

MEETING DATE: June 11, 2020

AGENDA ITEM: C

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, Facilities Standards and Operations; allison.ganter@bscc.ca.gov

SUBJECT: Facilities Standards and Operations: 2018/2020 Biennial Inspection Cycle COVID-19 Modifications: **Requesting Approval**

Summary

Pursuant to Penal Code sections 6031 and 6031.1, the Board of State and Community Corrections (BSCC) is required to, at a minimum, biennially inspect each adult local detention facility in the state. Juvenile detention facilities must also be inspected biennially pursuant to Welfare and Institutions Code sections 209 and 885.

The BSCC biennial inspection cycle has been historically tied to the state's fiscal year. As such, the BSCC is near the end of the 2018/2020 Biennial Inspection Cycle, which began on July 1, 2018 and will end on June 30, 2020.

The BSCC is also required to biennially review, and if necessary, revise the minimum standards for operation and construction of local detention facilities. (Pen. Code, § 6030.)

Due to the COVID-19 pandemic, statewide shelter-in-place-orders, and travel restrictions, on-site inspections have not been conducted since mid-March, and the process for completing the Adult Titles 15 and 24 Regulations Revisions has been temporarily suspended. BSCC staff members have modified inspections in light of the pandemic and are planning to resume regulation revisions activities as soon as practicable. This board report updates the Board on those activities, outlines the plan for the upcoming biennial inspection cycle, and requests approval for modifications to the 2020/2022 Biennial Inspection Cycle.

Background

BSCC Field Representatives are responsible for completing inspection of 560 local adult and juvenile detention facilities during a two-year period. The current 2018/2020 Biennial Inspection Cycle, began on July 1, 2018 and is scheduled to end on June 30, 2020. When the Governor's shelter-in-place order shifted most of the state workforce to telework and restricted travel, approximately 60% of required facility inspections had been completed with the remaining 40% of inspections scheduled for completion prior to June 30, 2020.

Field Representatives began notifying agencies that on-site inspections would be postponed or cancelled on March 12, 2020. In order to provide inspections to those agencies' whose on-site inspection would not occur, Field Representatives committed to completing comprehensive desk audits of agency policy, procedures, and available documentation before June 30, 2020.

During each desk audit, Field Representatives will complete procedures checklists, indicating that compliance with regulations is based on policy review, and where applicable, review of documentation. Completed procedures checklists will be provided to agencies for correction of items of noncompliance, requesting that they provide further information or answer questions to determine policy compliance with Title 15. As with on-site inspections, technical assistance will be provided. Where possible, Field Representatives will participate and share documentation in virtual conferences. The 2018/2020 Legislative Report will be completed as planned by December 31, 2020, noting that desk audits were completed for certain inspections.

The 2020/2022 Biennial Inspection Cycle will begin as planned on July 1, 2020; it is scheduled to be complete on June 30, 2022. If shelter-in-place orders, travel restrictions, and other factors related to the pandemic continue, Field Representatives will begin conducting desk audits.

There are several factors influencing the ability of Field Representatives to begin conducting site visits:

- State and county shelter-in-place orders
- State worker travel restrictions
- Individual county and agency policies regarding quarantine and outside visitors
- Availability of appropriate and adequate personal protective equipment (PPE)

As the above issues are addressed, and intercounty travel resumes, Field Representatives will begin on-site inspections, prioritizing on-site inspections for those facilities that received a desk audit in the 2018/2020 Biennial Inspection Cycle. Facilities Standards and Operations Division (FSO) staff will also begin enacting the enhanced inspection process, as proposed at the February 13, 2020 Board Meeting, which includes more actively engaging agencies when deficiencies are identified during inspections through the public board meeting process, and to the extent resources allow, conducting more frequent follow-up inspections.

In February and March, the FSO team had been in the early stages of convening participant workgroups to review and revise the Adult Titles 15 and 24 Regulations. Prior to shelter-in-place orders, two of eight subject matter workgroups had been held (Medical and Mental Health and Classification, Segregation and Discipline). Staff are planning to propose an alternate means of engaging the public and stakeholders to complete the participant workgroup portion of regulations revision. The team expects to resume activities in July or August; the delay in conducting regulation revision activities will push

back the original timeline for Board approval and adoption of revised regulations. FSO staff will return to the Board with a revised timeline by the September 2020 Board meeting.

BSCC staff is requesting that an additional six months be added to the 2020/2022 Biennial Inspection Cycle in order to provide on-site inspections for all local adult and juvenile detention facilities, giving priority to those that did not receive on-site inspections in the 2018/2020 Biennial Inspection Cycle, implement the enhanced inspection process, and complete the biennial review and revision of the Adult Titles 15 and 24 Regulations,.

The cycle will begin as planned on July 1, 2020 and will end on December 31, 2022. Beginning in the 2023/2024 Biennial Inspection Cycle, local adult and juvenile detention facility inspections will be on a calendar year.

When the new inspection cycle begins in July 2020, staff is recommending that FSO conduct a special review of all detention facilities' current policies and procedures on the Management of Communicable Diseases (CCR 15 § 1410). To the extent any issues of noncompliance are identified, BSCC Field Representatives will be able to provide technical assistance to the field.

An extension of six months will allow Field Representatives the opportunity to conduct comprehensive on-site inspections for all 560 local detention facilities and revisit, as necessary and appropriate, to provide enhanced technical assistance. An extension will also allow the FSO Team time to resume and proceed with regulations revisions and Board notifications of deficiencies identified during inspection; additionally, if regulation revisions are adopted within the 2020/2022 Biennial Inspection Cycle, there will be an opportunity to inspect all adult detention facilities according to revised regulations.

Recommendation/Action Needed

1. Approve extension of 2020/2022 Biennial Inspection Cycle for six (6) months, from July 1, 2020 through December 31, 2022.