

Inspection Report Barnes County Correctional Facility

The North Dakota Department of Corrections and Rehabilitation (“DOCR”) audited the Barnes County Correctional Center (BCCF) on May 22nd, 2018. The inspection was made in accordance with N.D.C.C. §§ 12-44.1-24 and 12-44.1-25 and in accordance with the North Dakota Correctional Facility Standards revised July 2017 and the statutory requirements in N.D.C.C. ch. 12-44.1.

The inspection of the facility was conducted by Don Redmann, Director of Facility Operations, and Jennifer Gronos, Administrative Medical Officer I. The previous inspection of the BCCF was conducted in November 2017 when the facility was found to be in non-compliant with multiple standards at that time. The facility has never had a PREA audit completed.

1. Compliance Tally

Compliance with Standards:	102 Standards
Non Compliance with Standards:	3 Standards
<u>Non Applicable Standards:</u>	<u>3 Standards</u>
Total:	108 Standards

2. **Final Comments:** The DOCR would like to thank Jail Administrator Julie Forsman and Sherriff Randy McClafflin for being understanding and receptive to the changes the Barnes County Correctional Facility needed to make in order to run efficiently and most importantly, safely. The progress was slow, however it seems to be getting there. Nurse Julia Anderson has been especially helpful in the re-writing of efficient policies and making sure all the staff are necessarily medically trained. After the upstairs gets completed it will be inspected by the DOCR and if the inspection turns up no more safety concerns, we will allow BCCF to re-open the minimum security/work release unit. At this time we will also grant Barnes County Correctional Facility to remain open as a Grade 1 facility; meaning the BCCF can again hold inmates up to one year. The BCCF will continue to be monitored by the DOCR until the year’s end. At that time, BCCF must have a plan in place to either extensively renovate or build a new jail.

Standards Compliance Tally

Inspectors: Don Redmann, Jennifer Gronos

Monitor: Jason Komorosky

Facility: Barnes County Correctional Center

Grade: 2

Date of Inspection: May 22, 2018

Maximum Capacity: 20

Current Inmate Count: 17

Standard 1: Variances
Rating: Compliance

A correctional facility shall comply with the standards adopted by the Department of Corrections and Rehabilitation unless a variance has been granted by the North Dakota Department of Corrections and Rehabilitation (“DOCR”). A request for a variance must be submitted in writing using the DOCR Variance Request Form. A variance may be granted in accordance with N.D.C.C. § 12-44.1-26.

Comments: The Facility is in compliance with this standard; there is currently one variance in place for the extension of an inmate’s stay.

Standard 2: Applicable Laws
Rating: Non-Compliance

The facility administrator shall comply with all applicable state and federal laws, rules, and regulations, including all requirements of 28 Code of Federal Regulations Part 115 (PREA).

Comments: BCCF is not a PREA certified facility. Standard 2 requires all jails to be PREA certified.

Standard 3: Grade, Classification and Population
Rating: Compliance

The Director of the DOCR shall notify the administrator of the approved correctional facility grade classification the approved number of classifications, and total number of people that may be confined in the correctional facility. The Director of the DOCR shall notify the administrator of the terms of any variances that have been granted.

Comments: A classification screening system has been written and is in the beginning stages of being implemented.

Standard 4: Facility Policy Review
Rating: Compliance

The DOCR Office of Facility of Inspections shall review each correctional facility's policies and procedures at least annually. Each correctional facility shall make its policies and procedures available in electronic form and provide them to the DOCR Office of Facility Inspections annually or upon request.

Comments: Facility policies and procedures have been reviewed and updated.

Standard 5: Inmate Access to DOCR

Rating: Compliance

Every facility must have a written policy and procedure to permit inmates to contact the DOCR Office of Facility Inspections. The DOCR Office of Facility Inspections contact information shall be made available to inmates.

Comments: Now available in the inmate handbook.

Standard 6: Inspections and Self Inspections

Rating: Compliance

Inspections of correctional facilities must be made pursuant to North Dakota Century Code Chapter 12-44.1 and the North Dakota Correctional Facility Standards. Every facility administrator shall submit a self-completed correctional facility inspection report to the DOCR Office of Facility Inspections at least 30 days prior to the scheduled onsite inspection.

Comments: BCCF currently has a DOCR staff monitoring the facility and the self-audit was completed.

Standard 7: DOCR Access to Facility

Rating: Compliance

Officials under the authority of the Director of the Department of Corrections and Rehabilitation may enter any correctional facility in this state at any time without prior notice, and may confer privately with any employee or inmate about the facility and facility operations.

Comments: The DOCR was welcomed into the facility on date of inspection(s).

Standard 8: Construction and Renovation Plan Expenditures

Rating: Compliance

All construction plans or renovation plans with an estimated expenditure of more than one hundred thousand dollars must have approval from the office of the Director of the Department of Corrections and Rehabilitation before commencement of the project.

Comments: BCCF has blue prints and appointments set up to determine whether they will be renovating the jail or build a new one which has been suggested and reviewed by the DOCR.

Standard 9: Construction and Renovation Plan Standards
Rating: Compliance

All plans for the construction or major renovation of correctional facilities must be in accordance with model correctional facility standards such as the standards published by the American Correctional Association, National Sheriff's Association and the National Institute of Corrections. Unless otherwise noted, the square footage requirements apply to plans approved after January 1, 1992.

Comments: Construction plans are in the works.

Standard 10: Male and Female Separation (WAITING ON POLICY)
Rating: Compliance

Facilities must have a policy and procedure that requires separate male and female housing and includes visual, physical and sound separation between male and female inmates.

Comments: On all visits to BCCF, they have been in compliance with the male a female separation standard.

Standard 11: Single Cell Square Footage Requirements
Rating: Not applicable

A single cell must provide a minimum of 70 square feet if confinement exceeds ten hours in a 24-hour period. All single cells must provide a minimum of 35 square feet of unencumbered space.

Comments: The facility was constructed prior to 1992.

Standard 12: Single Cells for Special Needs
Rating: Compliance

Every facility must have a policy, procedure and practice to provide single-occupancy cells for: inmates who may present a serious threat to the safety or security of the correctional facility, the staff, the inmate, or other inmates; inmates with severe medical disabilities; sexual predators; inmates likely to be exploited or victimized; or inmates with other special needs.

Comments: Jail Administrator Forsman stated they make sure those who need single cells are accommodated as such.

Standard 13: Multiple Occupancy Room Usage
Rating: Compliance

A facility may use a multiple occupancy room for medium or minimum custody inmates. Correctional staff shall classify and screen inmates before housing in multiple occupancy rooms.

Comments: BCCF is now classifying inmates and housing them accordingly.

Standard 14: Multiple Occupancy Room Square Footage Requirements
Rating: Not applicable

A multiple occupancy room must contain a minimum of 25 square feet of unencumbered space per inmate. When confinement exceeds ten hours per day, at least 35 square feet of unencumbered space must be provided for each occupant.

Comments: The facility was built prior to 1992.

Standard 15: Grade One Dayroom for Indoor Recreation
Rating: Compliance

Grade one facilities must provide dayrooms that are separate from indoor recreation areas.

Comments: All living areas have a dayroom setting in addition to indoor and outdoor recreation areas.

Standard 16: Secure Booking Area
Rating: Compliance

Every facility must have a booking area that is separate and secure from the public and inmate housing areas.

Comments: Booking is separate from the living quarters.

Standard 17: Control Room Separation
Rating: Compliance

Every newly constructed facility must provide a control room area that is physically separated and staffed separately from a law enforcement dispatch center.

Comments: Control room is separated from dispatch and staffed separately.

Standard 18: Toilet, Wash Basin, and Urinal Ratios
Rating: Compliance

Inmates, including inmates housed in medical units and infirmaries, must have access to toilets and wash basins with temperature controlled running water 24 hours a day. Inmates must be able to use toilet and wash basin facilities without staff assistance while confined to their cell or sleeping area.

- a. Multiple occupancy rooms must include toilets at a minimum ratio of one toilet per eight inmates for females and one toilet per twelve inmates for male inmates.
- b. Urinals may substitute for up to half the toilets in male living areas.
- c. All living areas with three or more inmates must have a minimum of two toilets.
- d. Washbasins must be provided at a ratio of at least one washbasin for every twelve inmates.

- e. A facility may have a cell, or cells, without an above-floor toilet or wash basin when it is necessary for the temporary housing of an inmate who is under close observation because of destructive or self-destructive behavior.

Comments: The BCCF is in compliance with this standard. Both the dorms and cells have the correct ratio toilets for their per room/cell population.

Standard 19: Shower Temperature and Ratio

Rating: Compliance

Grade one, two, and three facilities must provide showers that are available to all inmates. Facility showers must maintain the water temperature between 100 to 120 degrees. The facility shall provide showers at a ratio of not less than one shower per twelve inmates.

Comments: A shower was tested which provided hot water. There was also a sufficient number of showers in each dorm and cell area for the population held.

Standard 20: Recreation Area Space Requirements

Rating: Compliance

The minimum space requirements for exercise areas: (Post 1992 construction)

- a. Outdoor exercise area: 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1,500 square feet of unencumbered space;
- b. Covered/enclosed exercise areas in facilities of 100 or more inmates: 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 1000 square feet of unencumbered space;
- c. Covered/enclosed exercise areas in facilities of less than 100 inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 500 square feet of unencumbered space.

Comments: The facility was constructed prior to 1992. The facility does provide for adequate indoor and outdoor space for the number of inmates allowed to use it at any one time.

Recommendation: Provide winter attire so inmates can go to outside recreation in the winter months. Was ordered and now provided.

Standard 21: Intake Requirements

Rating: Compliance

Only staff that have completed North Dakota Correctional Officer Basic certification and Correctional Medical Training I and II, or have completed the training required under Standard 103, or are acting under the supervision of trained correctional facility staff may perform intake screenings on inmates at intake admission. Staff shall record their findings in the medical screening portion of the intake form approved by the facility health care administrator. The medical screening portion of the intake form may be completed by a licensed medical

professional. Every facility must have a written policy and procedure that includes a written record of:

- a. Current illness and health problems, including dental problems, sexually transmitted diseases and other infectious disease;
- b. Medication taken and special health requirements, to include meals, medical equipment, or medical treatments;
- c. Use of alcohol and other drugs, including types of drugs used, mode of use, amounts used, frequency used, date or time of last use and history of problems that may have occurred after ceasing use;
- d. Past and present treatment or hospitalization for:
 1. Mental health illness;
 2. Self-harm or suicide; and
 3. All other medical issues.
- e. Past or present thoughts or attempts of self-harm or suicide;
- f. Pregnancy;
- g. Presence of lice, scabies or other parasites;
- h. Other health problems designated by a licensed medical professional.
- i. Observations of:
 1. Behavior, including state of consciousness, mental status, appearance, conduct, tremor and sweating;
- j. Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, or other observed injuries or conditions that appear to be irregular or unusual.
- k. Recent tattoos or injection sights.
- l. Dispositions to:
 1. Facility intake;
 2. General population;
 3. General population and referral to a licensed health care service;
 4. Referral to a licensed health care service on an emergency basis until inmate is medically cleared; and
- m. All medical screenings shall be immediately forwarded to the medical administrator or provider for review or follow-up.

Comments: Staff are now all trained and capable of completing intakes.

Standard 22: Supervision on Mentally Ill and Emotionally Disturbed
Rating: Compliance

Every facility housing an inmate with signs or symptoms of mental illness or emotional disturbance or who is detained pursuant to a court-ordered emergency commitment under N.D.C.C. chapter 25-03.1 shall place the inmate under close staff supervision, up to and including direct personal observation. Staff shall document the time, condition, and actions of the inmate in the designated log.

Comments: None.

Recommendation: Keep a log on each special supervision case and log and chart everything.

Standard 23: Intake File Content Requirements
Rating: Compliance

Staff shall establish individual files at intake. The following minimum identification data and information must be recorded for each inmate in the facility:

- a. Name (previous legal names or aliases, if any);
- b. Physical address;
- c. Date of birth;
- d. Social Security Number;
- e. Sex;
- f. Race;
- g. Nationality;
- h. Weight;
- i. Height;
- j. Current or prior military experience;
- k. Identifying marks, including scars, marks, and tattoos (location and description);
- l. Name, address and phone number of person to be contacted in case of an emergency.
- m. Occupation;
- n. Name of Employer;
- o. Time and date of admission to the facility;
- p. Authority for admission;
- q. Offense (list all);
- r. Name of delivering officer and arresting officer;
- s. Medical screening form;
- t. Mental health and suicide screening form;
- u. PREA notification, screening and acknowledgment;
 1. Every facility shall complete the PREA screening and acknowledgment prior to general population assignment.
- v. Primary language, reads and understands;
- w. Digital photos
 1. front and side
 2. identifying marks
- x. Documentation of completed ten-print arrest fingerprint card;
- y. Cell and housing assignment;
- z. Date of release or transfer;
- aa. Name of person recording the data; and
- bb. Name and contact information of the victim(s), (or the parent or guardian of the victim(s), if the victim is a child).

Comments: PREA forms are now part of the intake which was making it non-compliant previous inspection.

Standard 24: Facility Clothing
Rating: Compliance

A facility may require an inmate to wear facility clothing. If inmates are required to wear facility clothing, the facility shall issue a clean set of appropriately sized correctional facility clothing, including pants and shirt or coveralls and footwear, and if necessary, undergarments. Inmates may be permitted to wear their own clothing.

Comments: Undergarments are now provided.

Standard 25: Inventory of Inmate Personal Property

Rating: Compliance

Staff shall inventory and itemize all personal property taken from an inmate at intake. A record of the property must be signed by the inmate, placed in inmate's file and the property made available to the inmate upon release, unless the property is evidence of a crime. The property room must be secure and access to the property room controlled.

Comments: None

Standard 26: Intake Telephone Call

Rating: Compliance

Every facility must have a written policy and procedure that allows a newly admitted inmate the opportunity to attempt at least one telephone call. These calls may be completed on a facility telephone or facility-approved electronic device as soon as admission process has been completed or within a reasonable time determined by the administrator. The facility shall maintain documentation of the telephone calls and, when applicable, the inmate's refusal to make a telephone call.

Comments: Inmates and staff verbally confirmed this practice.

Recommendation: Add specifically to policy that they get a telephone call upon entering.

Standard 27: Inmate Orientation

Rating: Compliance

Upon admission or as soon as practical, staff shall provide inmates orientation information in a language the inmate understands, including:

- a. Visitation;
- b. Mail;
- c. Contraband;
- d. Inmate rights and responsibilities;
- e. Prohibited acts and penalties that may be imposed;
- f. Grievance procedures;
- g. Health care procedures and how to access health care; and
- h. Inmate hygiene and cell sanitation responsibilities.

Staff shall document completion of the orientation and shall obtain the inmate's signature and date. If the inmate refuses, or is unable to acknowledge, the completion of orientation, correctional facility shall document the inmate's refusal or inability to acknowledge completion of orientation.

Comments: It was verbalized that the above listed items are discussed with individuals at intake.

Standard 28: Incident Reporting
Rating: Compliance

Every facility must have a policy and procedure to report significant incidents occurring within the jurisdiction of the facility. Significant incidents must be reported within one hour to the DOCR Office of Facility Inspections. Every facility shall submit the Significant Incident Reporting form provided by the DOCR to the DOCR Office of Facility Inspections within 24 hours of the initial notice. Significant incidents include:

- a. Severe assaults of any individual;
- b. Escapes and attempted escapes;
- c. Riots, strikes, demonstrations, and disturbances;
- d. Refusal of medical care the health authority determined is necessary;
- e. Death;
- f. Attempted self-harm, self-harm, or suicide;
- g. Any incident involving staff injury caused by inmate conduct and which requires outside medical attention;
- h. Disruption of essential services;
- i. Significant damage or destruction of facility property; and
- j. Substantiated PREA allegations

Comments: BCCF has reported critical incidents as required by standard.

Standard 29: Request for BCI Investigation
Rating: Compliance

The facility administrator or the DOCR Office of Facility Inspections may request an independent investigation from the North Dakota Bureau of Criminal Investigation following:

- a. In-custody death of an inmate;
- b. Escape or attempted escape of an inmate; and
- c. Crimes involving staff within the facility.

Comments: None

Standard 30: Trained Staff and Female Staff
Rating: Compliance

A facility may not detain an inmate without a trained person on duty capable of responding to the reasonable needs of the inmate. When females are housed in the facility, at least one female correctional officer must be on duty at all times in the facility. An inmate may not be placed in a supervisory capacity over other inmates.

Comments: Staff schedule was reviewed and it was confirmed that at least one female was scheduled for each shift.

Standard 31: Suicide Prevention Plan
Rating: Compliance

Every facility must have a written suicide prevention plan that includes:

- a. Identification of the warning signs and symptoms of suicidal behavior and mental illness;
- b. Proper response to suicide behavior or attempts;
- c. Referral procedures;
- d. Housing observation and suicide watch level procedures;
- e. Follow up monitoring; and
- f. Annual training for staff with responsibility for inmate supervision.

Comments: BCCF nurse Julia Anderson wrote a new suicide prevention plan policy that now meets this standard.

Standard 32: Inmate Observation

Rating: Compliance

Every facility must have a written policy and procedure for inmate observation. Trained staff shall personally observe each inmate during each hourly period on an irregular basis. Trained staff shall personally observe inmates who exhibit suicidal tendencies, self-destructive behavior, emotional distress, or have specialized medical problems at more frequent intervals as the inmate's condition requires. Documentation of inmates in observation must include:

- a. Reason for placement;
- b. Staff assigned to supervise;
- c. Location, date, time, activities, and condition of inmate at each check;
- d. Actions by agency to provide specialized outside services for inmate; and
- e. Reason for removal from observation.

Comments: When an inmate requires close observation staff have now been trained on how to document and do checks.

Standard 33: Daily Written Record Requirements

Rating: Compliance

Every facility shall maintain a daily written record, including the date and time and the name of staff that completed the record, including:

- a. Personnel on duty;
- b. Inmate population count, include inmates on temporary leave, which must be conducted at least three times in a 24 hour period;
- c. Admissions and releases of inmates, including inmates transporting out of the facility along with reason of transport;
- d. Shift activities;
- e. Entry and exit of physicians, attorneys, and other visitors; and
- f. Significant events as listed in Standard 28.

Comments: Their electronic recording log was viewed for 3 days and it appears they are in compliance with their daily written record requirements.

Standard 34: Inmate Count

Rating: Non-Compliance

Every facility must have written policy and procedures for documented formal counts of inmates held in the facility including:

- a. Inmates out on temporary leave from the facility;
- b. There must be a minimum of three formal counts within each 24 hour period; and
- c. At least one of the three minimum formal counts must be completed outside a shift change and one formal count must be a standing count.

Comments: Count still needs to be worked on. Staff are not completing count according to the policy. Some staff use the Diggy (electronic count wand), some do not. Some staff record counts in the logs, some do not. Some staff go inside the tiers, some do not. It was suggested they keep a headcount sheet and check everyone off manually as they see them and their living condition. There are still sheets hanging on their cells which prevents count being done accurately and safely. The log on the date we were there indicated a count had not been done in over 6 hours.

Standard 35: Searches of Facility Grounds and Vehicles

Rating: Compliance

Each facility must have a written policy and procedure governing searches of the facility and grounds, vehicles used to transport inmates, and inmate living areas.

Comments: Policy has now been written.

Standard 36: Searches Clothed and Unclothed

Rating: Compliance

Every facility must have a written policy and procedure for clothed and unclothed searches of inmates. The policy and procedure must include the following:

- a. Licensed medical personnel may conduct manual, visual, or instrument searches of body cavities based upon reasonable suspicion and within the scope of their licensure.
- b. Licensed medical personnel may conduct cross-gender unclothed body searches which must be documented.
- c. Unclothed cross-gender body searches may not be conducted on male or female inmates absent exigent circumstances. Facility staff shall document all cross-gender unclothed searches of male or female inmates, including the exigent circumstances for the search.
- d. Correctional staff may only conduct unclothed body searches of an inmate who will not be placed in the general population, including visual inspections of sexually intimate parts of the body, when the individual is in the facility for a crime of violence, a crime involving illegal drugs, or the unclothed body search is based on reasonable suspicion the inmate may be concealing drugs, weapons, or other contraband.
- e. Correctional staff may conduct unclothed body searches, including visual inspections of sexually intimate parts of the body, of inmates who will be placed in general population.
- f. Correctional staff may conduct unclothed body searches, including visual inspections of sexually intimate parts of the body, of inmates who have had contact visitation or who have returned to the facility after work release, work details, court appearances, or for medical care.

- g. Unclothed body searches must be conducted where they cannot be observed by any other individuals not involved in the search. Visual inspections must be non-intrusive and not involve touching the inmate.
- h. Cross-gender clothed or unclothed searches may not be conducted on female inmates absent exigent circumstances. Facility staff shall document all cross-gender searches of female inmates, including the exigent circumstances for the search.

Comments: None.

Standard 37: Use of Force
Rating: Compliance

Every facility must have a written policy and procedure governing use of force. The written policy and procedure must restrict the use of force to the safety and security of staff, inmates, and the public, protection of property, prevention of escapes, prevention of crime, when necessary to enforce facility rules and restore order, and only in accordance with legal authority. Staff shall document any use of force and submit a written report to the administrator by the end of the employee's shift. The facility shall make a reasonable attempt to video record all use of force situations. The facility shall report the use of force that results in injury in accordance with Standard 28.

Comments: None

Standard 38: Inventory of Equipment
Rating: Compliance

Every facility must have a written policy, procedure, and practice for a current inventory, security, control and use of keys, tools, culinary and medical supplies and equipment.

Comments: Policies written and reviewed.

Standard 39: Post Orders
Rating: Compliance

Every facility shall have written post orders for every correctional officer post. Written post orders must specify the duties of each post and the procedures that must be followed to carry out the assignment. All post orders shall be reviewed annually and updated or amended as needed.

Comments: There are ever changing post orders that need to be updated and implemented. Final copies still a work in progress.

Standard 40: Post Order Staff Review
Rating: Compliance

All staff shall read, sign and date the post orders annually, or before beginning to work a post that the staff has not been assigned in the previous 120 days, or when the post orders are updated or amended.

Comments: Post orders are in their first stages and are currently being reviewed by staff.

Standard 41: Supervisory Staff Patrols
Rating: Compliance

Every facility shall have a written policy, procedure and practice requiring that supervisory staff shall conduct a daily patrol, including weekends and holidays, of all areas occupied by inmates and record their visits and patrols in a daily log. The sheriff or the facility administrator shall visit the facility living and activity areas at least weekly to observe living and working conditions. When the sheriff or facility administrator is not available, a supervisory official shall complete these duties. These visits and patrols must be logged.

Comments: Policy is written, needs to be followed consistently.

Standard 42: Exceeding Maximum Capacity
Rating: Compliance

A facility may not operate above the capacity established by the DOCR. Every facility must have a written policy and procedure governing temporary space arrangements in case of arrests that exceed the maximum capacity of the facility.

Comments: None

Standard 43: Use of Restraints
Rating: Compliance

Every facility must have a written policy and procedure for the use of restraint devices, including use of restraints with pregnant females. The use of restraints on a female who is in active labor and delivery is prohibited. Restraint devices may only be used as a precaution against escape, during transports, for medical reasons by direction of the medical personnel, and as a prevention against inmate self-injury, injury to others, or property damage. Restraint devices may not be applied as punishment. All decisions and actions on the use of restraints must be documented.

Comments: Policy updated.

Standard 44: Transportation of Inmates
Rating: Compliance

Every facility must have a written policy and procedure governing the transportation of inmates outside the facility. The policy must include the use of equipment during transport, the qualifications for transport officers, the use of firearms under N.D.C.C. § 12-44.1-30, the use of restraints, inmate transport clothes, and the use of escort vehicles.

Comments: None.

Standard 45: Transfer of Inmate Files
Rating: Non-Compliance

Every facility must have a written policy and procedure governing the transfer of an inmate's complete medical, dental, mental health and forensic records when the inmate is transferred to another correctional facility. Prescription medications shall be transferred with the inmate.

Comments: Staff has not yet implemented this practice even at the suggestion of the DOCR. They were spoken to about it and state they will begin. Will be monitored for now.

Standard 46: Notification of Victims and Witnesses

Rating: Compliance

Every facility must have a written policy and procedure governing the notification of victims and witness in accordance with North Dakota law. At minimum, the policy and procedure must include a process for ensuring the collection, storage, and accuracy of offender and victim and witness information; the confidentiality of victim and witness information; a timely notification method; a way to document notification; and a process to follow up with notifications, if needed, and in compliance with the statewide automated victim information and notification (SAVIN) system.

Comments: Policy written.

Standard 47: Inmate Work

Rating: Compliance

A facility may require sentenced inmates to perform work. The correctional facility may not require a pre-trial detainee to perform work except routine general housekeeping duties. A facility may allow a pre-trial detainee to perform work only upon the request or consent of the pre-trial detainee. A facility shall provide safety training to inmates prior to work assignment. A facility shall maintain documentation of the training.

Comments: BCCF has started letting inmates perform some in house upkeep and projects such as painting.

Standard 48: Health Care Administrator

Rating: Compliance

A facility administrator shall designate a licensed physician, nurse practitioner, physician's assistant, or a county or state health authority to be the health care administrator. The health care administrator shall be responsible for health care administration and development of health care policies and procedures.

Comments: The BCCF has a designated health care administrator (RN's) through their county and a doctor they report to.

Standard 49: Access to Medical Care

Rating: Compliance

Every facility must have a written policy and procedure for receiving and documenting inmate health issues on a daily basis, including that inmates have access to medical care including physical, mental health, eye care and dental care. This procedure must provide that the medical

administrator receives all sick call requests. Sick call for Grade one and grade two facilities must be provided by a licensed medical professional at least once per week.

Adequate staff, space, equipment, supplies and materials must be provided if health care is delivered in the correctional facility. The cost of medical care may be subject to payment by or reimbursement from the inmate. Inmates may not be denied access to medical care because of their inability to pay costs.

Comments: The facility has 2 RN's that come in as needed or at least two times a week.

Standard 50: First Aid and CPR

Rating: Compliance

At least one staff person must be on duty within the facility that has current certification in basic first aid training and basic cardiopulmonary resuscitation training (CPR).

Comments: All staff are now CPR and First Aid certified.

Standard 51: Access to Medical Professional

Rating: Compliance

A licensed physician, nurse practitioner, physicians' assistant, or registered nurse must be available on-call on a 24-hour basis. Procedures to notify a licensed physician, nurse practitioner, physician's assistant, or registered nurse on duty at a hospital are sufficient. Correctional facilities in communities without a licensed physician, nurse practitioner, physician's assistant or registered nurse must have arrangements to provide health care to an inmate on the same basis as any resident of the community. The inmate must be transported to an appropriate health care facility or a licensed physician, nurse practitioner, physician's assistant, or registered nurse must be brought to the correctional facility.

Comments: The BCCF uses the local clinics, ER and ambulance services when required. Services are available on a 24hr basis

Standard 52: Health Care Administrator Training of Staff

Rating: Compliance

Every facility must have a training program approved by the health care administrator that includes:

- a. Response to emergency health related situations;
- b. Recognition of signs and symptoms and knowledge of action required in potential emergencies;
- c. Administration of first aid and cardiopulmonary resuscitation;
- d. Methods of obtaining assistance;
- e. Recognition of signs and symptoms of mental illness, intellectual disability, emotional disturbance, and chemical dependency;
- f. Procedures for patient transfers to appropriate medical facilities or health care providers; and

- g. If medications are delivered to inmates by staff within the facility, staff must be trained in and currently certified in accordance with N.D.C.C. § 12-44.1-29.

Comments: Staff have now been trained in health care in accordance to health care administrator.

Standard 53: Treatment of Injuries Sustained in Facility

Rating: Compliance

Every facility must have a written policy and procedure to provide medical care for anyone injured within the facility.

Comments: None.

Standard 54: Emergency Medical Supplies

Rating: Compliance

Every facility shall maintain a first aid kit, emergency medical supplies equipment, and automatic external defibrillator (AED). The health care administrator shall determine the contents, locations and procedures for inspection of the kits, including a schedule and checklist to be used when inventorying the contents.

Comments: Presence of medical supplies and AED were observed and available to staff.

Standard 55: Separation of Inmate Files

Rating: Compliance

Every facility shall maintain the confidentiality of an inmate's medical, psychological, and treatment records. The medical records file must be separate from the correctional facility confinement records.

- a. The inmate's medical, psychological, and treatment records may only be disclosed in accordance with NDCC 12-44.1-28, which requires that a court may order the inspection of the records, or parts of the records, upon an application to the court and a showing there is a proper and legitimate purpose for the inspection and the provision of written authorization from the inmate for the inspection.
- b. Except for drug and alcohol treatment records, this requirement does not apply to criminal justice agencies, the Department of Corrections and Rehabilitation, other federal, state, or local correctional facilities receiving custody of the inmate, a municipal or state district court, the Department of Human Services, public hospitals or treatment facilities, or licensed private hospitals or treatment facilities.
- c. Records of an inmate's identity, charges, criminal convictions, bail information, and intake date and projected release dates are open records.
- d. Records of a sentenced inmate's institutional discipline and conduct and protective management are exempt records under North Dakota Century Code Section 44-04-17.1.
- e. Institutional discipline and conduct and protective management records of all other inmates are confidential records and may only be disclosed in the same manner as an inmate's medical, psychological, and treatment records.

Comments: Medical files were observed locked in the medical room. Other inmate's records are stored on the electronic records system or are kept separate in the control room office.

Standard 56: Inmate Health Appraisals

Rating: Compliance

A licensed physician, nurse practitioner, physician's assistant, registered nurse, or other qualified person the health care administrator may authorize, shall perform a health appraisal for each inmate detained in a grade one or grade two facility within fourteen days of the inmate's admission. The health care administrator shall determine the nature and extent of the health appraisal. The health care administrator may require a health appraisal at an earlier date if the health care administrator determines it is necessary. The health appraisal must include:

- a. Tuberculosis testing and documented results;
- b. Review of admission medical and mental health screening;
- c. Collection of additional data to complete the medical, eye care, dental, mental health, and immunization histories;
- d. Recording of height, weight, pulse, blood pressure and temperature;
- e. Laboratory or diagnostic tests and examinations the health care administrator may deem necessary;
- f. Review of medical examination results;
- g. Every inmate who is convicted of a crime and imprisoned for fifteen days or more in a grade one or grade two correctional facility or regional correctional center must be tested for the presence of antibodies to or antigens of the human immunodeficiency virus (HIV). The results of any positive test or reactive result must be reported to the North Dakota Department of Health and the inmate tested; and
- h. Inmates shall be medically screened by the health care administrator prior to assigning inmates to a work detail.

Every facility shall document an inmate's refusal to participate in the health appraisal in whole or in part, and the documentation placed in the inmate's medical records. If the health care administrator determines that the inmate's refusal presents a risk to the health or safety of other inmates or staff, the inmate may be separated from the inmate population until such time as the health care administrator determines that the risk no longer exists.

Comments: The county nurse stated she completes all health appraisals before the allotted 14 days.

Standard 57: Health Care Orders

Rating: Compliance

Every facility, in conjunction with the health care administrator, shall establish a written policy and procedures to carry out the orders of the health care administrator relating to an inmate's medical care. Staff shall document all treatment administered to inmates pursuant to orders of the health care administrator. Staff must be trained and able to respond to inmate medical emergencies within a four minute response time.

Comments: BCCF Jail administrator and county nurse verified their practices as to health care order. The nurse takes care of them on a 24/7 on call basis.

Standard 58: Inmate Death Notification

Rating: Compliance

Every facility shall establish a written policy and procedures to make arrangements for notification of the next of kin or legal guardian of an inmate in case of death. The facility shall notify the county coroner and the state's forensic examiner in the event of an inmate death and comply with Standard 28.

Comments: None.

Standard 59: Detoxification

Rating: Compliance

Every facility must have a written policy and procedure for detoxification if the facility holds persons solely for detoxification. A facility may not hold a person for detoxification for more than 24 hours. Before a facility may hold a person for detoxification:

- a. A licensed medical provider must provide medical clearance;
- b. The facility must be able to provide a trained staff person within constant hearing distance of the intoxicated person; and
- c. The facility shall comply with N.D.C.C. § 5-01-05.1.

Comments: Inmates must have been signed off on by a doctor in order to enter BCCF if intoxicated. Also, it was suggested all the local health authorities get together and get on the same page as far as who can and is safe in this jail. This jail is not equipped to be a detox center nor should people heavily under the influence be permitted.

Standard 60: Maintenance and Testing of Emergency Equipment

Rating: Compliance

Every facility must have written policy and procedures that address the maintenance and testing of emergency equipment. The facility must have access to equipment necessary to maintain essential lights, power, and communications in an emergency. A monthly inspection or testing of equipment must be completed. Generators must be tested monthly or as recommended by the manufacturer.

Comments: Records provided; compliance.

Standard 61: Fire Prevention

Rating: Compliance

Every facility must have a written policy and procedure specific to the facility for fire prevention to ensure the safety of inmates, staff, and visitors, including:

- a. Provision for an adequate fire protection service;
- b. A system of fire inspection and testing of equipment at least annually, by the authority having jurisdiction
- c. Availability of fire hoses or extinguishers at appropriate locations throughout the facility.

- d. At least two documented fire drills in all facility locations annually. At least one of these drills must include the evacuation of each living area of the facility.
- e. Fire drills should include the evacuation of all inmates unless there is a reasonable belief institutional security may be jeopardized. In that event, actual evacuation of specific inmate(s) is not required. The drills and findings shall be recorded in the facility master log.

Comments: None.

Standard 62: Evacuation Plans

Rating: Compliance

Every facility must have a written evacuation plan prepared in case of fire or major emergency and the plan must include:

- a. Procedures to account for all inmates, visitors, and staff.
 - 1. Location of building and room plans;
 - 2. Location of publicly posted evacuation routes, including exit signs for traffic flow;
 - 3. Locations of fire extinguishers;
 - 4. Location of first aid kits and AED's;
 - 5. Location of fire pull stations; and
 - 6. Plans for the immediate release of inmates from locked areas and provide for a backup system if power operated locks fail.
- b. The facility shall review the plan with the authority having jurisdiction annually and update the plan when necessary.
- c. Every facility shall complete an annual fire inspection by an independent, qualified source and provide documentation of all completed corrective actions.

Comments: None.

Standard 63: Emergency Plans

Rating: Compliance

Every facility must have written plans for a response to:

- a. An escape or attempted escape,
- b. Riots, hunger strikes, hostages, and disturbances,
- c. Disruption of essential services; and
- d. Storms or other acts of nature that may affect facility operations, safety, and security.

All facility personnel must be trained in the implementation of written emergency plans. Every facility shall review these plans annually and update when necessary.

Comments: Plans have now been updated and practiced,

Standard 64: Storage and Use of Hazardous Materials

Rating: Compliance

Every facility must have a written policy, procedure, and practice governing the storage and use of hazardous, toxic, and caustic materials. These policies and procedures must be in

accordance with all applicable laws and regulations. A right-to-know manual of Safety Data Sheets must be available for review.

Comments: Data sheets available and chemicals now stored properly.

Standard 65: Boiler Inspection
Rating: Compliance

Every facility utilizing a boiler shall comply with North Dakota Boiler Inspection requirements.

Comments: Inspection report on file.

Standard 66: Bedding and Clothing Exchange and Laundering
Rating: Compliance

Each inmate shall be provided:

- a. Appropriate clean clothing, towels, and bedding. The bedding must include:
 1. Mattress, pillow and pillow case, if mattress does not have a built in pillow, two sheets or a DOCR approved alternative, including bed sleeves, at least one blanket to provide comfort to sustain summer and winter comfort zones. All mattresses must be in compliance with national regulatory authority standards.
- b. Sheets and pillowcases must be changed weekly or more frequently if directed by the administrator.
- c. Clothing, pillows, and bedding must be sanitized prior to issuance to a newly admitted inmate.
- d. Inmates shall be allowed to exchange or launder clothing. Clothing, including undergarments and towels, must be exchanged or laundered not less than twice weekly.

Comments: Compliance was observed.

Recommendation: Continue to make sure the inmates are not hanging the sheet in their cells. Also, mattresses are all currently in the process of being replaced.

Standard 67: Removal of Inmate Clothing or Bedding
Rating: Compliance

A facility may remove inmate clothing or bedding from an inmate's cell when it determines it is necessary for safety, security, sanitation, or orderly operation of the facility. The facility shall have written procedures in place for the removal and return of inmate clothing and bedding from an inmate's cell. The facility staff shall document the date, time, items, and reason for removal, along with the date, time, and items returned to the inmate.

Comments: None.

Standard 68: Personal Hygiene Products
Rating: Compliance

Inmates detained for more than twenty-four hours must be provided personal hygiene items including:

- a. Soap suitable for the entire body;
- b. Toothbrush and toothpaste;
- c. Toilet paper;
- d. Feminine hygiene products, and;
- e. Access to a shower at designated intervals to be determined by the administrator, but not less than three times per week.

Comments: Inmates were provided Hygiene items.

Standard 69: Inmate Grooming
Rating: Compliance

Every facility shall establish policies for grooming, including hair length and style and facial hair length and style. The facility's policies shall allow an inmate to request an exception to the facility's hair and facial hair restrictions, if any, based on the inmate's sincerely held religious beliefs. The facility may determine a schedule for barbering and hair care services.

Comments: Policy has been added and aligns with this facility.

Standard 70: Biohazard Materials
Rating: Compliance

Every facility must have written policy, procedures, and practices for the proper handling and disposal of biohazard materials.

Comments: Containers for biohazard were observed and practice verbalized.

Standard 71: Licensed, Registered Dietician Review of Menu
Rating: Compliance

Grade one and two facilities shall have a licensed, registered dietician review and approve food menus annually. The approved menus shall be posted in locations accessible to all inmates in the facility. This rule applies to in-house and contracted food services.

Comments: Practice was observed. Menus were approved and posted in units

Standard 72: Special Diets
Rating: Compliance

Every facility must have a written policy and procedure that includes:

- a. Special diets approved by the appropriate medical or dental personnel;
- b. Special diets for inmates whose religious beliefs require adherence to religious dietary laws; and
- c. Prohibitions of the use of food as a disciplinary measure.

Comments: None.

Standard 73: Food Service
Rating: Compliance

Every facility shall provide inmates at least three meals, of which two are hot meals, at regular meal times during each twenty-four hour period, with no more than fourteen hours between the evening meal and breakfast. The facility staff shall document substitutions in the meals actually served, and substitutions must be of equal nutritional value. Every facility shall maintain accurate records of all meals served. Variations may be allowed during emergencies, for inmates on work release, and for weekends and holidays, provided nutritional requirements are met.

Comments: Meal preparation and delivery was observed. Tray covers were ordered so that staff could deliver hot food but they are the wrong size.

Standard 74: Alternate Food Service

Rating: Compliance

Every facility must have written policies and procedures that an alternate food service may be provided to an inmate who uses food or food service equipment in a manner that is hazardous to the inmate or other persons. Alternative food service must be on an individual basis, it must be based on health or safety considerations, it must meet basic nutritional requirements, and there must be documented approval by the correctional facility administrator and responsible health authority. The alternate food service must be reviewed and approved every seven days by the facility administrator or designee and responsible health authority.

Comments: Policy written and practiced.

Standard 75: Food Service Health Inspection

Rating: Compliance

Food service facilities, equipment, and employees must meet all applicable health, safety, and sanitation laws and regulations. The health authority having jurisdiction shall conduct an inspection of the food service area of each grade one, two and three facility at least once a year. Each facility must maintain records of all inspections and all actions taken as a result of these inspections.

Comments: The food services at BCCF were inspected and inspection report on file.

Standard 76: Weekly Food Service Inspections

Rating: Non-Compliance

When meals are prepared in the facility, the facility shall have a written policy, procedure and practice requiring weekly health, safety and sanitation inspections by the administrator or designee and food service manager. Records of the inspections and any corrective actions shall be maintained in the facility.

Comments: Administrator Forsman stated she is now conducting weekly health inspections.

Recommendation: Document and keep on file.

Standard 77: Inmate Telephone Usage

Rating: Compliance

A facility may allow an inmate to make telephone calls to persons other than the inmate's attorney within limitations set by the facility. The facility shall notify inmates at intake and shall post a notice in a location accessible to all inmates that phone calls, except to attorneys, are subject to monitoring and recording.

Comments: Staff and inmates confirmed compliance.

Standard 78: Visitation Restriction or Denial
Rating: Compliance

Every facility must have a written policy and procedure for inmate visitation. The facility may deny visitation or place restrictions on visitors when the facility has justification to believe the visitor presents a threat to correctional facility safety, security, order, or inmate rehabilitation. The facility shall document the justification for restricting or denying visitation.

Comments: Kiosks are currently being installed so there will be no more onsite visitation.

Standard 79: Visitation Times and Notification
Rating: Compliance

Every facility shall establish reasonable times for visitation. The visiting schedule must be posted in a location accessible to all inmates.

Comments: Visiting schedule is available in lobby and inmate handbook.

Standard 80: Visitor and Property Searches
Rating: Compliance

Every facility shall have a policy, procedure and demonstrated practice governing visitation and property, including: searches of visitors, contractors, volunteers, legal counsel and clergy. These rules must be made available to the inmates and public.

Comments: None.

Standard 81: Incoming and Outgoing Inmate Mail
Rating: Compliance

Every facility must have a written policy, procedure, and practice governing incoming and outgoing general, official, and legal mail that includes:

- a. Mail depository or mail collection process;
- b. Procedures for screening all incoming and outgoing mail;
- c. Documenting and recording incoming and outgoing legal and official mail, and;
- d. Process for inmates to challenge mail rejections.

Comments: Rejection of mail form has been made and implemented.

Standard 82: Inmate Access to Reading Materials
Rating: Compliance

Every facility must have a written policy and procedure to provide for inmate access to reading materials, magazines, newspapers, and periodicals.

Comments: Reading material is available throughout the facility.

Standard 83: Mail Rejection or Removal of Items

Rating: Compliance

Every facility must have a written policy and procedure governing incoming and outgoing mail, including electronic mail, and legal or official mail. In each case when it is necessary to reject or remove any item of incoming or outgoing mail, a written record must be made that includes:

- a. The inmate name and number;
- b. A description of the mail in question;
- c. A description of the action taken and the reason for such action;
- d. The disposition of the item(s) involved;
- e. Signature of the acting officer;
- f. Written notification to the inmate and sender;
- g. A due process procedure must be provided to the inmate allowing them to challenge the facility's rejection of mail;
- h. The item shall not be destroyed or sent out until the process has been completed; and
- i. Packages mailed to an inmate must be handled the same way as mail or publications.

Comments: Policy and procedures have been updated and revised to fit BCCF.

Standard 84: Inmate Attorney Telephone Contact

Rating: Compliance

An inmate must be allowed to make telephone calls to the inmate's attorney at reasonable times. These calls may not be audio monitored or recorded. The telephone number of an attorney who has called an inmate must be obtained and the inmate must be permitted to return the call at a reasonable time.

Comments: Inmates and staff verified the practice.

Standard 85: Attorney Visits

Rating: Compliance

Each inmate must be allowed visits from legal counsel. Upon an inmate's request, legal counsel may visit an inmate after admission or as soon as reasonably possible. All subsequent visits by legal counsel may be restricted to reasonable hours. Visits by legal counsel may be subject to staff or video observation, but without audio-monitoring; however, when there may be observation, a notice must be posted in visiting areas. Audio or video recording of attorney visits is prohibited.

Comments: None.

Standard 86: Inmate Legal Material

Rating: Compliance

Every facility must have a written policy and procedure to provide inmates who are not represented by legal counsel or by standby legal counsel, legal materials or assistance from persons trained in the law for purposes of preparing a defense in a criminal prosecution, to challenge a criminal conviction on a direct appeal, post-conviction, habeas proceedings, and to challenge conditions of confinement.

A list of persons trained in the law must be available to the inmates.

Legal materials may include:

- a. A current edition of a leading legal dictionary;
- b. North Dakota and federal rules of civil, criminal and appellate procedure;
- c. Rules of Court for the state of North Dakota and for the United States District Court for the district of North Dakota;
- d. Chapters of the North Dakota century code relating to criminal procedure, substantive criminal law, and state habeas and post-conviction relief;
- e. North Dakota cases related to criminal law and procedure;
- f. State post-conviction forms and United States district court forms for habeas and Section 1983 proceedings; and
- g. Statutes and Rules applicable to federal habeas corpus and federal civil rights.

A facility may provide access to legal materials through sources approved by the administrator, including the law library of the state's attorney, materials from the law library of the district court, materials from the law library of the North Dakota Supreme Court, and may include photocopies of legal materials.

Comments: At the request from an inmate, the inmates are provided a laptop to look up legal material.

Standard 87: Legal Material Sources

Rating: Compliance

Every facility shall have a policy and procedure for inmates to obtain legal materials from sources approved by the administrator, including:

- a. State and federal court forms;
- b. Prisoner self-help manuals and access to a basic law library (e.g., local district court library, states attorney library);
- c. Postage and copying services; and
- d. Access to notary services.

Comments: None.

Standard 88: Recreation and Supervision

Rating: Compliance

Grade one and grade two correctional facilities shall provide inmates the opportunity for a minimum of one hour of daily programming outside their cells unless there is documented rationale for withholding programming. One hour of programming must include the opportunity for physical exercise in a recreation area.

Each facility that has a secure outdoor recreational area for inmate use must have trained staff that must be physically present to observe all inmates in the outdoor recreational area at all times.

Comments: The facility provides inmates the opportunity to indoor rec in the basement or outdoor rec now when staff is available.

Standard 89: Non-Discrimination
Rating: Compliance

Each facility must have a written policy and procedure for the practice of religion. Inmates have the right to reasonable opportunities to exercise their religious beliefs, subject to limitations reasonable related to correctional facility safety and security.

Inmates may not be subjected to discrimination because of race, religion, genetics, sex, sexual orientation, gender identity, origin, creed, nationality, or disability, and shall receive equal treatment under all policies and procedures of this facility.

Comments: No policy in place.

Standard 90: Prohibition of Abuse and Harassment
Rating: Compliance

Every facility must have a written policy and procedure to protect inmates from personal abuse, corporal punishment, personal injury, disease, property damage and harassment.

Comments: In the handbook.

Standard 91: Grievance Procedure
Rating: Compliance

Every facility must have a written policy and procedure to allow inmates to file grievances. Staff may not retaliate against inmates who file grievances. The policy and procedure must include:

- a. Forms on which an inmate may report a grievance;
- b. The facility shall provide a written report setting forth the results of the investigation and any recommendation for the disposition of the grievance to the inmate and shall file the report in the correctional facility records;
- c. Timeline for inmate reporting and staff response prescribed reasonable time limit, with special provisions for responding to emergencies;
- d. The facility shall provide at least one level of appeal which may not be reviewed by the same individual who initially reviewed the grievance. The reviewing authority shall document the findings and the disposition of the appeal. The facility shall provide a copy of the appeal report to the inmate and shall file the appeal report in the correctional facility records.

Comments: Stated they have the right to file a grievance in the inmate handbook.

Standard 92: Rules of Inmate Conduct and Prohibited Acts
Rating: Compliance

Every facility shall establish written rules of inmate conduct that specify acts prohibited in the correctional facility and the disciplinary sanctions that may be imposed for facility rules violations. The facility shall make these rules available to all inmates and establish procedures to ensure that all inmates understand the rules and sanctions that may be imposed. Facility staff shall document disciplinary action of any kind and the administrator shall review all disciplinary action to ensure compliance with clearly established law and facility policy.

Every Grade one and Grade two correctional facility must have a written policy and procedure for inmates to earn sentence reduction credit based upon performance criteria established by the facility administrator, including sentence reduction credit for good conduct, for inmates sentenced to the correctional facility. Sentence reduction credit includes credit for time spent in custody prior to sentence when ordered by the sentencing court. An inmate may not earn more than a one-day sentence reduction credit per six days served.

Facility staff shall notify inmates in instances where an inmate is alleged to have committed a crime that the case may be referred to law enforcement officials for criminal investigation and possible prosecution in addition to facility discipline.

Comments: Disciplinary procedures have been developed.

Standard 93: Levels of Violations

Rating: Compliance

Every facility shall have written policy, procedure, and practice including at least two levels of violations, sanctions for each level, and the use of pre-hearing detention. Minor rule violations do not require a formal hearing. Sanctions for minor rule violations may not include the use of restrictive housing, fines, fees, restitution, or impact the person's release from custody. Sanctions for minor rule violations, including loss of privileges, restriction to quarters or work without pay may not exceed five days.

- a. Violations involving possible sanctions of fines, fees, restitution, impact their release, involve the use of disciplinary detention or loss of privileges over five days require a formal hearing as outlined in Standard 96.
- b. Inmates accused of violating a correctional facility rule which may result in restrictive housing, fine, fee, restitution or loss of privileges over five days must receive a twenty-four hour notice of the charges prior to the disciplinary hearing, unless the inmate waives the twenty-four hour notice requirements.

Comments: A 3 level system has been formulated.

Standard 94: Disciplinary Report Requirements

Rating: Compliance

Disciplinary reports must include:

- a. Specific rules violated;
- b. A formal statement of the charge, or charges;
- c. An explanation of the violation, including: who, what, when, where, why and how, and any immediate action taken by staff;
- d. Disposition of any physical evidence;
- e. Staff and inmate witnesses and statements;
- f. Date and time the report is completed and reporting staff signature; and

- g. If disclosure of information used in the finding of guilt may pose a risk to the safety or security of the facility, staff or inmates, including information received from a confidential informant the facility may withhold disclosure of the information. When this occurs, there must be a document that provides clear rationale for that action maintained with the record. A summary of the confidential information must be given to the inmate unless the disclosure of the information could jeopardize the safety or security of the facility or person.

Comments: None.

Standard 95: Pre-hearing Restrictive Housing

Rating: Compliance

Inmate may be placed in restrictive housing for a violation of the facility rules prior to a disciplinary hearing. This action must be documented and a disciplinary hearing shall follow within seven days unless authorized by the correctional facility administrator.

Comments: None

Standard 96: Disciplinary Hearing Requirements

Rating: Compliance

Every facility must have a written policy and procedure that requires:

- a. The disciplinary hearings are conducted by an impartial person or panel of persons;
- b. The inmate has the right to appear at the hearing and testify;
- c. For major violations the inmate must be allowed to call witnesses and present documentary evidence in the inmate's defense if permitting the inmate to do so will not jeopardize security, order, or rehabilitation. Reasons for not allowing the inmate to call witnesses must be documented in the hearing record;
- d. A written record must be made of the disciplinary hearing decision. The disciplinary hearing decision must include a summary of the evidence, findings of fact that establish the guilt or innocence of the inmate, and an explanation for disciplinary sanctions imposed. Any confidential informant information must be separately documented. A copy of the disciplinary hearing decision and evidence relied upon must be given to the inmate, but confidential information that could jeopardize the safety or security of the facility or person may be excluded;
- e. When sanctions involve restrictive housing, fines, fees, restitution or may affect their release date, inmates have the right to appeal decision to the administrator or an independent authority; and
- f. Any disciplinary action recommended by the hearings officer(s) may be reduced on appeal but not increased.

Comments: None.

Standard 97: Use of Restrictive Housing

Rating: Compliance

If a facility utilizes restrictive housing, it must have a written policy, procedure and practice for the supervision of inmates while in this status.

Comments: Used as needed.

Standard 98: Use of Immediate Restrictive Housing
Rating: Compliance

Every facility must have a written policy and procedures that allows the immediate restrictive housing of inmates who present a serious threat to the safety or security of the facility or any person. This action must be reviewed within 72 hours by the facility administrator. When an inmate is placed in restrictive housing, facility staff shall document the reasons the inmate was placed in restrictive housing. Each inmate's placement in restrictive housing must be reviewed at least every seven days by the facility administrator with written documentation providing rational for release or continued placement.

Comments: None

Standard 99: Restriction of Items or Activities
Rating: Compliance

When inmates are not provided any usually authorized item or activities, including visitation, facility staff shall make a report of the action and provide the report to the facility administrator.

Comments: They use level 1 reports when an inmate has a restriction of items or activities.

Standard 100: Showering and Shaving
Rating: Compliance

Inmates in restrictive housing must have the opportunity to shower at least three times per week. Shaving may be allowed according to the facility schedule.

Comments: None.

Standard 101: Restrictive Housing Inmate Telephone Calls
Rating: Compliance

Inmates in restrictive housing may be allowed telephone calls related specifically to access to the courts and family emergencies as determined by the facility administrator.

Comments: None.

Standard 102: Restrictive Housing Review
Rating: Compliance

Inmates in restrictive housing after seven continuous days are afforded at least one hour outside their cell, five days per week, unless the facility administrator can document with clear rational for denial.

Comments: None.

Standard 103: Staff Orientation Training

Rating: Compliance

Every facility must have a written policy and procedures requiring all correctional officers participate in a documented orientation training program prior to independent assignment. The orientation program must meet the particular needs of the correctional facility and must include at a minimum:

- a. Facility policy and procedures;
- b. All emergency procedures to include basic first aid and CPR;
- c. Classification of prisoners;
- d. Booking procedures, including medical and mental health screening;
- e. Use of force;
- f. Suicide behavior, response, intervention, and observation;
- g. Victim notification in accordance with state law; and
- h. Prison Rape Elimination Act (PREA).

Comments: Staff are trained upon hire now.

Standard 104: Staff Training Requirements

Rating: Compliance

All administrators and staff who work in direct and continuing contact with inmates shall within their first year of employment receive training determined and approved by the North Dakota Peace Officer Standards and Training (P.O.S.T.) Board and shall receive an additional forty-eight hours of training during every three year period following the first day of January after the date of employment.

Comments: All staff attend CO basic and get their necessary training hours completed before they are counted as a staff on duty.

Standard 105: Staff Certification and Recertification

Rating: Compliance

The North Dakota Peace Officer Standards and Training (P.O.S.T.) Board shall determine the North Dakota Correctional Officer Training necessary to achieve North Dakota certification.

- a. Correctional staff that has completed correctional officer training outside the State of North Dakota may submit the training record to the P.O.S.T. Board for review, and shall complete any portion of North Dakota Correctional Officer Training as determined by the Board.
- b. Any person, who has completed North Dakota Correctional Officer Training and has not been employed as a North Dakota Correctional Officer for one year, but less than three years, shall complete any portion of North Dakota Correctional Officer Training as determined by the Board.
- c. Any person who has completed North Dakota Correctional Officer Training and has not been employed as a North Dakota Correctional Officer for three years or more shall complete North Dakota Correctional Officer Training.

Comments: Certifications will be obtained in the event the new staff comes from a different correctional facility.

Standard 106: Security Equipment
Rating: Compliance

Every facility shall have a written policy, procedure, and practice covering the use, issuing, storage, training, and maintenance of security equipment, weapons, and firearms.

Comments:

Grade Four Correctional Facilities

Standard 107: Grade Four Requirements
Rating: Not applicable

Grade four facilities:

- a. Must be staffed by a licensed peace officer or a trained correctional officer;
- b. May not detain an inmate for more than eight hours or overnight;
- c. Shall provide meals to inmates detained more than four hours;
- d. Facility staff shall personally observe each inmate at least every thirty minutes on an irregular basis and shall document when they observed each inmate and what they observed;
- e. May not detain an inmate under the age of eighteen; and
- f. Must complete a yearly fire inspection per Standard 63 of the North Dakota Correctional Facility Standards.

Current grade four facilities are not subject to requirements of 28 Code of Federal Regulations Part 115 (PREA).

Comments: BCCF is a grade one facility.

Standard 108: Management of Inmate Population
Rating: Compliance

Every Grade one and Grade two correctional facility, in cooperation with law enforcement, state's attorneys, and the judiciary in which the correctional facility is located, shall develop an inmate population plan to prioritize inmate admissions and inmate retention, including alternatives to physical custody for individuals under charge or conviction of an offense. This standard does not apply when there are exigent circumstances that may affect the correctional facility's operations and inmate population, including acts of God and mass arrests.

Comments: Plan written and given to their State's attorney for review.