

CHAPTER 80

DEPARTMENT OF CORRECTIONS

DIRECTOR

8000. - 8019. Reserved

OPERATION OF JAIL

8020. Definitions.

The following words and phrases shall have the following meanings for the purposes of Sections 8020.00 through 8056.00 unless the context otherwise requires. (Ord. 198, Sec. 6.29, Eff. 7-31-74)

8020.1 Contraband.

Contraband means any of the following:

a. Dangerous and Deadly Weapon.

Any dangerous and deadly weapon including, but not limited to, any kind of firearm, knife, razor, metal knucks, billy, blackjack, sand club, sand bag, sharp instrument or explosive substance;

b. Alcoholic Beverage.

Any alcoholic beverage or implement for the making of any alcoholic beverage;

c. Narcotic, Stimulant or Hallucinogenic Drug.

Any substance defined as a narcotic, stimulant, or hallucinogenic drug, or as a controlled substance by the state law of Missouri or by the laws of the United States, or any implement for the taking or administering of those substances with the exception of drugs, medication and implements delivered and kept for dispensation or use by a licensed physician or by authorized personnel of the Department of Corrections, at the direction of a licensed physician;

d. Other Drugs.

Any drugs other than narcotics;

e. Drug Paraphernalia.

Any device, contrivance, instrument or paraphilia intended to be used for unlawfully injecting or consuming any drug other than narcotics;

f. Objects Endangering Safety.

Any other article or thing which may be used in a manner which will endanger the safety or security of the jail or other correctional institution, or will endanger the life or limb of any inmate or officer of the jail; and

g. Other Prohibited Objects.

Any particle or thing not otherwise specified in paragraphs a. through f. which an inmate is prohibited by law or by regulation issued by the Director of Corrections from possessing or receiving. (Ord. 198, Sec. 6.29 b., Eff. 7-31-74)

8020.2 Director.

Director means the Director of the Department of Corrections or the director of any department which is, by reason of any executive order issued under the authority of Article IV, Section II, of the Jackson County Charter, given the management and control of the Jackson County Jail or correctional institutions, as provided by Article IV of the Jackson County Charter. (Ord. 198, Sec. 6.29 a., Eff. 7-31-74)

8020.3 Jackson County Correctional Institution.

Jackson County correctional institution means any facility or structure maintained by Jackson County or any other local government or group of local governments for purposes of detention or confinement of prisoners in which Jackson County prisoners are regularly kept, including any lobby, vestibule and the grounds of that facility or structure. (Ord. 198, Sec. 6.29 c., Eff. 7-31-74)

8020.4 Jackson County Jail.

Jackson County Jail means the jail facility located at the top of the Jackson County Courthouse, Kansas City, Missouri including the eleventh floor lobby. (Ord. 198 Sec. 6.29 d., Eff. 7-31-74)

C/R: 8044.00, prohibition or use of eleventh to fourteenth floor of courthouse as jail facility after the new detention facility is opened.

8020.5 Jackson County Prisoner.

Jackson County prisoner means any person placed in the custody of Jackson County, Missouri or of the Jackson County Director of Corrections by reason of the order of any court of the State of Missouri or the United States or by reason of any arrest, custody, detention or restraint imposed by any peace officer of the state, county or United States. (Ord. 198, Sec. 6.29 e., Eff. 7-31-74)

8021. Corrections, Rules and Regulations.

The Director of Corrections or the duly designated deputy of the Director, may establish rules and regulations governing the operation of the jail and the conduct of prisoners,

corrections officers and visitors for the purpose of maintaining the safety and health of prisoners and the security of the jail. The Director, or the duly designated deputy of the Director, may establish procedures to ensure compliance with those regulations and the provisions of Jackson County ordinances with respect to the operation of the jail. (Ord. 34, Sec. 6.32, Eff. 4-12-73)

8021.1 Adoption for Other Institutions.

Regulations may be adopted for any other correctional institution which is placed under the jurisdiction and control of the Director of Corrections. (Ord. 34, Sec. 6.32, Eff. 4-12-73)

8021.2 Failure of Visitors to Comply.

Visiting privileges may be withheld or revoked when any visitor refuses to comply with rules or procedures established by the Director of Corrections. (Ord. 34, Sec. 6.32, Eff. 4-12-73)

8022. - 8029. Reserved

8030. Prohibited Activities.

Sections 8031.00 through 8041.02 are prohibited activities.

8031. Contraband, Bringing Into Jail.

No person shall willfully bring, attempt to bring, or cause or attempt to cause to be brought, into the Jackson County Jail or any other Jackson County correctional institution, any item defined as contraband. (Ord. 34, Sec. 6.30 a., Eff. 4-12-73)

8031.1 Exception.

Section 8031.00 shall not prohibit any appropriate possession or use of a weapon by any correctional or peace officer in conformity with the procedures established within the jail or any correctional institution for the control of weapons. (Ord. 34, Sec. 6.30, d., Eff. 4-12-73)

8032. Giving Contraband to Prisoner.

No person shall willfully give, sell or provide, or attempt to give, sell or provide, to any Jackson County prisoner, while in actual or constructive custody of the Jackson County Department of Corrections, any item defined as contraband. (Ord. 34, Sec. 6.30 b., Eff. 4-12-73)

8033. Possession of Contraband.

No prisoner shall possess any item defined as contraband except where the prisoner is using tools on a legitimate work detail under direct supervision of a corrections officer. (Ord. 34, Sec. 6.30 c., Eff. 4-12-73)

8034. No Violation.

No violation of Sections 8031.00, 8032.00 or 8033.00 shall be deemed to have been

committed when, prior to entering any part of the jail or correctional institutions where prisoners are present, a visitor declares and surrenders for safekeeping any item the possession of which would be lawful elsewhere than at the jail or correctional institution. (Ord. 34, Sec. 6.30 e., Eff. 4-12-73)

8035. Consideration Offered or Received for Favors to Prisoners.

No county peace officer, correctional officer or any other person employed by the county shall solicit or accept any consideration, whether in money, kind, services or any other thing of value, for in any way treating any prisoner more favorably than any other prisoner, or for providing any thing of value to any prisoner whether or not the thing would otherwise be contraband. No prisoner or other person shall offer or give consideration for favorable treatment. (Ord. 198, Sec. 6.31, Eff. 7-31-74)

8035.1 Not Prohibit Operation of Commissary.

Section 8035.00 shall not prohibit the operation of a commissary under the management and control of the appropriate county department provided that all proceeds of the commissary shall be dealt with in accordance with Article XIII, Section 10 of the Jackson County Charter. (Ord. 198, Sec. 6.31, Eff. 7-31-74)

8036. Assault on Corrections Officer.

Every county prisoner who shall willfully commit an assault on the person of a county corrections officer by means of threatening the officer so as to put the officer in fear of bodily harm, or by striking the officer with his fists or any other object, or by throwing any object or substance at the officer shall on conviction be punished as provided in Section 8047.00. (Ord. 198, Sec. 6.34, Eff. 7-31-74)

8037. Assault on Another Inmate.

Every county prisoner who shall willfully commit an assault on the person of another county prisoner by means of conduct or language calculated to cause the victim of the assault to be put in fear for his bodily safety, or by throwing any object or substance at another inmate or every county prisoner who shall willfully strike any other person so confined with his fists or any other object shall be punished as provided in Section 8047.00. (Ord. 198, Sec. 6.36, Eff. 7-31-74)

8038. Refusal to Obey Lawful Command.

Every county prisoner who, after being ordered to do so by a corrections officer, willfully refuses to go into a cell or tank or to come from a cell or a tank or who willfully refuses to participate in an inmate count, or who shall willfully refuse to obey any other lawful command of a corrections officer made in the course of the duties of the officer shall on conviction be punished as provided in Section 8047.00. (Ord. 198, Sec. 6.35, Eff. 7-31-74)

8039. Holding of Hostages.

Any county prisoner who willfully holds as hostage any person within the jail or other facility under the jurisdiction of the Director of Corrections, or who by force or threat of force holds any person against his will within the jail or facility shall on conviction be punished as

provided in Section 8047.00. (Ord. 198, Sec. 6.37, Eff. 7-31-74)

8040. Jail, Damage to Contents.

Every county prisoner who willfully damages or destroys any portion of the county jail or other institution or any fixture, furniture or any other contents in the county jail or other institution in any amount not exceeding fifty dollars (\$50) shall be on conviction punished as provided in Section 8047.00. (Ord. 198, Sec . 6 . 3B, Eff. 7-31-74)

8041. Inciting Riot Within Jail.

Every county prisoner who shall by words or deeds incite one or more other county prisoners to riot, or who shall incite one or more other county prisoners to attempt to rise up in insubordination against the lawful authority in control of the jail shall be punished as provided in Section 8047.00. (Ord. 198, Sec. 6.39, Eff. 7-31-74)

8042. Tampering With Locks.

Any person who, without valid authorization from the Director of Corrections, shall tamper with, change or attempt to change any lock or locking device on the doors or gates of any cell or tank in the jail or other correctional institution, shall be punished as provided in Section 8047.00. (Ord. 198, Sec. 6.40, Eff. 731-74)

8043. Failure to Return to Confinement.

A person commits the crime of failure to return to confinement if, while serving a sentence for any crime under a work-release program, or while under sentence of any crime to serve a term of confinement which is not continuous or while serving any other type of sentence for any crime in which the person is temporarily permitted to go at large with guard, he fails to return to confinement when required to do so. (Ord. 252, Sec. 6.43 A., Eff. 3-18-75)

8043.1 Penalties.

Failure to return to confinement may result in the penalties provided in Section 8047.00. (Ord. 252, Sec. 6.43 C., Eff. 3-18-75)

8043.2 Exception.

Section 8043.00 does not apply to persons who are free on bond, bail or recognizance, personal or otherwise, nor does it apply to persons who are on probation or parole, temporary or otherwise. (Ord. 252, Sec. 6.43 B., Eff. 318-75)

8044. Future Use of Eleventh to Fourteenth Floors of Courthouse.

On the opening of the new detention facility, the jail facility on the top of the Kansas City Courthouse, floors eleven through fourteen, shall never again house inmates in the custody of Jackson County, nor shall it be leased to any other entity for that purpose. (Ord. 928, Eff. 11-25-81)

8045. - 8046. RESERVED

8047. Penalty, Violation of Corrections Code.

Violation of Sections 8031.00 through 8043.00 shall be punishable by a fine of not more than five hundred dollars (\$500), or by confinement in the county jail for a period not to exceed one (1) year or by both. (Ord. 198, Sec. 6.33 a., Eff. 7-31-74)

8048. Forfeiture of Employment.

In addition to any fine or confinement incurred by reason of Section 8047.00, any employee of Jackson County who violates any provision of this chapter, any provision of state law with respect to the government of jails and correctional institutions, or any regulation adopted by the Director of Corrections, shall be deemed to have forfeited his employment with the county. (Ord. 198, Sec. 6.33 b., Eff. 7-31-74)

8048.1 Effect of Conviction.

Where a county employee has been convicted of either an ordinance violation a crime in respect to that violation referred to in Section 8048.00, that judgment shall be conclusive. (Ord. 198, Sec. 6.33 b., Eff. 7-31-74)

8048.2 No Final Judgment of Conviction or Acquittal.

Where no final judgment of conviction or acquittal has been rendered on a violation referred to in Section 8048.00, the question of the propriety of the dismissal of the employee shall, for any employee who is employed subject to the merit system as provided by the Jackson County Charter, be decided by the Merit Commission. (Ord. 198, Sec. 6.33 b., Eff. 731-74)

8049. Procedure for Violation.

When any person in custody of the Jackson County Department of Corrections violates any provision of Sections 8031.00 through 8043.00, any correctional officer having knowledge of the violation shall cause a complaint to be forwarded to the officer of the County Counselor for disposition in accordance with appropriate provisions of law and ordinance for prosecution of county ordinance violations. (Ord. 198, Sec. 6.42, Eff. 7-31-74)

8050. - 8055. RESERVED

8056. Prisoners, Custody and Control.

No magistrate in Jackson County shall require that any person other than lawfully

designated corrections officers of the Jackson County Department of Corrections have custody and control of any person incarcerated in the county jail when that person is required to be brought before the magistrate for the purpose of arraignment, preliminary hearing or any other lawful purpose. (Ord. 198, Sec. 6.41, Eff. 7-31-74)

RELEASE OF PRISONERS

8060. Early Release of Prisoners.

The Director of Corrections may release any Jackson County prisoner, whether the prisoner was committed for a felony or a misdemeanor, who has served his sentence in an orderly and peaceable manner on completion of three-fourths of the sentence of the prisoner. (Ord. 565, Sec. 1, Eff. 12-20-77)

8061. When Early Release not Allowed.

Section 8060.00 through 8062.01 shall not apply when the original sentencing order states on its face that the prisoner is to serve the entire sentence in full. (Ord. 565, Sec. 2, Eff. 12-20-77)

8062. Notice of Release.

The Director of Corrections shall, not less than ten (10) days prior to the release of the prisoner in accordance with Section 8060.00, notify the sentencing judge or magistrate in writing of the projected release date and offer the sentencing authority the opportunity to deny the release of the prisoner and to order the completion of the full sentence. (Ord. 565, Sec. 1, Eff. 12-20-77)

8062.1 When Notice not Required.

When a prisoner is serving his sentence as a part of the work-release program and comes under Section 221.170 RSMo 1978, as amended, the Director of Corrections may release the prisoner without notice to the sentencing authority on completion of three-fourths of his sentence if the prisoner has served his time in an orderly and peaceable manner as set forth in Section 221.170 RSMo. 1978. (Ord. 565, Sec. 3, Eff. 12-20-77)

AMOUNTS EXPENDABLE FOR PRISONERS

8070. Fees, Amount Chargeable for Incarceration of Prisoners.

Pursuant to Section 221.105, RSMo, 1978 as amended there is established the amount of eight dollars (\$8) per diem per prisoner to be expended by the Department of Corrections for the incarceration and boarding of prisoners confined by the Department of Corrections. (Ord. 359, Eff. 4-6-79)

8071. Who Pays.

The amount established by Section 8070.00 shall be taxed as costs against prisoners who are convicted and shall be paid by the state for the incarceration and boarding of those

prisoners chargeable by law to the state. (Ord. 359, Eff. 4-6-79)

8072. Incarceration and Boarding.

The incarceration and boarding of prisoners shall include prisoners housed in the jail pending probation and parole revocation, and shall include all prisoners whose time of incarceration in the jail is creditable against their sentence. (Ord. 359, Eff. 4-6-79)

8073. Submission of Billings.

The Jackson County Department of Corrections shall submit billings of the charges set forth in Sections 8070.00 through 8072.00 to the State Office of Budgeting and Accounting whenever those costs are chargeable to the State. (Ord. 359, Eff. 4-6-79)

COSTS CHARGEABLE FOR TRANSPORTATION

8080. Costs Chargeable for Prisoner Transportation.

The costs chargeable By Jackson County, Missouri to the State of Missouri Office of Budgeting and Accounting for the transportation of prisoners by the Jackson County Department of Corrections are as follows. (Ord. 361, Sec. 1, Eff. 4-6-76)

8080.1 Transporting Prisoner to State Penitentiary.

The costs chargeable for transporting a prisoner to the state penitentiary are:

a. Correctional Officer.

Three dollars (\$3) per diem for a correctional officer;

b. Guard.

Two dollars (\$2) per diem for each guard;

c. Mileage to and From.

Fifteen cents (\$.15) per mile to and from the state penitentiary; and

d. Mileage for Prisoner.

Fifteen cents (\$.15) per mile for each prisoner transported to the state penitentiary. (Ord. 361, Sec. 1 A., Eff. 4-6-76)

8080.2 Transportation for Mental Evaluation.

The costs chargeable for transporting prisoners to and from a state facility for purpose of mental evaluation are:

a. Mileage for Officer.

Fifteen cents (\$.15) per mile for an officer to and from the institution, and

b. Mileage for Prisoner.

Fifteen cents (\$.15) per mile for each prisoner to and from the institution.
(Ord. 361, Sec. 1 B., Eff. 4-6-76)

8080.3 Transportation From Jail to Court.

The costs chargeable for transporting prisoners from the jail to the Circuit Court sitting in Independence, Missouri are:

a. Mileage for Officer.

Fifteen cents (\$.15) per mile for an officer; and

b. Mileage for Prisoner.

Fifteen Cents (\$.15) per mile for each prisoner. (Ord. 361, Sec. 1 C., Eff. 4-6-76)

8081. Procedures for Billing and Collection.

The Jackson County Department of Revenue shall establish all necessary and appropriate procedures for the billing and collection of the costs of the Department of Corrections chargeable to the state for transporting prisoners. (Ord. 361, Sec. 2, Eff. 4-6-76)