

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** enacting section 6004., of the Jackson County Code, 1984, relating to standards for care and treatment in Jackson County residential facilities.

**ORDINANCE NO. 6071**, March 9, 2026

**INTRODUCED BY** Manuel Abarca IV, County Legislator

WHEREAS, The Jackson County Legislature deems it necessary to enact justice and dignity standards relating to the care of detainees at the Jackson County Detention Facility; and,

WHEREAS, Within thirty (30) days of adoption, the County shall convene an implementation committee composed of relevant stakeholders to establish clear enforcement mechanisms, including procedures, graduated sanctions, civil penalties or fines where authorized, reporting requirements, and timelines. The committee shall aim to finalize and publish an enforcement framework within ninety (90) days of convening; and,

WHEREAS, The County shall identify and allocate sufficient funding to support implementation, training, oversight, data collection, and compliance activities associated with these Standards of Care and Conduct. Budgeting shall account for staffing, training, technology, independent oversight functions, and any costs necessary to ensure meaningful compliance, with ongoing funding considerations incorporated into the annual budget process; now therefore

**BE IT ORDAINED** by the Jackson County Legislature as follows:

#### 6004. - Purpose

The Jackson County Detention Center affirms that every person in custody retains fundamental human rights and shall be treated with dignity, fairness, and respect. These rights exist alongside the County's responsibility to maintain a safe, secure, and orderly environment for staff, visitors, and detainees.

#### 6004.1 - Dignity and Respect

All individuals shall be treated with courtesy and without discrimination based on race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, or legal status. Harassment, abuse, or degrading treatment by staff or other detainees is strictly prohibited. (Missouri Constitution Art. I, § 2; 42 U.S.C. § 1983; NYC Administrative Code § 9-139(model))

#### 6004.2 - Dignity During Intake and Booking

The intake and booking process shall be conducted in a manner that preserves dignity and basic human respect.

1. Intake procedures, including photography and property impoundment, shall be conducted with clear explanation to the individual and without unnecessary humiliation.
2. When personal clothing has been removed for safety, evidentiary, or medical reasons, individuals shall be provided a standardized smock or modest covering for intake photographs. No individual shall be photographed in a state of partial undress unless strictly necessary for identification or medical documentation, and such

necessity shall be documented.

3. All personal property and money shall be inventoried in the presence of the individual and verified by two staff members.

A. A written receipt shall be provided, and individuals shall be informed of the process for reclaiming property and funds.

B. Any loss, damage, or discrepancy shall be subject to review through the grievance process without retaliation.

(*Bell v. Wolfish*, 441 U.S.C. 520 (1979); Nelson Mandela Rules 1, 47, 52; Fourteenth Amendment Due Process Clause; PREA Standards; ABA Standards on Treatment of Prisoners.)

#### 6004.3 - Humane Conditions

1. Every detainee shall be housed in safe, clean, and sanitary conditions, with access to potable water, adequate nutrition, clothing, bedding, ventilation, and lighting.

2. Regular access to showers, hygiene supplies, including feminine hygiene products, and exercise opportunities shall be provided. (Nelson Mandela Rules 13-23; *Hutto v. Finney*, 437 U.S. 678 (1978))

#### 6004.4 - Medical and Mental Health Care

1. Individuals shall receive timely access to necessary medical, dental, and mental health care, consistent with professional standards.

2. Medication shall not be withheld as punishment. Medication-assisted treatment

for substance use disorders shall be provided when clinically indicated.

3. Emergency care shall be available at all times. (*Estelle v. Gamble*, 429 U.S.C. 97 (1976); NCCHC Standards for Health Services in Jails; RSMo § 221.120.)

#### 6004.5 - Disability Rights

Detainees with disabilities are entitled to reasonable accommodations to ensure equal access to programs, services, and activities. Communication aids, mobility devices, and modifications shall be provided when needed. (ADA Title 11, 42 U.S.C. § 12132; *Pennsylvania Dep't of Corrections v. Yeskey*, 524 U.S.C. 206 (1998))

#### 6004.6 - Religious Exercise

Individuals shall be permitted to practice their religion, including access to approved religious materials, dietary accommodations, and pastoral visits, subject only to legitimate security requirements. (RLUIPA, 42 U.S.C. § 2000cc; *Cruz v. Beto*, 405 U.S.C. 319 (1972); *O'Lone v. Shabazz*, 482 u.s.c. 342 (1987))

#### 6004.7 - Legal Access

1. Detainees shall have meaningful access to courts and counsel, including confidential legal visits, phone calls, and correspondence.

2. Legal mail shall not be read outside the presence of the recipient, except as necessary for security inspection.

3. Access to legal materials or assistance shall be provided to support active cases. (*Bounds v. Smith*, 430 U.S.C. 817 (1977); *Lewis v. Casey*, 518 U.S.C. 343 (1996);

RSMo § 600.042)

#### 6004.8 - Communication and Family Contact

1. Detainees shall be allowed reasonable opportunities for written correspondence, telephone calls, and visitation with family and friends.
2. Restrictions on communication may be imposed only for documented security or disciplinary reasons. (*Procunier v. Martinez*, 416 U.S.C. 396 (1974))

#### 6004.9 - Due Process in Discipline

Before the imposition of significant disciplinary sanctions, individuals shall receive written notice of the charges, an opportunity to be heard, and a written statement of the decision. Decisions shall be based on evidence and subject to review. (*Wolff v. McDonnell*, 418 U.S.C. 539 (1974); *Superintendent v. Hill*, 472 U.S.C. 445 (1985))

#### 6004.10 - Protection from Abuse

1. Use of force is permitted only when necessary for safety, security, or prevention of serious harm, and must be the least restrictive means available.
2. All incidents involving force shall be documented and reviewed.
3. Sexual abuse, assault, or harassment is strictly prohibited, with procedures for confidential reporting and investigation. (PREA, 34 U.S.C. § 30301; Jackson County Sheriff's Office Use of Force Policy)

#### 6004.11 - Grievances

1. Every detainee shall have access to a simple, timely, and confidential grievance process.
2. No person shall face retaliation for filing a complaint or participating in an investigation. (RSMo § 217.370; Turner v. Safley, 482 U.S.C. 78 (1987))

#### 6004.12 - Language and Communication Access

Individuals with limited English proficiency or communication barriers shall be provided interpreters or other reasonable means to understand and participate in jail proceedings and services. (ADA Title II; Executive Order 13166.)

#### 6004.13. Gender Identity and Expression

Detainees have the right to be addressed by their chosen name and pronouns. Housing and program assignments shall consider safety and dignity, consistent with individual assessments. (NYC Admin. Code § 9-139; PREA Standard 115.42)

#### 6004.14. Oversight and Transparency

1. Detention Center policies and procedures shall be publicly available except where disclosure would compromise safety or security.
2. Independent oversight, auditing, and compliance reviews shall be conducted.  
(RSMo § 610.010 et seq.; ABA Standards on Treatment of Prisoners)

#### 6004.15. Pretrial Protections

Individuals awaiting trial are presumed innocent and shall not be subject to punitive

conditions of confinement. Restrictions must be reasonably related to legitimate government interests, including safety and security. (*Bell v. Wolfish*, 441 U.S.C. 520 (1979))

#### 6004.16. Reentry and Records

1. Prior to release, detainees shall be provided with reasonable assistance in securing identification, medications, discharge planning, and referrals to community services.
2. Individuals may access personal records subject to safeguards. (NCCHC Standards; RSMo § 221.105)

#### 6004.17. Voting Rights of Eligible Detainees

Eligible detainees not serving felony sentences nor on felony supervision retain the right to register and vote by absentee ballot. The Detention Center shall coordinate with election authorities to provide registration forms and ballot access. (RSMo §§ 115.133, 115.277-115.291; 52 U.S.C. § 10508; 52 U.S.C. § 21082; *O'Brien v. Skinner*, 414 U.S.C. 524 (1974))

#### 6004.18. Independent Inmate Ombudsman or Representative

The County shall establish an independent Ombudsman empowered to receive and investigate complaints, recommend corrective actions, and publish reports while preserving confidentiality. No retaliation is permitted. (ABA Standards § 23-9.1; RSMo § 610.010 et seq.; PREA Standards 115.51 and 115.54)

#### 6004.19 - Implementation

1. The above Standards of Care and Conduct shall be posted prominently in all housing units and common areas.
2. Staff shall receive annual training on their contents and duties to uphold them.
3. Alleged violations shall be addressed through established disciplinary, grievance, or employment procedures, as appropriate.

#### 6004.20 – Severability

If any of the above sections, subsections, words or phrases are found to conflict with state, federal, or local law, and as such is held unenforceable, invalid or illegal, every other section subsection, word and phrase shall continue to have the full force and effect of law.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 6071 introduced on March 9, 2026, was duly passed on \_\_\_\_\_, 2026 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Abstaining \_\_\_\_\_ Absents \_\_\_\_\_

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 6071.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phil LeVota, County Executive