

BSCC Initial Response to Facility Inspection Listening Session - December 9, 2020

#	Comment	BSCC Response	BSCC Notes
Category: Inspection Process			
1	Unannounced inspections	Worth considering.	The BSCC is considering the feasibility of conducting unannounced inspections.
2	Enhanced process is insufficient	Current practice: EIP is in process.	The EIP is still in early implementation; the goal of the EIP is to provide greater accountability and transparency in the inspection process. BSCC staff have identified areas where the EIP can be more clearly defined and we will continue to seek improvements to the EIP in consultation with the Board.
3	Implementation focus - the inspections process should focus on observation and implementation. Inspectors should determine that facilities adopt and implement policies. That is, inspections are more than a paper review.	Current practice: will continue to improve inspection reports.	BSCC staff review and analyze policy and practices to ensure compliance with applicable regulations. We will continue to refine our report writing to ensure that our reports reflect the type of review and feedback given to ensure details with the regulation.
4	Public notification - upon the identification of issues of serious noncompliance, the Board and general public should be notified in a timely manner.	Current practice: EIP is in process.	This is a central component of the EIP; effective July 1, 2020 our Initial Inspection Reports will be posted and details about outstanding items of noncompliance will be shared with the Board regularly.
5	Responsive - the inspection process should be responsive to identified problems, including those outside of Title 15. These identified problems may include current legal actions, investigations, and complaints and should be documented by BSCC.	Exceeds BSCC statutory authority.	The BSCC does not have authority to determine compliance on items that are not contained in Title 15 regulations, nor does the BSCC have authority to conduct investigations.
6	Independent assessment - the inspections process should focus on independent assessments of compliance. There should not be self-reporting of "compliance" by the facility.	Current practice.	BSCC staff do not rely on self-reporting by facility managers for compliance. BSCC staff do rely on reports drafted by other county agencies for compliance (education, medical/mental health, nutritional, environmental, fire and life safety, etc.). Assessments of education in juvenile detention facilities must be completed by an independent party.
7	Applied to juvenile inspections - the enhanced inspection process should be applied to the juvenile facility inspections.	Current practice.	The EIP applies to Juvenile Detention Facility inspections.
8	Legislative report content: include juvenile facilities.	Current practice.	The BSCC plans to include juvenile detention facility items of noncompliance in the next legislative report.
Category: Inspection Team			
9	Community members and advocates: should be present during inspections.	Worth considering.	Further analysis of these comments are required.
10	Subject matter experts: should be present during inspections.		
Category: Written Standardized Procedures			
11	Interview protocol: BSCC should establish a written protocol for interviewing detainees.	Worth considering.	Further analysis of these comments are required; the BSCC is interested in developing "job aids" for inspections to ensure clarity, consistency and accountability.
12	Written protocol: BSCC should establish written protocols for the inspection process.		

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Category: Regulations			
13	Enforced: BSCC regulations should be enforced.	Exceeds BSCC statutory authority.	BSCC minimum standards are not enforceable.
14	Emergency response: regulations should address procedures during disasters such as wildfire and pandemic.	Current practice.	Title 15 requires agencies to have emergency procedures for natural disasters and other emergent situations. Agencies develop their emergency procedures in consultation with the appropriate local responders and disaster planning partners.
15	National standards: standards should be aligned with national best practices.	Current practice: review of regulations in process.	The BSCC is in the process of ensuring that minimum standards are aligned with national best practices.
16	Older and long-term youth	Worth considering.	The BSCC will be working with new OYCR to determine the best way to ensure that BSCC regulations consider the older and long term youth that will be returning to their communities as DJJ facilities close.
17	Specificity: there is a need to provide more specific provisions and guidance in existing regulations.	Current practice: review of regulations in process.	The BSCC is in the process of revising minimum standards and is considering specificity where appropriate and ensuring that regulations are aligned with best practice.
Category: Role of BSCC			
18	Leadership: BSCC should use its authority to go above and beyond minimum requirements for jail inspections.	Current practice and exceeds BSCC statutory authority.	BSCC inspection responsibilities fundamentally focused on ensuring the health and safety of those who are incarcerated. We will continue to solicit and listen to feedback. The BSCC can only inspect for and report on items of noncompliance with minimum standards. BSCC staff provide technical assistance to facility administrators throughout the biennial inspection cycle to ensure and encourage compliance with regulations and use of best practices.
19	Improve data collection	Current practice.	The BSCC is continually improving data collection efforts.
20	Coordinate with OYCR	Current practice.	The BSCC will collaborate with the OYCR.
21	Train other inspectors	Current practice.	BSCC staff train other inspectors regularly, including members of county juvenile justice commissions, grand juries, health inspectors, and other interested parties upon request.
Category: Coronavirus Facility Conditions			
22	Access to PPE and hygiene products	Current practice: BSCC has reviewed policies and procedures related to communicable diseases in local detention facilities. Other aspects of individual comments exceed the BSCC's authority.	BSCC staff have reviewed each county's plans for managing communicable diseases in accordance with Title 15 minimum standards and have found no issues of noncompliance with applicable requirements. Each agency has a health care administrator that is responsible for providing medical care to the people housed in their facilities. The facility administrator and the health care administrator are responsible for complying with applicable state and federal laws related to the outbreak of a communicable disease. Additionally, the county health officer is responsible for annually inspecting each place of detention in the county to ensure compliance with applicable Title 15 regulations.
23	Improper or no mask use		
24	Inability to social distance		
25	Lack of testing		
26	Lack of transparency		
27	Access to cleaning products		
28	Lack of quarantining		
29	No family visitation		
30	Population movement		
31	Facility cleanliness		
32	Access to education and programs		
33	Denial of hot meals		
34	Suspension of regulations: should be considered reasonable and necessary to help reduce exposure to COVID-19.	Current practice.	Current suspensions of standards and mitigation plans are continually reviewed by BSCC staff and are reviewed by, and approved by, the Board Chair every 30 days.

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Category: Agency Culture			
35	Poor treatment of incarcerated people by facility staff.	Exceeds BSCC statutory authority.	The BSCC does not have regulations that specifically address the culture of agencies that operate local detention facilities. Additionally, BSCC minimum standards are not enforceable. If poor treatment is related to noncompliance in a local detention facility, BSCC staff will absolutely make a finding of noncompliance and offer technical assistance to the agency to urge compliance through corrective action and encourage facility administrators to address issues in a timely manner.
36	Will to address issues: lack of will by local detention facility to acknowledge and change identified problems.	Exceeds BSCC statutory authority.	
Category: Facility Conditions			
37	Facility cleanliness: The facilities are dirty, inmates are relied upon for cleaning but are not provided with adequate cleaning supplies, and deep cleaning or sanitation is not occurring.	Current practice: Title 15 addresses and regulation revisions.	Title 15 § 1280, Facility Sanitation, Safety, and Maintenance requires agency administrators to have policy and procedure to maintain cleanliness in local detention facilities. Current regulations are being reviewed; this regulation can be reviewed to determine if revisions can enhance facility cleanliness.
38	Long hours in cells: Inmates/detainees are spending up to 23 hours per day in their cells.	Current practice: regulation revision.	Current regulations are being reviewed and revised to ensure adequate minimum time out of cells.
39	Insufficient meals: The meals provided lack nutritional content, quality, and variety. The portion size is inadequate, and meals often go cold before they can be eaten.	Current practice: Title 15 addresses.	Title 15 § 1241, Minimum Diet outlines minimum dietary requirements that comport with federal regulations. The county health officer inspects the nutritional program in each local detention facility annually.
40	Commissary cost: The cost to purchase items through the commissary (e.g., Top Ramen, soap) is too high	Exceeds BSCC statutory authority.	There are no minimum standards associated with commissary in local detention facilities.
41	Video visitation: Video visitation is either unavailable or cannot be done successfully due to connectivity issues.	Current practice: Title 15 addresses. Exceeds BSCC authority in some areas.	While § 1062, Visiting outlines the requirements for video visitation in local detention facilities, BSCC has no oversight over individual connections or contracts between the video visitation vendor and the agency.
42	Lack of programming: Programming is not available and/or is only available for those with lower-level offense.	Current practice: regulation revision.	Current regulations are being reviewed and revised to ensure adequate programming.
43	Potential violations of regulations	Current practice.	BSCC staff documents all items of noncompliance that are identified.
Category: Health and Medical Care			
44	Medical care: inadequate or delayed responses to medical needs	Exceeds BSCC statutory authority.	Although there are minimum standards related to the provision of medical care and medication delivery in local detention facilities, the health authority and facility administrator are directly responsible for health care response in the facility.
45	Medication: delays in delivery or lack of delivery		
46	Deaths in custody: preventable by timely access to medical care	Exceeds BSCC statutory authority.	Title 15 § 1046, Death in Custody outlines the requirements for the agency to review all deaths in custody. BSCC minimum standards do not address how deaths are investigated and do not have access to medical information to determine if a death is due to lack of timely and adequate medical care.
47	Menstruation products: access to products	Current practice: Title 15 addresses.	Title 15 § 1265, Issue of Personal Care Items requires that each female inmate is provided with adequate feminine hygiene supplies. BSCC staff inspect for this requirement.