



**JOINT LEGISLATIVE OVERSIGHT COMMITTEE  
ON JUSTICE AND PUBLIC SAFETY**

# **Oversight of Local Confinement Facilities**

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# Overview of Division of Health Service Regulation's (DHSR) Operations Related to Jails

How does the oversight process function?

DHSR's oversight authority is set forth in N.C.G.S. Chapter 153A, Article 10, Part 2.

What kind of oversight responsibilities does the Division have?

Division conducts routine inspections to determine a jail's compliance with minimum standards.

How frequently does DHSR inspect jail facilities and review jail practices?

Twice per year.

What role does DHSR play in crisis management and response; e.g., 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.

## **Local Confinement Facility N.C.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 persons 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.”**

# **Statutory Authority N.C.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 prisoners**
- **Personal hygiene and comfort of prisoners**
- **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 \$167,716. Although 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.**
- **There are 5 FTEs in this unit.**

# Other Important General Statutes

**N.C.G.S. § 153A-220**  
**Jail and detention services**

Requires Department personnel to provide technical assistance to jails and review plans of new jail construction.

**N.C.G.S. § 153A-222**  
**Inspections of local confinement facilities**

Requires Department personnel to inspect jails not less than twice per year.

**N.C.G.S. § 153A-225**  
**Medical care of prisoners**

- Requires a governing body (county government) to adopt a plan for the medical care of inmates.
- Requires the jail administrator to submit a report of inmate death to the Department when the death occurs in the jail.

**N.C.G.S. § 162-22**  
**Custody of jail**

Sheriff has the care and custody of the jail in his/her county.

## **Roles and Responsibilities**

**DHSR's Jail 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 N.C.G.S. § 162-22, is with the Sheriff. At the local level it is the Sheriff, Jail Administrator, County Medical Director and the County Commissioners who are responsible for the daily operations and safety of all individuals confined in their local confinement facilities.**

# Frequency of Inspections

- Jail inspections are done on a semiannual basis. (Inspectors are required to inspect each jail twice a year.)
- Currently there are **110** jails and **3** District jails in the State.
- These jails vary in size and configuration across the state.
- The degree of modernization of these facilities varies drastically across the state.

# Construction Section's Role In Compliance Reviews of Inmate Deaths

- Pursuant to N.C.G.S. § 153A-225, jails are required to report inmate deaths to the Construction Section when the death occurs in the jail (“in-custody”).
- Jails may submit death reports to the Construction Section 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.
- Although not required, it is the practice of the Construction Section to undertake 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.

# **Revisions to 10A NCAC Subchapter 14J Jails/Local Confinement Facilities**

- **Process to revise the regulations that pertain to jails and local confinement facilities began August 13, 2015.**
- **Currently, there are 32 rules proposed for re-adoption with changes.**
- **Twenty of these rules are related to jail operations.**
- **Thirteen of these rules are related to jail design and construction.**
- **Expected re-adoption effective date is Dec. 1, 2018.**

# Proposed Changes to Modernize the Rule on Supervision 10A NCAC 14J .0601

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.