

JOINT LEGISLATIVE OVERSIGHT COMMITTEE  
ON HEALTH AND HUMAN SERVICES



# **DHHS Oversight of Jail Death Reporting**

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## **Local Confinement Facility G.S. 153A-217(5)**

- **A “local confinement facility’ includes a county or city jail, a local lockup, a regional or district jail, a juvenile detention facility, a detention facility for adults operated by a local government, and any other facility operated by a local government for confinement of people awaiting trial or serving sentences, except that it shall not include a county satellite jail/work release unit governed by Part 3 of Article 10 of Chapter 153A.”**

# DHSR Oversight of Jail Death Reporting

- How does the oversight process function?
  - DHSR’s oversight authority is set forth in G.S. Chapter 153A, Article 10, Part 2.
- What kind of oversight responsibilities does DHSR have?
  - DHSR conducts routine inspections to determine a jail’s compliance with minimum standards, twice annually.
- What role does DHSR play in responding to an inmate death or suicide?
  - DHSR conducts compliance reviews of all reported inmate deaths that occur in a jail. DHSR also undertakes a compliance review when it learns of an “out-of-custody” death where there may be questions regarding the in-custody care and supervision of the inmate.

# **G.S. 153A-221. Minimum Standards**

- **Secretary of Health and Human Services shall develop and publish minimum standards for the operation of local confinement facilities (jails). The standards shall provide for:**
  - **Secure and safe physical facilities**
  - **Jail design and sanitation**
  - **Supervision of inmates**
  - **Medical and mental health care for inmates**
  - **Personal hygiene and comfort of inmates**
  - **Provision of food to inmates**
  - **Any other provisions that may be necessary for the safekeeping, care, and welfare of inmates**
- **These standards are set forth in the regulations found in 10A NCAC Subchapter 14J.**

# **DHSR Construction Section, Jails and Detention Unit**

- **The Jails and Detention Unit is funded by 100% State Appropriations in the amount of \$168K**
- **This funding does not cover the full costs/expenses of the unit; the Construction Section provides other resources to ensure this unit can meet its responsibilities.**

# Other Relevant General Statutes

- **G.S. 153A-220 Jail and detention service**
  - Requires DHHS personnel to provide technical assistance to jails and review plans of new jail construction.
- **G.S. 153A-222 Inspections of local confinement facilities**
  - Requires DHHS personnel to inspect jails not less than twice per year.
- **G.S. 153A-225 Medical care of prisoners**
  - Requires a governing body to adopt a plan for the medical care of inmates.
  - Requires jail administrator to notify medical examiner and coroner immediately if an inmate dies in a local confinement facility and to submit a written report to DHHS within 5 days of the date of death.
- **G.S. 162-22 Custody of jail**
  - Sheriff has the care and custody of the jail in his/her county.

# **Jails and Detention Unit Roles & Responsibilities**

- **DHSR's Jails and Detention Unit has an important role in surveying/inspecting jails/local confinement facilities to ensure compliance with applicable regulations.**
- **The ultimate responsibility for safety of individuals confined in their facilities, as provided by G.S. 162-22, is with the Sheriff.**
- **At the local level it is the Sheriff, Jail Administrator, Local Health Director and the County Commissioners who are responsible for the daily operations and safety of all individuals confined in their local confinement facilities.**

# **Jails and Detention Unit Roles & Responsibilities**

- **Each confinement facility is required to develop a plan for providing medical care for inmates. G.S. 153A-225(a)(4) ...The unit shall develop the plan**
  - **In consultation with appropriate local officials and organizations, including the sheriff, the county physician, the local or district health director, and the local medical society.**
  - **The plan must be approved by the local or district health director after consultation with the area mental health, developmental disabilities, and substance abuse authority, if it is adequate to protect the health and welfare of the prisoners.**
  - **...the plan must be adopted by the governing body.**



# Capacities and Ages of Confinement Facilities

- There are **110** jails and **3** district jails serving multiple counties.
- Vary in size and configuration:
  - Graham/Hyde Counties and Farmville have capacity of **8** inmates
  - Mecklenburg Central has capacity of **1,904** inmates
- **Oldest jail in Orange County, built in 1925**
- **Newest jail in Bladen County, opened in 2017**

# Jail Inmate Deaths and Average Daily Population

| <b>Deaths</b>                   | <b>2015</b>   | <b>2016</b>   | <b>2017</b> |
|---------------------------------|---------------|---------------|-------------|
| <b>In Custody</b>               | <b>35</b>     | <b>20</b>     | <b>35</b>   |
| <b>Out-of-Custody</b>           | <b>5</b>      | <b>6</b>      | <b>3</b>    |
| <b>Total</b>                    | <b>40</b>     | <b>26</b>     | <b>38</b>   |
| <b>Suicide*</b>                 | <b>20</b>     | <b>12</b>     | <b>7</b>    |
| <b>Natural*</b>                 | <b>11</b>     | <b>11</b>     | <b>20</b>   |
| <b>Other*</b>                   | <b>9</b>      | <b>3</b>      | <b>11</b>   |
| <b>Average Daily Population</b> | <b>18,456</b> | <b>18,576</b> | <b>**</b>   |

\* As provided to DHSR per "Report of Inmate Death" as reported by the jail G.S.153A-225

\*\*Pending

# **Role in Compliance Reviews of Inmate Deaths**

- Pursuant to G.S. 153A-225, jailers are required to report inmate deaths to DHSR when the death occurs in the jail (“in-custody”).
- Jails may submit death reports when the inmate death is “out-of-custody,” but are not legally required to do so.
- The Construction Section conducts compliance reviews of all “in-custody” inmate deaths that are reported.
- While not required, it is the practice of the Construction Section to conduct a compliance review when it learns of an “out-of-custody” death where there may be questions regarding in-custody care and supervision of the inmate.

# Revisions to 10A NCAC Subchapter 14J

- Process to revise the regulations that pertain to jails and local confinement facilities began August 13, 2015
- 33 rules proposed for re-adoption with changes
- 20 related to jail operations
- 13 related to jail design and construction
- Expected re-adoption effective date is December 1, 2018

# Proposed Changes to Modernize Rule

## 10A NCAC 14J.0601

| Existing Rule  | Proposed Changes   |
|--|--|
| Supervision rounds (twice per hour in-person check of inmates in general population) | Added rule language that requires rounds to be conducted no more than 35 minutes apart.  |
| Special watch (four times per hour in-person check of inmate on suicide watch)       | Added rule language that requires rounds to be conducted no more than 20 minutes apart.  |
| Officers assigned to supervision rounds shall not be assigned “other duties.”        | Added rule language listing these “other duties,” such as delivering food to inmates, transporting inmates to court and escorting inmates to medical appointments. |