</b> Better cable TV, headset radios, movies, TV/extra TV (9), videocassette recorder.
3.1	<b>Movement:</b> Allowed outside (3), freedom to move about facility, limited outside movement, mobility, out-of-cell time (5).
2.5	<b>Phone.</b>
2.2	<b>Community service time.</b>

In February 1989, the American Correctional Association facilitated a meeting of key officials from the local, state, and federal levels, including BJA personnel, that led to the development of new approaches for organizing and operating jail industries. As a result, pilot legislation was passed in Maine, and expanded legislation was adopted in the state of Washington that linked counties starting jail industries and opening private-sector markets. New BJA regulations allow that a certificate held by any governmental unit within a state be shared with other units.

For the latest information about private-sector certification, contact the Bureau of Justice Assistance at 810 Seventh Street NW., Washington, DC 20531.

**Exhibit 1-5 Description of Inmate Work Compensation**

State	County/City/ Organization	Paid	Amount(s)	Time Off	Privileges (list)	Other
CA	Santa Barbara	No		x		
	Santa Clara	No		x	Better housing, longer visits, distinctive clothing, certificates, barbecues	
FL	Metro Dade County	Yes	\$3/day \$5/week for some			Free commissary, early release as result of extra good time
	PRIDE of Florida	Yes	\$2-\$4/day			\$0.25-\$0.50/ hour; \$0.15 for every dollar earned, in addition to their pay, to the Department of Corrections' victim restitution fund
HI	Hawaii Correctional Industries	Yes	\$1-\$8.90/ hour	x		
MA	Barnstable	Yes*		x		One-third of money earned through work done for private industry*
	Hampden	Yes*	Industry workers \$0.50-\$1/hour	x	More time out of cells	Work boots provided*
MN	Hennepin	Yes	\$6 (offsite)			Institutional labor— \$4/day
NH	Belknap	Yes		x		Television, industry crew hiring pool, later lights out

\* Some, but not all, workers are paid.

**Exhibit 1-5 Description of Inmate Work Compensation (continued)**

State	County/City/ Organization	Paid	Amount(s)	Time Off	Privileges (list)	Other
NH	Strafford	Yes	\$4.25-\$5/hour			Job reference, bonuses for special effort
NJ	Middlesex	Yes	\$1/day \$2 kitchen	x		
NV	Washoe	Yes*	\$2-\$3.60/day	x		Industry workers are paid; other workers are not paid*
NY	Westchester	Yes	\$2-\$4/day			
OH	Corrections Center of Northern Ohio	Yes	Prevailing wage	x	Extra visits, extra earned credit, commissary, money	Extra TV/snack
PA	Lancaster	Yes	\$1-\$1.83/day	x		Extra clothing, personal clothing, use of vending machines
	PHILACOR (Philadelphia)	Yes	\$1.32-\$2.04/day	x		
VA	Arlington	Yes	Up to \$4.25/hour	x	Extra visits	
WA	Clark				One-third good time	Extra food, being outside, smoking privileges
	King	Yes	\$2.50/day to spend on commissary items, gratuities, and so forth		Pizza, soda, coffee, extra food, smoking outside, going off grounds, positive reinforcement	

\* Some, but not all, workers are paid.

**Exhibit 1-6 Characteristics of Several Jail Industries**

State	County/City/ Organization	Percentage of Total Inmate Population	Where Do Inmates Work?				
			Housing Unit (cells and dayroom)	Near Housing Unit	Inside Jail but Away From Housing Unit	Adjacent to Jail	Away From Jail
CA	Santa Barbara	17		x	x	x	x
	Santa Clara	15	x	x	x	x	x
FL	Metro Dade County	15		x	x	x	x
	PRIDE of Florida	?			x	x	x
HI	Hawaii Correctional Industries	19					x
MA	Barnstable	23	x	x	x	x	x
	Hampden	19	x	x	x	x	x
MN	Hennepin	33			x	x	x
NH	Belknap	22	x		x	x	x
	Strafford	40				x	
NJ	Middlesex	19	x	x	x	x	x
NV	Washoe	25			x	x	x
NY	Westchester	10	x	x	x	x	x
OH	Corrections Center of Northern Ohio	35	x	x	x	x	x
PA	Lancaster	14			x	x	x
	PHILACOR (Philadelphia)	13	x	x	x	x	
VA	Arlington	27	x	x	x	x	x
WA	Clark	10	x		x	x	x
	King	10	x	x	x	x	x

**Exhibit 1–7 Methods of Compensation**

Type of Compensation	Percentage of Jails
Pay	19 (average daily wage of \$4.08)
Time off of sentence	63
Extra privileges	47
Other types of compensation	18

**Consider the Range of Practice**

Many different programs can be called jail industries. The NIJ survey found that inmates performed diverse work activities, including cleaning (95.6 percent), laundry (86.4 percent), groundskeeping (80.4 percent), food service (79.6 percent), maintenance (70.2 percent), painting (6.0 percent), highway litter/county road litter patrol (6.0 percent), washing/waxing cars (5.2 percent), recycling/landfill work (5.0 percent), road work (4.4 percent), community service (4.4 percent), clerical/office work (3.9 percent), carpentry work (2.8 percent), farming/livestock (2.8 percent), landscaping (2.8 percent), auto repair/mechanic (2.8 percent), and other (36.3 percent).

Other types of work activities were reported by less than 2 percent of jails, including caring for animals at a humane society, public works, construction, moving, commissary operations, education programs/teaching or tutoring other inmates, county parks, print shop, law library, constructing/renovating houses, cemetery cleanup, trash collection, fairgrounds, sewing/tailor shop, butcher shop, logging/woodcutting, load/unload trucks, barber, envelope stuffing, food distribution, building community playgrounds, sign engraving, repair/build sidewalks, electrical/janitorial work, maintenance/groundwork at the courthouse, fire agencies, answer telephones, dog walking and grooming, stocking supplies, small engine repair, metal shop, greenhouse, sanitation, sales work, photographer, setting up for community events, laborer, nonprofit projects, computer work, clean courthouse, event parking, chaplain’s assistant, field gleaning, docks construction, assembly work, carpet installation, Department of Natural Resources work, tree planting, helping with art fair, disaster cleanup, county water works, and snow removal.

An initial analysis of the responses suggests that more than 80,000 jail inmates currently work 6 or more hours daily. If applied to the current jail population, which exceeds 718,000 inmates, these findings suggest that full-time inmate workers contribute more than 202 million hours of labor annually. This does not acknowledge the labor of inmates who work less

than 6 hours daily. Viewed another way, the NIJ research suggests that it would take nearly 115,000 full-time staff members to replace the hours currently worked by inmates in the nation's jails. It is noteworthy that, according to the most recently published jail census, jails employ more than 214,000 full-time staff members. There are strong incentives for jail managers to increase the inmate workforce. For example, a 1-percent increase in the proportion of inmates who work 6 hours or more daily would produce more than 11 million additional labor hours annually.

## Objectives for Industries

Each of the 18 sites surveyed by NIJ in 1988 reported a variety of objectives for industry programs. In order of frequency, the projects sought to:

- Develop work habits and skills in inmates.
- Generate revenue or reduce costs for the county.
- Reduce inmate idleness.
- Meet needs in the community.

Although these four goals were common to most programs, many other goals and objectives were identified within individual programs:

- Help inmates become self-sufficient.
- Provide inmates with funds for postrelease.
- Reduce the jail population.
- Raise money for charity.
- Provide inmates with incentives to participate in the program.
- Increase the sense of responsibility among inmates.
- Teach the work ethic.
- Reintegrate inmates into society.
- Provide employment opportunities for inmates after they are released.
- Reduce recidivism.
- Avoid competition with state correctional industries.
- Employ as many inmates as possible.

One of the most serious mistakes identified in early industry programs was overstating initial objectives. Lofty goals often became unreasonable objectives, but programs usually were able to revisit those decisions during the first year of operation. Similarly, many current programs reported a lack of formal and continuing evaluation. The lack of evaluative insight made it difficult to improve programs and refocus objectives.

## Resources

The cornerstone of the NIJ research and development effort was the comprehensive and detailed book, *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990). This manual provides extensive information on jail industry operation, including examples from programs throughout the United States. NIJ also created the Jail Industries Network, which has identified hundreds of jail industry programs and has mobilized experienced professionals throughout the United States to assist interested counties.

The resource materials and network have been updated and expanded through the efforts of the Bureau of Justice Assistance and the BJA Jail Work and Industry Center, which serves as a national clearinghouse on the topic. The National Institute of Corrections is also a continuing source of assistance and information such as resource materials and other documents. NIC technical assistance programs offer a variety of resources, including visits to pilot programs and onsite assistance from a consultant.

The Jail Industries Association was formed as a result of NIJ's 1988 meeting of industry program pioneers and has expanded to provide members with a central source of information and support.

For more information about any of these resources, contact:

BJA Jail Work and Industry Center  
P.O. Box 555  
Poolesville, MD 20837  
301-349-5701  
[www.correction.org](http://www.correction.org)

The Center has a database that describes the specific work activities of more than 1,600 jails. The Center also has a growing library of sample business plans, committee reports, articles, and other materials.

# Key Development Principles

Research suggests that the development process may be the key determinant of a jail industry's initial success. Based on early NIJ research and the experience of practitioners, the following development principles have been identified:

- Build a strong foundation.
- Learn from others.
- Analyze potential opposition.
- Participate to succeed.
- Take the time to plan.
- Use all available resources.

## Build a Strong Foundation

Developing and maintaining a jail industry program require broad-based support for both assistance in solving problems and simple survival. Special attention is required during the development process to ensure that a solid program foundation is established.

## Learn From Others

Corrections administrators who operate jail industries are excellent resources for all aspects of the development process. Many industry programs studied said their current problems can be attributed to shortcomings in the development process, such as:

- Failing to anticipate opposition.
- Failing to secure support from all parties.
- Failing to carefully examine enabling legislation.
- Failing to secure initial and ongoing advice and support through an advisory committee.
- Overstating program objectives.
- Failing to carefully articulate the purpose of the program.

Managers of jail industries report that existing programs could be improved by:

- Increasing the number of inmates who are provided with work opportunities.

- ❑ Ensuring that inmate access to work activities is fair and equitable.
- ❑ Expanding the number and types of customers served.
- ❑ Improving practices to prevent exploitation of inmates.
- ❑ Developing new methods of providing industry benefits to inmates, staff, and the community (e.g., finding new incentives and rewards for inmates, expanding markets, or developing new public service projects).
- ❑ Linking with private-sector firms in public and private industry ventures.

Managers also agreed that building a strong foundation during the planning stages is essential. Furthermore, managers of existing programs can benefit from reviewing what they have already developed. Understanding the deficiencies of already-developed programs can help new programs avoid the pitfalls experienced by other programs.

## **Analyze Potential Opposition**

An important component of the development process requires identification of potential opposition. Opposition can come from many sources (exhibit 2–1). For example, in Hennepin County, Minnesota, corrections officers initially opposed the jail industry program because it posed scheduling problems—providing a meaningful inmate workday required changes in the daily routine and caused additional work for some staff.

In Strafford County, New Hampshire, program staff resisted growth of the industry program because its scheduling demands conflicted with their educational, substance abuse, and counseling programs; a similar situation developed in Hennepin County, Minnesota. Vegetables grown by inmates in the Shelby County, Ohio, jail reduced the local hospital's demand for produce from a private grower, triggering opposition.

In Milwaukee and Los Angeles, county employee unions expressed concern that increased inmate work roles would eliminate their members' jobs. Both problems were solved when industry staff talked directly with opponents about the group's concerns.

Arlington County, Virginia, found that some officials who headed other county departments were threatened by the development of its new jail industries program. By working closely with the county administrator, the financial staff, and the department heads, the sheriff has now found that many officials approach him to propose new joint ventures using inmate labor.

Before beginning the development process, it is important to identify potential opposition so the development process can be designed to convert potential opponents into supporters. Chapter 1 of NIJ's *Operating Jail Industries: A Resource Manual* describes a useful method for analyzing opposition (Sexton, Miller, and Jacobsen, 1990, p. 6).

**Exhibit 2-1 Potential Sources of Opposition to an Industry Program**

<p><b>Within the industry program:</b></p> <ul style="list-style-type: none"> <li>■ Inmate workers.</li> <li>■ Custodial and supervisory staff.</li> </ul>
<p><b>Within the jail:</b></p> <ul style="list-style-type: none"> <li>■ Inmates not involved with the program.</li> <li>■ Correctional officers.</li> <li>■ Supervisors.</li> <li>■ Other program and service providers.</li> <li>■ Managers and administrators.</li> <li>■ Volunteers.</li> </ul>
<p><b>Within county government:</b></p> <ul style="list-style-type: none"> <li>■ County commissioners and supervisors.</li> <li>■ Fiscal officers.</li> <li>■ Other county agencies.</li> <li>■ County employee organizations.</li> </ul>
<p><b>In the community:</b></p> <ul style="list-style-type: none"> <li>■ Customers for the industry products or services.</li> <li>■ Businesses that sell supplies and materials to the jail industry.</li> <li>■ Other local businesses or industries.</li> <li>■ Labor unions.</li> </ul>

## Participate To Succeed

Although there are many potential opponents, a jail industry can attract even more supporters. In the past, each type of opponent has been successfully persuaded to support some industry programs. Experience shows that the most effective way to secure support is through participation. When people are offered the opportunity to participate in the development of a jail industry program, they are more likely to support it.

## Take the Time To Plan

Time is essential during the development process. The benefits offered by a jail industry will be more fully realized and maintained if the program is built on a carefully planned foundation. This workbook describes the elements of sound jail industry planning.

## **Use All Available Resources**

Developing and operating a jail industry requires diverse resources because such a program operates in two distinct worlds: corrections and business. Each imposes different requirements and constraints; each requires different expertise to address challenges.

When NIJ met with jail industry managers, the managers said they successfully met the complex needs of jail industries only by creatively using a diverse array of resources. For example, managers frequently ventured into the private sector for information and support to develop and improve their industries. In Hampden County, Massachusetts, the industry manager relied on business advice from a retired insurance professional. In Middlesex County, New Jersey, the local chamber of commerce supports the industry program by participating in an advisory capacity, guiding marketing and product decisions. Other critical resources have been secured through the Small Business Administration, including access to volunteers in the Service Corps of Retired Executives. Prince Georges County, Maryland, has found that the local private industry council can play a central role in jail industries. Chapter 1 of *Operating Jail Industries: A Resource Manual* describes such resources in detail and suggests methods for tapping them (Sexton, Miller, and Jacobsen, 1990).

# Components of the Development Process

## Suggested Approach

An analysis of current jail industry programs reveals that each program was developed in a different manner. For some, there was no formal planning or development process; others were preceded by years of planning.

However, just as there are many types of jail industry programs, there are many different development scenarios. A single development process cannot be recommended here; rather, this chapter identifies common components of all development processes. It also suggests three sets of activities into which the components may be organized:

- Foundation decisions.
- Development activities.
- Business planning.

Activities will not always fall into these categories; however, this structure offers a framework for guiding those who are developing a jail industry.

Foundation decisions are necessarily broad in scope and involve conducting research and setting policy. Activities include:

- Identifying and enfranchising persons who will shape policies.
- Establishing basic goals and objectives for the program.
- Researching pertinent laws, standards, the inmate population, and resources.
- Articulating specific characteristics of the proposed industry program, such as type of client, inmates to be involved, and work locations.
- Identifying sources of assistance.

Development activities build on foundation decisions. Activities include:

- Looking for sources of financing.
- Selecting personnel who will operate the program.
- Coordinating the industry program plans with all aspects of current jail operations and programs.
- Creating a risk management strategy and evaluation plan.
- Developing policies and procedures to guide operations.

Business planning activities are necessary for each of the distinct industry programs that you develop. A separate *Business Planning Guide for Jail Industries* (Quirk and Miller, 2000) has been developed to assist with these tasks.

## **Development Questions To Be Answered**

Another perspective on the jail industry development process poses questions that must be answered before a program begins. These include:

- Why start an industry program? (Include definite goals and objectives for the community, the jail, customers, and inmates.)
- Who will develop, implement, work at, and help the industry? Who will be served by it?
- What is allowed? What will be produced and delivered?
- Where will the jail industry be operated?
- When will the program start? When will inmates be able to work?
- How will funding be obtained, risk be managed, inmates be motivated, other programs be coordinated, and the industry program be operated?

If these questions cannot be answered, then a program is probably not ready to begin. It is also important to document answers to these questions as the program is developed.

## **Specific Components of the Development Process**

Research suggests that 15 activities make up a successful development process:

### **Foundation Decisions**

1. Identify sources of guidance and policy.
2. Determine goals and objectives.
3. Determine what is allowed by state and federal law and what standards and regulations apply.
4. Determine who should be served (public or private).
5. Determine the types of inmates available to work and how they will be selected.
6. Determine methods for motivating inmates.
7. Determine where work can occur.
8. Identify sources of assistance and resources.

## Development Activities

9. Identify sources of financing for the program.
10. Determine who will manage and supervise the program.
11. Determine how to coordinate with jail programs, security, and inmate classification.
12. Identify potential customers and create a process for selecting products and clients.
13. Plan to manage risk.
14. Prepare policies and procedures for operations, recordkeeping, and bookkeeping.
15. Develop and implement a business plan for each distinct industry.

Research also suggests that an industry program must consider all components. Many existing programs are going back to treat components that were missed.

Although the order in which components are implemented may be adjusted, the sequence identified has proved helpful to the managers of several current programs.

The precise phasing in of activities is important. Recent work with counties that are developing industries suggests that the biggest problem is attempting to implement certain tasks too early. For example, a county may become preoccupied with identifying a specific client and product before setting key parameters that would narrow the search (e.g., decisions about public or private clients, inmate pay, space, funding, and staffing).

Jail industry managers have suggested that specific industry projects come and go as opportunity changes—but the founding decisions provide the ability to stay flexible and make further decisions. Managers often agree that the selection of their initial jail industry project was an example of putting the cart before the horse—creating difficulties for managers because they had to force the project to fit the setting, rather than letting the setting shape the decision.

# Workbook: A Step-by-Step Guide

This workbook provides a starting point for persons interested in developing or improving a jail industry program. It complements two resource documents developed by the National Institute of Justice:

1. *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990), which offers detailed guidance for persons implementing and operating programs.
2. *Business Planning Guide for Jail Industries* (Quirk and Miller, 2000), which provides step-by-step instructions for developing and implementing a business plan for specific industry projects.

## Who Should Use This Workbook?

Anyone who is interested in developing a jail industry or who wants to improve an existing industry should use this workbook, including:

- County officials who want to spur the development of a jail industry.
- Persons who are charged with responsibility for developing a jail industry.
- Members of jail industry advisory committees.
- Jail staff and officials who will be involved with developing or implementing a jail industry program.

## Why Use This Workbook?

The insight offered in the following pages comes from the experiences of many counties throughout the United States and can help organizers:

- Avoid common pitfalls and problems.
- Identify key decisions.
- Suggest strategies and approaches.
- Identify resources and options.

## When Should This Workbook Be Used?

As soon as interest is expressed in jail industries, this workbook can be useful. The document offers specific ideas and guidance for each of the 15 components of the development process.

The format for this section invites readers to use the text as a workbook by making notes in margins, checking off items on lists, and ensuring that all bases are covered.

## **Phase 1: Foundation Decisions**

Eight activities should be completed during the first phase of jail industry development:

1. Identify sources of guidance and policy.
2. Determine goals and objectives.
3. Determine what is allowed by state and federal law and what standards and regulations apply.
4. Determine who should be served (public or private).
5. Determine the types of inmates available to work and how they will be selected.
6. Determine methods for motivating inmates.
7. Determine where work can occur.
8. Identify sources of assistance and resources.

These steps are discussed in the following pages. Although the sequence of implementation within this phase is not important, each activity must be completed before moving to phase 2.

The importance of well-planned foundation decisions is illustrated by the costly experiences of one county, where a decision was made to have inmates provide laundry services for various public hospitals. By selecting the specific industry project first—rather than letting an analysis of the jail environment shape the decision—county officials created hardships for both themselves and their customers.

After the county invested in a costly state-of-the-art laundry facility, it found that it could not keep up with the demand of the hospitals. Production was consistently below projected levels and the capacity of the laundry operation's physical plant. After several studies, the county found that:

- Hospital laundry was more difficult to handle than expected (issues of contraband, sanitation, health, and so forth).
- The inmates available to work were more difficult to motivate because they were primarily pretrial detainees. Overcrowding had caused the courts to order the release of many sentenced offenders (see task 5—determine the types of inmates available to work).
- Inmate workers were not motivated to perform their jobs efficiently (see task 6—determine methods for motivating inmates).

- ❑ The location of the laundry (outside the security perimeter) caused frequent delays and inefficiencies because workers had to be moved back inside for security checks (see task 7—determine where work can occur).

Eventually, the county decided to stop serving the hospitals and used the new laundry plant for its own needs. Several of these problems could have been avoided by implementing the foundation decisions before selecting the specific project. For an excellent example of a well-considered set of “foundation decisions,” review the 1999 report from Montgomery County, Maryland (Department of Corrections and Rehabilitation, 2000).

## 1. Identify Sources of Guidance and Policy<sup>2</sup>

Practitioners agree that a broadly based advisory committee is an important asset for jail industry programs. Although creating and maintaining such a group may seem time consuming and unwieldy, there are two important principles to remember:

- ❑ People tend to support what they help create.
- ❑ The best way to turn a potential opponent into a supporter is to offer him or her meaningful opportunities to shape the program.

Most industry managers can recall critical moments during the development of their programs when support from such a resource kept the program alive. Often, this support comes from advisory boards or committees. Examples of such committees can be found in New Hampshire’s Strafford and Belknap Counties; Hampden County, Massachusetts; and most recently in Montgomery County, Maryland.

It is interesting to note that many of the 18 programs initially studied by NIJ did not have advisory committees; however, all program managers agreed that they are valuable and necessary.

In Hampden County, the jail industry program was actually conceived by a member of the advisory board (also the head of the local chamber of commerce). In Strafford County, a board member provided the first private-sector work project for inmates through her company. In Belknap County, a member of the advisory committee found a business that became the industry program’s largest client simply by identifying needs when he traveled. Montgomery County developed its board as suggested by this *Workbook* and has realized many benefits.

Advisory board membership often includes representatives from organizations and agencies, such as:

- ❑ County commissioners.

2. Resource: Miller, 1989, “Developing a Citizens’ Committee,” chapter C, section VI.

- Sheriffs.
- Jail managers.
- Jail supervisory staff.
- Custody and line staff.
- Inmates.
- Customers and clients.
- Business leaders (e.g., chamber of commerce).
- Organized labor (public and private sector).
- Educators.
- Local and state legislators.
- Inmate advocacy groups.
- Religious leaders.
- Shelter workshops.
- Economic development agencies.
- Employment and workforce development organization.
- Procurement and purchasing staff.
- Nonprofit organizations.

Many of these potential advisers have been previously described as potential opponents to a jail industry program; however, all groups have proved helpful to jail industries when their representatives have been appointed to a jail industry committee. Consider placing potential opponents on the committee. Give them an opportunity to better understand the jail setting and to shape the program in a way that addresses their concerns.

**Tips for creating a committee.** When forming a committee, attempt to balance such issues as:

- Areas of expertise.
- Communities represented (e.g., the labor community, manufacturers, the legal community, and service providers).
- Political affiliations.
- Geographic location.

Provide the committee with a clear mandate that establishes its assignment and defines its role in policy formulation. Provide necessary support services, such as mailings and phone calls. If possible, offer to reimburse members for their expenses.

**Tips for forming an advisory committee.**

- Provide a balanced membership.
- Establish a clear mandate.
- Provide necessary support.
- Consider including opponents.

**Checklist 1    Tasks and Products** (Be sure each is fully documented.)

- \_\_\_\_\_ Establish an advisory committee.
- \_\_\_\_\_ Create a mailing list.
- \_\_\_\_\_ Establish and define in writing the advisory committee’s authority and mandate.

**2. Determine Goals and Objectives**

Clear and reasonable goals and objectives are needed to guide the development, operation, and improvement of any jail industry program. The 18 counties that initially participated in the NIJ study reported 4 common goals:

- Develop inmate work habits or skills.
- Generate revenue or reduce costs for the county.
- Reduce inmate idleness.
- Meet needs in the community.

Although these four goals were common, many other goals and objectives were identified by individual programs:

- Become self-sufficient.
- Provide inmates with funds for postrelease.
- Reduce the jail population.
- Raise money for charity.
- Operate a program that provides inmates with incentives to participate.
- Increase the sense of responsibility among inmates.
- Teach the work ethic.
- Reintegrate inmates into society.

- Provide employment opportunities for inmates after release.
- Reduce recidivism.
- Avoid competition with state correctional industries.
- Employ as many inmates as possible.

**Tempering expectations.** It is important to avoid unrealistic expectations of what the program can achieve. Opposition often arises when an industry is perceived to have fallen short of its objectives. This situation frequently reflects misconceptions of the program’s actual objectives; however, it may also be the result of unreasonable objectives set by the jail industry manager or administrators, thereby creating unattainable expectations. This occurred in Erie County, New York, when county legislators closed an agricultural industry because it failed to become profitable. The program developers had never set that as a goal, but this standard was applied to it.

When goals are not met, disappointment—and often opposition—can result. For example, a well-intentioned objective might be to raise money for the county. This could be misinterpreted as a promise to turn a profit above and beyond program expenses. When costs are compared with revenue and a profit is not found, opposition can form.

Similarly, it may be risky to make “developing marketable skills” a goal when inmate turnover in the program is expected to be high. Many programs have decided that “developing work habits” is a more achievable objective.

Proposed goals and objectives must be examined carefully. Are they achievable? Could they be misinterpreted? If there are no clear, written objectives, they must be developed so everyone understands the program’s goals.

It is imperative that everyone knows what the program is trying to accomplish. Many industry managers have found that meeting with all potential opponents during the development process allows each one to express concerns and offer suggestions. Often, potential opponents are persuaded to join advisory boards for the jail industry programs, giving opponents an opportunity to act on their concerns by guiding program operations.

**Goals and objectives evolve.** Periodically review and adjust your goals and objectives. Seven of the eighteen pioneering programs reported that their initial objectives changed after the program started. The nature of changes varied, including:

- Deemphasizing specific work skills in favor of work habits (Hennepin County).
- Increasing the work week from 1 day to 5 days (Shelby County, Ohio).

- Adding reduced idleness as an objective (Hampden County).
- Shifting product focus from carpentry and remodeling to furniture manufacturing (Prince Georges County, Maryland).
- Shifting emphasis from education and rehabilitation to cost savings (Los Angeles).
- Increasing emphasis on quality (Philadelphia).

**Tips for developing goals and objectives.** Goals and objectives can, and should, evolve. Revisit them frequently, and do not be afraid to revise them. Use goals and objectives as a basis for making decisions concerning all aspects of the industry program. This can be a unifying force for the program.

**Checklist 2    Task (Be sure this is fully documented.)**

\_\_\_\_\_ Write a clear set of goals and objectives that represent a consensus among policymakers.

### 3. Determine What Is Allowed by State and Federal Law and What Standards and Regulations Apply<sup>3</sup>

Just as the preceding steps have narrowed the development focus, this step will provide a crucial understanding of what activities are allowed and what activities are not.

Federal and state statutes and regulations address jail industries directly and indirectly. Operating a jail industry that conforms to legal requirements and professional standards is difficult because programs operate in two distinct worlds: corrections and business. Each imposes different legal constraints and makes professional demands.

When developing and operating a program, jail industry managers must consider:

- Statutes and regulations. These establish mandatory guidelines for operating jail industries. Although few federal statutes apply to jail industries, many state statutes and regulations are relevant.
- Court decisions. These are judicial interpretations of statutes and regulations. (Known as case law, these rulings are mandatory and, unfortunately, often vague.)

3. Resources: Sexton, Miller, and Jacobsen, 1990, chapter 2, p. 37; Miller, 1989; Miller and Walter, 2000; American Correctional Association, 2000.

**Examining statutes and regulations.** The starting point for jail industry development is to carefully examine applicable state and federal statutes to ensure that a program will be legal.

The Hampden County Jail in Springfield, Massachusetts, illustrates how state statutes were primary determinants of its program’s philosophy, inmate eligibility, and market. According to law, the purposes of correctional industries in Massachusetts are to provide training and work experience, benefits to the state, and rehabilitation. Based on this, Hampden County concluded that a manufacturing program was feasible and chose to employ inmates who qualified for offsite work (often inmates near the end of their sentences) because the jail facility was too small for an effective training and manufacturing operation.

Because Massachusetts statutes permit manufacturing, Hampden County chose to manufacture office furniture. State statutes require that correctional products be marketed to Massachusetts state agencies, allow sales to counties and nonprofit organizations, and prohibit private industry from contracting for inmate labor. Therefore, Hampden County markets its furniture primarily to state and local governments and nonprofit organizations.

In New Hampshire, statutes allow inmates to be paid but limit private-sector contracting for inmate labor. To work within these boundaries, Strafford County chose to establish a private-sector industry and secure federal certification that allowed inmates to be paid the “going wage” to work on products that are sold out of state.

Although Minnesota statutes allow inmates to earn wages, they prohibit private-sector contracting for inmate labor—but they allow private-sector sales. Reflecting these opportunities, Hennepin County decided to operate a “job shop,” employing inmates at free-world wages and providing services to the private sector. A job shop offers private-sector clients access to the inmate workforce through county contracts.

Many counties have creatively developed jail industries that conform to legislative constraints; however, common in all of these efforts was an early understanding of, and ongoing attention to, statutory requirements.

**Federal statutes and regulations.** State legislation and regulations provide a starting point for identifying legal restrictions. However, restrictive federal legislation is still pertinent, such as that described in chapter 1.

**Court decisions.** In addition to state and federal legislation, applicable state and federal court decisions should be carefully examined. Although statutes and regulations provide initial guidance, often the court system interprets and enforces them.

Again, the two worlds of business and incarceration in which a jail industry operates complicate the process of fully understanding pertinent legal

issues and court decisions. Jail industry managers must understand the range of issues associated with detention and corrections, and they must be attentive to legal principles applied to the workplace.

Courts examine jail operations for many reasons. As jail industries become more prevalent, increased court scrutiny can be expected. As a result, consideration of relevant court decisions and their underlying principles is essential when planning a new industry. In addition, continuing attention to new rulings is necessary to protect against litigation.

**Legal basis for court decisions.** A jail industry may be sued or subjected to judicial action for two reasons:

- ❑ Violation of constitutional rights, based on the interpretation of the federal and state constitutions.
- ❑ Violation of statutes and regulations that are interpreted to provide inmates and the private sector with certain rights and protections.

Constitutional rights encompass a broad range of issues that can be applied to the detention and corrections setting. The primary sources of these rights are three amendments to the Federal Constitution: the rights to religious freedom and freedom of speech and assembly (1st amendment); the right to be free from cruel and unusual punishment (8th amendment); and the right to equal treatment (14th amendment).

Officials in Strafford County, New Hampshire, were concerned that their early jail industries might be challenged on constitutional grounds. First, they were concerned about violating the constitutional provisions for “equal protection” extended to female inmates, who initially were offered fewer work opportunities than men (this was also true in Philadelphia). Second, the primary inhouse workforce comprised pretrial detainees who, under the 14th amendment, cannot be compelled to work and cannot be punished without due process. Legal counsel reported that these constitutional concerns were valid. As a result, the program was revised to ensure comparable opportunities for female inmates and to require that pretrial detainees document their voluntary participation in the program. In Philadelphia, male and female inmates work side by side.

Inmates also argue that statutes and regulations entitle them to certain rights. Courts are frequently asked to determine if a federal or state law or regulation creates an inmate right or merely vests discretion in corrections managers to allow certain privileges. This rights-versus-privileges debate continues in the courts.

**Principal court decisions.** The decisions of courts fall into two major categories for the purpose of jail industries: detention and corrections decisions and industries and work programs decisions. Chapter 2 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) examines

legal issues in more detail, summarizing the holdings of key court decisions with regard to:

- Inmate right to work.
- Inmate right to refuse to work.
- Classification of inmates.
- Equal protection and allocation of resources.
- Selecting inmate workers.
- Assigning inmates to jobs and transferring inmates to other assignments.
- Work environment.
- Inmate compensation.
- Disposition of wages.
- Reduction of sentence.

**State regulatory standards.** Regulatory standards, which establish minimum levels of acceptable performance, are usually developed and implemented at the state level. Therefore, they are often less stringent than professional standards. However, state regulations are usually more detailed to facilitate inspection and verification of compliance.

Most states have established mandatory standards that regulate jail operations. More than 70 percent of states have promulgated jail standards; most states have made these standards mandatory and have created provisions for inspection and enforcement. The standards are often based on professional standards, state statutes, and applicable case law.

Regulatory standards are written for protection. They establish minimum performance levels, inspection and enforcement procedures, and basic protection from liability for operating agencies, jail staff, inmates, and the public. Issues associated with jail industries and the workplace are not fully addressed in most jail standards. In most states, however, jail standards identify (and sometimes incorporate) regulatory requirements from several state agencies that apply to all jail industries, including:

- Building codes.
- Safety codes.
- Health, sanitation, and plumbing codes.

Because each code has a unique meaning in a jail industry context, managers need to research their particular program's full impact and implications.

Other state regulations directly apply to jail industries but often are not identified in jail standards. The most important are:

- Labor and employment standards.
- Workplace safety regulations (such as those enforced by the state occupational safety and health administration agency).
- Worker compensation standards.
- Worker training standards.

To learn about these standards, the jail industry developer must think like a business person, not a jailer.

**Voluntary “professional” standards.** Another operational building block for jail industries is the voluntary standards developed by professional organizations at state and national levels. Professional standards for prison and jail industries have been developed by the American Correctional Association (ACA). Professional standards were transformed into a more valuable resource in 2000, when ACA promulgated its first “performance-based” standards. This new and innovative approach not only provides additional guidance for day-to-day practices but also examines the overall desired outcomes. In May 2000, ACA began converting its jail standards manual (*Standards for Adult Local Detention Facilities*) to this performance-based format. Working with the Correctional Industries Association, ACA is finalizing the second edition of the standards manual for correctional industries programs, using the new performance-based format. Jail practitioners were closely involved with the revision of the correctional industries standards, and these now offer a more useful tool for jail industry programs.

**Tips for determining what is allowed.** Use regulatory personnel as resources during the development process. They are the best in the field and can provide realistic interpretations before you make a mistake. Start with local resources. Find out who provides legal assistance to your agency and approach him or her to outline your needs and develop a joint strategy.

Be thorough. Do not let time constraints inhibit your research. Remember, if you miss something at this stage, it can cost you later in time, money, and credibility.

**Checklist 3      Tasks and Products**

- \_\_\_ Analyze statutes and regulations.
- \_\_\_ Analyze pertinent court decisions.
- \_\_\_ Analyze state standards and regulations.
- \_\_\_ Analyze professional standards.
- \_\_\_ Prepare a summary statement of what is allowed.
- \_\_\_ Prepare a summary statement of what needs to be changed.

#### 4. Determine Who Should Be Served (Public or Private)<sup>4</sup>

In the initial development phase, a key parameter will be established when the range of potential customers is defined. Of the 18 industry programs initially studied by NIJ:

- Two served only the private sector.
- Thirteen served only the public sector.
- Three served both public and private clients.

Since the initial NIJ survey, several more jails have developed private sector programs, but this still represents a very small proportion of the 3,300 jails in the United States.

The 1993 NIJ survey found that the jail was the primary recipient of inmate labor (exhibit 4-1). This decision involves not only policy considerations but also the legal parameters defined by state and federal laws, as examined in the previous step.

Exhibit 4-1 Recipient of Inmate Labor	
Recipient	Percentage of Respondents
Own jail	95.1
Other agency in own unit of government	63.5
Other municipalities	27.9
Other counties	3.2
Nonprofit corporations	37.6
Private sector	4.3
Other (inmates, citizens, churches, state and federal governments)	6.8

4. Resource: Sexton, Miller, and Jacobsen, 1990, chapter 5, p. 125.

Finding the correct answer to the customer question requires carefully weighing many diverse considerations—some of which are political in nature. A well-balanced advisory committee will prove helpful during this process.

**Tips for determining the type of client.** Involve a variety of parties in this decision. Start by considering the private sector, as this customer is likely to evoke the most opposition. Determine first if this is possible (see task 3—determine what is allowed by state and federal laws and what standards and regulations apply) and identify any parameters (e.g., sales within the state only, sales only to private, nonprofit organizations). Next, consider the feasibility of private-sector customers and partners. Often, the potential to work with the private sector will depend on the political climate as well as legal considerations. The two most likely opponents of private-sector customers are organized labor, which may fear displacement, and the private sector itself, which may fear unfair competition.

Meet these potential opponents head on by approaching their representatives with your idea. Give them time to discuss it with colleagues, then meet to discuss their concerns and means to address them.

If the private-sector option survives, determine the internal feasibility—whether the county and jail can serve such clients. A key consideration is the expectations of private-sector clients, including timeliness and quality control. Consider if these can be met using your own resources or through contracts.

As exhibit 4–2 shows, there are advantages and disadvantages associated with both private and public ventures.

Consider the public sector when weighing the advantages and disadvantages. Determine what, if any, revenue can be generated to offset program costs. As with the private sector, suggest your ideas to public-sector officials and organized labor. Secure their reactions and try to develop solutions for their concerns.

The solution for some jail industry programs might be a hybrid program that serves both the public and private sectors. Several programs studied by NIJ adopted this approach.

**Checklist 4    Tasks**

- Make an initial decision about the types of customers to be served.
- Document the process used to reach the decision and the rationale for it.

**Exhibit 4–2 Advantages and Disadvantages of Public- and Private-Sector Business**

Advantage	Disadvantage
<p><b>Private</b></p> <p>Generates real work.</p> <p>Generates real income.</p> <p>Creates real jobs, potential for postrelease employment.</p> <p>Contributes to local tax base.</p> <p>Increases market potential.</p>	<p>Imposes real demands.</p> <p>Threatens private suppliers.</p> <p>Threatens organized labor.</p> <p>Requires additional reporting.</p>
<p><b>Public</b></p> <p>Builds goodwill among public agencies.</p> <p>Lessens expectations for production and timing.</p> <p>Lessens fear of displacement of private-sector workers.</p> <p>Uses existing resources.</p>	<p>Lowers profit potential.</p> <p>Establishes less realistic work setting and demands.</p> <p>Offers fewer opportunities for postrelease employment of workers.</p> <p>Creates hostility with private-sector suppliers who view the competition as unfair.</p> <p>Establishes industry in a limited market.</p>

**5. Determine the Types of Inmates Available To Work and How They Will Be Selected<sup>5</sup>**

Identifying and selecting inmate workers should be divided into two steps:

1. Analyze the inmate population, determine the characteristics of potential inmate workers, and identify the potential workforce.
2. Determine who will be eligible to work, based on classification, security, and other considerations, and create a process for selecting workers.

Dividing the process into these steps can save time and reduce frustration during the development process. For instance, if a county tried to determine who is eligible too soon, they would quickly find that too many other decisions had not yet been made—for example, eligibility will be tied to the type of product or service provided, compensation provisions, and other decisions not made until later in the process.

5. Resource: Sexton, Miller, and Jacobsen, 1990, chapter 4, p. 95.

**Analyze the inmate population.** During the initial phase of development, efforts to determine the inmate workforce should establish a clear understanding of potential inmate workers' characteristics. Several of these should be evaluated:

- Education level.
- Prior work history and habits.
- Skills and aptitudes.
- Length of stay.
- Security classification.
- Motivation.
- Behavior while confined.

Industry managers warn that findings may be alarming and that jail inmates may not turn out to be ideal employees. Managers have reported the following problems with inmate workers:

- Low education levels.
- Low motivation.
- No work ethic.
- Poor work habits.
- Poor health.
- Impulsive behavior.
- Lack of skills.
- Lack of purpose or direction.
- Low self-esteem.
- Lack of concentration.

Do not be discouraged by the results of inmate research. Most industry programs are designed to address these chronic problems in a group that is difficult to employ.

Although most jails use sentenced offenders as their primary workforce, a growing number of jails find it necessary to employ unsentenced inmates. The 1993 NIJ survey found that smaller facilities are most likely to use the unsentenced inmate population (exhibit 4-3).

**Exhibit 4-3 Sentenced and Unsented Worker Inmates by Size of Jail on June 30, 1993**

Capacity of Jail	Percentage of Sentenced Workers	Percentage of Unsented Workers
1-49 beds	28	3.8
50-249 beds	35	4.9
250 or more beds	32	0.1
All jails	31	4.8

**Tip for determining types of inmates available to work.** Be realistic as you interpret the information collected. Although some programs effectively use inmates who are confined for as little as 2 weeks, short-term inmates are usually difficult to employ in an industry program.

Create a “profile” of potential inmate workers that describes their characteristics and estimates the number typically available to work.

**Selecting inmate workers.** As specific projects are identified, it will be necessary to finalize procedures for selecting inmate workers. Chapter 4 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) examines a range of inmate worker selection issues and techniques.

Many programs make inmate classification a pivotal issue in determining inmate worker eligibility. In Hennepin County, Minnesota, daily classification team meetings determine which inmates are eligible for outside work crews. In Hampden County, Massachusetts, the classification board controls inmate eligibility. Similar relationships have been developed in Middlesex County, New Jersey, and Philadelphia. In Strafford County, New Hampshire, the jail industries manager is actually a member of the classification committee.

Eligibility requirements for inmates participating in the 18 pilot programs include (in order of frequency):

- Security clearance.
- Medical clearance.
- Clearance by program personnel.
- Classification interview.
- Physical and mental abilities.
- Experience.
- Interest in industry area.

- Willingness to cooperate.
- Sentence status/length of sentence.
- Application/interview process.
- Days left on sentence.
- Type of crime (certain crimes are not eligible).
- Escape history.
- Judicial determination.
- Level of education.
- Ability to complete program.
- Preassessment program.

During this step in the development process, it is necessary to focus on the characteristics of the inmate worker population. This is done in concert with business planning efforts as potential products, services, and markets are identified.

**Checklist 5    Tasks and Products**

- \_\_\_\_\_ Prepare a research report on inmate characteristics.
- \_\_\_\_\_ Develop a profile of inmates who might be suitable for industry programs.
- \_\_\_\_\_ Write a statement of characteristics of inmate workers to be used and estimate the number needed.
- \_\_\_\_\_ Outline inmate worker eligibility criteria.
- \_\_\_\_\_ Estimate the number of eligible inmates (as specific industry projects are finalized).
- \_\_\_\_\_ Develop specific inmate worker selection criteria.
- \_\_\_\_\_ Develop procedures to ensure that classification staff are involved with worker selection.

## **6. Determine Methods for Motivating Inmates<sup>6</sup>**

Another important decision is whether inmates will be paid. In the 18 pilot programs studied, half paid inmates, but only three paid a prevailing wage. The survey found that giving inmates time off their sentences was the primary means of compensation for most jails (exhibits 1–5 and 1–7).

Often, compensation and motivation decisions are based more on policy and political considerations than on economics. To reach a decision, first consider the full range of methods that can be used to compensate inmates. Some nonmonetary incentives include:

- Limited free commissary.
- Extra good time.
- Special meals and meal times.
- Extra hours of TV viewing.
- Extended telephone privileges.
- Furloughs.
- Working assignments outside of the jail.
- Civilian clothes privileges.
- Extra uniform changes.
- Preferred housing assignments.
- Extended gym and recreation time.
- Involvement of inmates in improving operations.
- Reduction of fines.
- Outside meals and snacks.
- Freedom of movement.

Inmates can also be motivated to participate because of less immediate occupational benefits, such as:

- Opportunity to learn skills.
- Vocational training certificates.
- Job placement opportunities.
- Position advancement.
- Developing a work record or history.

These issues and options are described in more detail in chapter 3 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990).

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6. Resource: Sexton, Miller, and Jacobsen, 1990, chapters 3 and 7.

As final decisions are made for new industry projects, specific compensation and motivation decisions can be finalized.

Checklist 6	Task
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____ Determine the primary methods for motivating inmates.
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### 7. Determine Where Work Can Occur

Another basic decision, the location of industry activities, will have a dramatic impact on subsequent development issues. For example, a location inside the security perimeter will limit the types of materials that can be used in the program. When Hampden County, Massachusetts, decided to locate its manufacturing operation away from the jail, it limited the potential workforce to inmates who qualified for community custody. Now that the industry has been allocated space in the new jail, the workforce has grown.

Many counties are experiencing jail overcrowding and may be compelled to locate industry operations outside of the jail facility. Before making this decision, be sure to fully consider all possible locations within or on the jail site. Remember that some jail industry programs require little space (exhibit 4-4).

Exhibit 4-4	Ten Jail Industries That Can Operate in a Closet
-------------	--

- |                               |                                      |
|-------------------------------|--------------------------------------|
| ■ Data entry.                 | ■ Engraving.                         |
| ■ Mailing.                    | ■ Shoe repair.                       |
| ■ Disassembly of small items. | ■ Refinishing small furniture items. |
| ■ Assembly of small items.    | ■ Clothing repair.                   |
| ■ Sewing.                     | ■ Answering telephone.               |

Of the 19 jurisdictions that attended the 1995 BJA Jail Work and Industry Symposium, 11 found ways to employ inmates in their housing units. Arlington County, Virginia, uses program space adjacent to each housing unit to extend the services of its printing industry.

Checklist 7	Task
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- |   |
|---|
| <p>_____ Determine if your jail industry program will operate:</p> <ol style="list-style-type: none"> <li>1. Within the perimeter.</li> <li>2. Outside the perimeter but on the site.</li> <li>3. Away from the site.</li> <li>4. In more than one location.</li> </ol> |
|---|

### 8. Identify Sources of Assistance and Resources<sup>7</sup>

Developing and operating a jail industry require diverse resources because the program operates in two distinct worlds: corrections and business. Each imposes different requirements and constraints on the operation, and each requires different expertise to address its challenges.

When first surveyed by NIJ, industry managers said they successfully met the complex needs of jail industries only by creatively using a diverse array of resources. For example, managers frequently called on private-sector information and support while developing and improving their industries. Chapter 1 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) provides detailed guidance for identifying and using resources when developing and operating a jail industry program. The text identifies types of resources that can be tapped, including:

- Published materials.
- Community resource lists.
- Resources for assistance with legal issues.
- Types of resources available locally and at the state and national levels.
- Specific organizations and agencies.

The text also describes specialized resources, such as volunteers, and identifies resources that can help the program stay current.

The BJA Jail Work and Industry Center is a national clearinghouse that offers information and guidance for those interested in expanding or improving their jail work and industry activities. The Center has a growing database that describes the work activities of more than 1,600 jails, and it has copies of many resource documents and publications available free of charge. Also available through the Center is an extensive library containing sample and model documents, assessments and evaluations, and published articles. For the most current information about the Center and for access to many resource documents online, visit [www.correction.org](http://www.correction.org).

7. Resource: Sexton, Miller, and Jacobsen, 1990, chapter 1, p. 9; Miller, 1989.

**Checklist 8 Product**

\_\_\_\_ Create an inventory or list of resources that can be used.

## Phases 2 and 3: Development Activities and Business Planning

Continuing with the list of development components introduced in this chapter, six activities should be completed during the second phase of development of a jail industry program and the final activity should be completed during the business planning phase.

9. Identify sources of financing for the program.
10. Determine who will manage and supervise the program.
11. Determine how to coordinate with jail programs, security, and inmate classification.
12. Identify potential customers and create a process for selecting products and clients.
13. Plan to manage risk.
14. Prepare policies and procedures for operations, recordkeeping, and bookkeeping.
15. Develop and implement a business plan for each distinct industry.

These tasks are reviewed on the following pages. Remember, the sequence of implementation in these phases is less important than ensuring that all tasks are initiated.

These activities, which build on the foundation decisions already made, are more concrete and set the stage for implementation of specific projects. By implementing these activities before starting a new project, you do the following:

- Provide a strong organizational and management context within which the project will operate.
- Increase cooperation among various jail staff and officials.
- Integrate the new industry project into the daily operation of the jail.
- Reduce conflict and competition among jail staff.
- Ensure that the project is guided by well-written procedures.
- Anticipate and address areas of potential risk.

The development activities (tasks 9–14) should be implemented concurrently with task 15, which is considered a business planning activity. If they are not implemented at the same time, you will face many challenges. For example, sources of financing will be pursued based on the financial needs of each specific project. Funding for equipment often comes from different sources than funding for staff salaries. Conversely, some elements of a business plan cannot be completed until decisions have been made about management, supervision, and risk management.

## **9. Identify Sources of Financing for the Program<sup>8</sup>**

Although many jail industries strive to be self-supporting, most initially require funding for either personnel or capital costs—or both. As the concept of the industry is refined, it is necessary to consider potential funding sources. Programs have tapped a variety of sources, including:

- County funds, such as establishment of a “revolving fund.”
- Private funds, including loans from private banks.
- State funds.
- Federal funds for pilot programs (U.S. Department of Justice).
- Federal/state funds through the local private industry council.

Financial support for jail industries can come from diverse sources, including:

- Drug and alcohol grants.
- Vocational education grants and contracts.
- Regional authorities.
- Job training programs.
- Inmate benefit funds.
- Deductions from inmate wages.
- Bond issues.
- Loans.
- Revenue from inmate phone calls.
- Revenue generated by the industry program.

The amount of funding required by the pilot programs varied significantly. Hampden County, Massachusetts, secured a \$15,000 loan and a \$30,000 line of credit from a local bank. Kennebec County, Maine, started its program with surplus materials and existing personnel, as did Metro

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8. Resources: Sexton, Miller, and Jacobsen, 1990; Jail Industries Association, 1999.

Dade County, Florida. In Prince Georges County, Maryland, the \$25,000 needed for capital costs was provided equally by the county and the private industry council. Cook County, Illinois, attempts to tap grants from private industry. Philadelphia, Pennsylvania, has established a revolving fund for its industry program.

By determining where funds are available, another key decision will be made—narrowing the scope of subsequent development efforts.

**Checklist 9    Tasks**

- Identify potential sources of funds.
- Estimate the financial resources that could be available from each source.

**10. Determine Who Will Manage and Supervise the Program<sup>9</sup>**

Industry managers surveyed by NIJ agreed that one of the most crucial decisions made during the development phase was identifying the type of manager needed to operate the program.

Chapter 5 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) examines the skills and characteristics that should be considered. To make this determination, it will be necessary to begin designing the program’s overall organization and management structure.

It is possible that the program can be managed with existing personnel. This was true in Belknap County, New Hampshire, where the program director was assigned responsibility for the industry program. She manages the program, using other facility staff and volunteers to supervise production. This is also the case in Metro-Dade County, Florida.

Arlington County, Virginia, has found that other county departments are willing to reassign their staff to supervise inmates. The new print shop in the jail is staffed by nonjail employees. Arlington’s work crews are supervised by employees of the parks and recreation department.

Jail officers are often overlooked as a source of supervision. Plymouth County, Massachusetts, has found officers who had specific experience and interest in areas such as horticulture; these officers supervised and managed the greenhouse operation.

9. Resource: Sexton, Miller, and Jacobsen, 1990, chapter 5, p. 114.

Some programs actively involve volunteers as managers and supervisors. They have proved to be a viable source of assistance.

It is important to understand the difference between managing a jail industry program and supervising one. For this workbook, supervision involves monitoring inmates on a day-to-day basis as they work. In many jails, supervision and management are combined and assigned to a single staff member. Although this may be possible in some circumstances, it may shortchange the management tasks and thereby reduce the long-term health of the program.

#### Checklist 10 Task and Product

- Develop an initial organizational plan for the program.
- Draft a job description for the industry manager and other key positions.

### **11. Determine How To Coordinate With Jail Programs, Security, and Inmate Classification<sup>10</sup>**

One of the most serious problems reported by jail industry managers is resistance among security and program personnel to the creation and operation of an industry program. Creating an industry program requires change, and jails—like most organizations—resist it.

Chapter 3 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) analyzes methods that can successfully balance security, programs, and industries. Chapter 4 examines links with education and training programs in more detail.

Most of the pilot programs reported close working relationships with other jail programs. In some jails, the industry program is a subsidiary of the overall program division; in others, it is a separate entity. It is important to work out relationships, deal with turf issues, and secure a common commitment to the industry program.

The most recent innovation is the creation of a “workforce manager” position in Montgomery County, Maryland. This position reports to the director of the county corrections department and has authority for *all* inmate labor—in the jail, in the prerelease center, and in community-based programs.

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10. Resource: Sexton, Miller, and Jacobsen, 1990, chapters 3 and 4.

Some strategies that have effectively integrated industry programs with other jail programs and activities involve:

- Including the industry manager in the inmate classification process.
- Including classification and program staff in the planning and oversight of industries.
- Securing high-level administrative support for industries in the jail.
- Convening regular meetings of classification, program, and industry staff.

**Checklist 11 Task**

\_\_\_\_\_ Describe industry program relationships with other programs, security, and inmate classification.

**12. Identify Potential Customers and Create a Process for Selecting Products and Clients<sup>11</sup>**

In an initial phase of development (task 4—determine who should be served), decisions were made about potential markets and customers (public or private). Part of the formula for selecting the appropriate product or service was to identify customers who want or need that product or service.

Jail industry managers who have analyzed their customer and product selection process have identified their three best customers as city and county agencies; nonprofit, tax-exempt agencies; and the private sector. Criteria for determining the best customers include:

- Cost effectiveness.
- Accessibility to services or goods.
- No bidding process.
- Nonthreatening to unions.
- Customer support.

Managers described the special attributes of the private-sector customer by product orientation (rather than service), cost, revenue, and volume. Chapter 5 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) describes methods that can help identify and select potential customers.

11. Resources: Sexton, Miller, and Jacobsen, 1990, chapter 5; Quirk and Miller, 2000; Department of Corrections and Rehabilitation, 2000.

**Product or service.** During the initial phase, research identified customers who could be served and any legal limits or restrictions. At this point, it is necessary to narrow the scope of development by determining whether the program will offer a product or a service. This decision must consider information gathered during prior steps (available inmate labor and corresponding characteristics, market interest, space constraints, and so forth).

**Customers and clients.** Chapter 5 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) describes methods that can help you identify potential customers and make appropriate decisions. The customers served by participants in the 1995 BJA Jail Work and Industry Symposium include:

- Parks and recreation departments.
- Courts.
- Roads and highway departments.
- Fire departments.
- Probation offices.
- Print shops.
- Salvation Army, Goodwill.
- Homeless projects, food banks.
- State agencies.
- Federal agencies.
- Kiwanis and other service organizations.
- Preschools.
- Rehabilitation programs.
- Sheltered workshops.
- Community colleges.
- Libraries.
- Churches.
- Hospitals.
- AIDS projects.

**Tips for identifying and selecting customers and products.** As a public agency, a jail must approach customer identification and product selection in an open manner. This approach reached perhaps its highest point in Strafford County, New Hampshire, where county officials advertised their

resource through an aggressive public information campaign that included a prospectus mailed to all companies and towns in the county.

An excellent resource for this task is the county purchasing office. By jointly reviewing the list of commodities and services purchased by county agencies, a match often can be made between the needs of the county and the capabilities of the jail. In Maine, the state purchasing office has been used.

**Create a formula or template for making decisions.** Many counties have found that they can easily convert their foundation decisions into a template for evaluating potential projects. As the county receives specific proposals or options, it will be necessary to screen each and make choices. Again, because counties are public entities, it is important to be open, careful, and fair in these decisions. Some counties have found it helpful to establish specific, weighted selection criteria that allow each option to be fairly evaluated, prior to looking for customers.

**Some possible criteria for screening potential products or services.**

- Size of potential market.
- Ease of production.
- Amount of equipment needed.
- Need for space.
- Security hazards.
- Health and safety risks.
- Job skills required.
- Skill relevance.
- Achievement of goals and objectives.

Chapter 5 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) provides additional insight into the screening and selection process. After the initial screening is complete, a revenue analysis should be conducted for a tentatively selected industry. The analysis will determine if the product or service will generate sufficient revenue, considering sales volume, cost of materials, utility costs, cost of equipment, and miscellaneous expenses. These and other elements of a business plan are part of the selection process (task 15—develop and implement a business plan for each distinct industry).

**Checklist 12 Tasks and Products**

- \_\_\_ List the weighted criteria for selecting customers and products.
- \_\_\_ List potential customers and needs.
- \_\_\_ Develop a strategy for identifying customers.
- \_\_\_ Determine the primary focus—products or services.
- \_\_\_ Describe the rationale for reaching the decision.

**13. Plan To Manage Risk<sup>12</sup>**

Because jail industries operate in two dimensions, secure detention and the business environment, they are riskier than normal businesses. If not anticipated and neutralized, the risks can easily kill a program or subject the jail to litigation. Now is the appropriate time to consider and incorporate risk management techniques.

Risk management is designed to protect an organization against losses that may include:

- Injury to staff, inmates, or the public.
- Breach of safety and security practices.
- Involvement with costly litigation.
- Reduction or loss of insurance coverage.

These are losses in the sense that they may cause human suffering, cost the jail money, or bring the jail adverse publicity, including a loss of reputation. Further, loss of the jail industry program must also be a concern. If risk is not properly managed, the program may become too costly in political terms, causing officials to terminate operations.

Risk management refers to the development and implementation of procedures to prevent loss. Risk management typically involves:

- Identifying and analyzing exposures to loss.
- Examining alternative ways to eliminate or minimize exposure.
- Selecting the best techniques.
- Implementing the chosen techniques.
- Monitoring and improving the techniques.

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12. Resource: Sexton, Miller, and Jacobsen, 1990, chapter 2.

In jails, risk management pays special attention to the legal liability of the facility and takes steps to reduce it. Liability in a jail industry may include negligent hiring, negligent retention, failure to direct, negligent assignment, failure to supervise, negligent entrustment (letting the wrong kind of staff or inmates undertake certain tasks), and failure to train. These seven types of liability apply to both industry staff and inmate workers. For example, a jail may be sued if it retains negligent supervisory staff or if it retains inmate workers who have negligently used dangerous equipment.

Chapter 2 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) provides resources for developing a risk management plan. Use these materials to develop a plan that can be incorporated, from the beginning, into all facets of the industry program.

**Checklist 13    Task**

\_\_\_\_ Create a risk management plan.

**14. Prepare Policies and Procedures for Operations, Recordkeeping, and Bookkeeping<sup>13</sup>**

Jail managers know the value of guiding daily operations with written policies and procedures. The industry program should not begin until basic issues are addressed in policies and procedures.

Chapter 3 of *Operating Jail Industries: A Resource Manual* (Sexton, Miller, and Jacobsen, 1990) details the need for policies and procedures, outlining techniques and providing samples. An appendix to the *Manual* provides a complete set of sample policies and procedures.

Although some industry managers suggest that it is possible to begin a new program without all of the policies and procedures described in the *Manual*, all managers agree that certain ones must be in place before opening. These include:

- Administration and organization.
- Staff training and job descriptions.
- Recruiting, selecting, and training inmate workers.
- Supervising inmate workers.
- Evaluation and termination of inmate workers.

13. Resource: Sexton, Miller, and Jacobsen, 1990, chapter 2; Miller and Nichols, 1984.

- Compensation of inmate workers.
- Records to be maintained for the operation.
- Bookkeeping practices.
- Production practices.

The *Manual* offers many helpful tips for developing meaningful policies and procedures.

#### Checklist 14 Tasks and Products

- \_\_\_\_\_ Outline specific policies and procedures needed prior to opening the program.
- \_\_\_\_\_ Develop draft policies and procedures.
- \_\_\_\_\_ Secure comments and revise the policies and procedures.
- \_\_\_\_\_ Print and distribute policies and procedures.

### **15. Develop and Implement a Business Plan for Each Distinct Industry<sup>14</sup>**

This task should be implemented concurrently with development (tasks 9–14) of each distinct industry project.

The *Business Planning Guide for Jail Industries* (Quirk and Miller, 2000) provides step-by-step instructions for developing and implementing a business plan. It will help you clarify your thoughts about jail industries and develop a plan that enables you to communicate why such programs exist and their potential benefits to inmates, jail programs, and the community.

A good business plan addresses the following aspects of a jail industry:

- WHAT** the customer wants (the products and services offered).
- WHEN** the customer wants it (the delivery schedule).
- WHERE** the products and services will be created or performed (the place).
- HOW MUCH** the customer is willing to pay for the products and services (the price).

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14. Resources: Sexton, Miller, and Jacobsen, 1990, chapter 15; Quirk and Miller, 2000.

- HOW the customers will find out that your products and services are available and be encouraged to buy them (the promotion).

A good business plan:

- Tells WHERE you are going (specific objectives).
- Tells HOW you plan to get there (marketing strategy).
- Gives specific GOALS to aim for (useful in the evaluation stage).
- Tells how much it will COST to implement the plan (budget planning).
- Provides a means for MEASURING progress when answering the question, How well are we doing?
- Allows CORRECTIVE ACTION to be taken to control the plan.
- Enables pursuit of PROFITABILITY GOALS (Will we be able to make a profit if we implement this plan?).

**Checklist 15 Task**

\_\_\_\_\_ Complete the *Business Planning Guide for Jail Industries* for each distinct industry project.

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### Additional Resources

Jail Industries Association. 1999. *Finding Resources for Jail Work & Industry Programs*. Baltimore, MD: Correctional Industries Association.

Miller, Rod, and Ralph Nichols. 1989. *National Institute of Corrections Jail Resource Manual*. 4th ed. Boulder, CO: U.S. Department of Justice, National Institute of Corrections.

## Sources for Further Information

For more information on jail industries programs, contact:

**National Institute of Corrections**

1860 Industrial Circle, Suite A

Longmont, CO 80501

1-800-877-1461

World Wide Web: [www.nicic.org](http://www.nicic.org)

**Bureau of Justice Assistance**

810 Seventh Street NW.

Washington, DC 20531

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**Bureau of Justice Assistance Clearinghouse**

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# Bureau of Justice Assistance Information

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For information about BJA, its programs, and its funding opportunities, requesters can call the BJA Clearinghouse. The BJA Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), shares BJA program information with state and local agencies and community groups across the country. Information specialists are available to provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The Clearinghouse can be reached by:

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