



**North Dakota Department of Corrections and Rehabilitation
Division of Transitional Facilities
Office of Facility Inspections**

Facility	Burleigh Morton Detention Center
Facility Administrator	Sheriff Kelly Leben
Facility Website Address	www.burleighsd.com
DOCR Inspector(s)	Lance Anderson, Steven Hall
Assigned Facility Grade	1
Maximum Rated Capacity	555
Current Inmate Count	227
Date of Inspection	January 4 and 5, 2023

The North Dakota Department of Corrections and Rehabilitation (“DOCR”) inspected the Burleigh Morton County Detention Center on January 4 and 5, 2023. The inspection was made in accordance with N.D.C.C. §§ 12-44.1-24, 12-44.1-25, with the North Dakota Correctional Facility Standards effective January 2023, and the statutory requirements in N.D.C.C. Ch. 12-44.1.

The inspection of the facility was conducted by Lance Anderson, Deputy Director of Facility Inspections, and Steven Hall, Jail Inspector. The previous inspection of the facility was conducted on February 1 and 2, 2022.

This report is published at: <https://docr.nd.gov/about/correctional-facility-standards-inspections>

REPORT SUMMARY

A. Facility Description

The Burleigh Morton Detention Center (BMDC) is a grade one (1) correctional facility under N.D.C.C. - S.S.12-44.1-06; the jail is located at 4000 Apple Creek Road, Bismarck, North Dakota. Burleigh Morton Detention Center is operated under the Burleigh County Sheriff Kelly Leben, Assistant Jail Administrator Trent Wangen, and the Burleigh and Morton County Commissioners’ governing authority.

The detention center and a secondary office for the Sheriff are encompassed in a one-level building. The master control room is centrally located within the facility, with no direct sight into the housing units. The master control room can take over each unit control center if needed. There are secondary control stations located in each unit. During the inspection, these secondary control stations were utilized. BMDC physical plant consists of a large vehicle sally port, booking area, observation cells, administrative offices for the correctional staff, food staging area, dish tank area, laundry, attorney visit rooms, property storage rooms, IVN rooms, janitor closets, restrooms, medical treatment areas, chemical storage closets, interview rooms, booking, group holding cells

and dayrooms, and a library. The BMDC has three (3) inside recreation areas with louvers for outside air. There are administrative offices throughout the facility.

Most services are delivered to the offenders, including educational programs, ministry programs, distribution of prescribed medicines, commissary, meals, laundry, and library. Centralized services include a medical clinic. Due to COVID, educational programs, ministry programs were limited. The computerized law library is located on the kiosks. All offenders are housed based upon their needs and their respective levels of classification. BMDC housing units include maximum, medium, and minimum custody classifications. Additional classification levels are protective custody and special management. The male or female distinction of each unit is based on facility needs. Each unit has particular guidelines depending on the inmate classification. BMDC houses male and female inmates up to one (1) year or until an inmate's court case(s) are completed.

BMDC is comprised of six (6) units, a series of pods comprise a unit. Each unit consists of pods surrounding a central control/officer station. There are currently four (4) units in operation. Unit eight hundred (800) and unit seven hundred (700) each contain twelve (12) pods. These pods are a dorm-style setting, with each dorm/pod having ten (10) beds. Unit four hundred (400) consists of an empty shell. Unit five hundred (500) consists of twelve (12) pods, and each pod has five (5) single cells. Unit five hundred (500) also contains two (2) negative-pressure rooms designed to isolate an offender suspected, or diagnosed with, an airborne infectious disease. Unit two hundred (200) and unit three hundred (300) each contain eight (8) pods. Six (6) of these pods contain sixteen (16) beds each, and two (2) pods contain eight (8) beds all beds are double bunks. Unit two hundred (200) is not occupied.

Each pod has large windows in the dayroom for officer observation. These windows restrict visibility from the pod but give the officer direct view in from the secondary control stations. The housing units are all similarly situated with an upper and lower tier housing. Stairs in the dayrooms access the upper tier cells. The lower level comprises of the dayroom located in the front of the housing pod and a private shower situated at the left or right side in the lower and upper tiers of each of the housing pod. The design of each shower unit allows the offenders to have adequate privacy for showering. Each cell has a washbasin and toilet in the immediate sleeping areas. Offenders assigned to a unit do not have contact with offenders in another pod. Each cell is equipped with an intercom that allows offenders to communicate with staff. Each unit has basic furnishings, television, kiosks, texters, phone, and multi-purpose areas. All housing units have adequate and appropriate seating for the number of inmates who use each unit. All housing units have access to natural lighting and illumination sufficient for comfortable reading in the living areas. The dayrooms allow offenders to congregate, watch television, use the telephone system, and have access to the kiosk system for visitation and commissary ordering.

The booking and intake area have four (4) temporary transport-holding units. These units contain benches; however, they do not include a shower, washbasin, or toilet. The booking area contains thirty (30) observation/safety cells. The lower tier comprises of ten (10) observation/safety cells, and the upper level consists of twenty (20) observation/safety cells. One (1) safety cell has a floor flushing toilet mounted flush within the floor. The controls are located outside of the cell. The safety/observation cells are used temporarily for offenders during the booking process when they are under the influence of alcohol or drugs, display violent behavior, self-harm, or inability to exercise self-control. The safety/observation cells are located near the booking officer duty station. However, the booking officer does not have a direct visual observation from the booking desk. All group housing units and cells within the booking area have cameras, intercoms, and duress lights. Monitoring is accomplished by electronic camera(s), which are continuously

monitored in the master control room and the booking officer station, and by personal observation. An inmate property storage area is located on the lower level of the booking area. The laundry area includes washers/dryers, a chemical storage room, and an inmate restroom.

BMDC Center has an authorized staff consisting of eighty-eight (88) full-time staff, seventy-two (72) correction officers, seven (7) administration staff, four (4) medical staff, two (2) programs staff, one (1) behavior health specialist, and two (2) maintenance staff. In 2022 BMDC processed four thousand eighty-one (4,081) males and one thousand eight hundred seventy (1,870) females into the facility. BMDC maintains verbal or contractual agreements to house inmates from different jurisdictions, including; Emmons, Grant, Kidder, Logan, McIntosh, Mclean, Mercer, Sheridan, Ward, Sioux, and Cass Counties, Lake Region Law Enforcement Center, the City of Bismarck, Mandan, and Lincoln, U.S. Marshal Service, Bureau of Prisons, Parole and Probation DOCR. BMDC has one hundred two (102) phones located throughout the facility for inmate use. Each inmate is issued a texting/phone device. BMDC has a vehicle sally port that can provide entry for up to thirteen (13) vehicles. The vehicle sally port offers entry for all vehicle traffic transporting inmates and emergency vehicles. BMDC has a walk-through metal detector at the front entrance of the facility, a portable metal detector "Cell Sense" that is used throughout the facility, and handheld wands.

B. Sanitation

The correctional facility inspectors found the level of sanitation and cleanliness to be acceptable throughout the facility. The physical plant was well maintained, any notable physical plant issues are in the process of being repaired. The correctional facility inspectors found that the offenders were provided with the equipment and materials necessary to clean their assigned areas. The correctional facility inspectors found that waste and trashcans are emptied at least one (1) occurrence every day and as often as needed. For vermin or insects, BMDC has retained a professional exterminator. The correctional facility inspectors did not find any disagreeable odors in the facility, and the offenders had access to hot and cold running water. Noise levels and temperatures were within the normal levels throughout the facility.

C. Examination of Policies and Records

Documentation reviewed for this inspection includes facility policies, procedures, forms, educational materials, grievances, training curriculum, employee training records, inmate booking files, inmate property receipt, organizational chart, posters, PREA brochures, PREA audit, inmate handbook, operation manuals, litigation, notice of claims, and significant incidents. These materials were provided to demonstrate compliance with the North Dakota Correctional Facility Standards. The correctional facility inspectors did not examine budgetary records or official findings aside from what was provided. The inspection also consists of touring selected areas of the facility and having a discussion with various offenders, staff, and management. We used a limited judgmental sample for the facility inspector observations and relied on our professional judgment to conclude when we observed practices. The correctional facility inspectors had complete access to the facility.

Summary of Inspection Findings

STANDARDS COMPLIANCE CALCULATION	
Compliance with Standards	107
Non-Compliance with Standards	0
Non-Applicable Standards	1
Total	108

Standard 001	Variances	Compliant: Yes
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Correctional facilities shall comply with the standards adopted by the North Dakota Department of Corrections and Rehabilitation (“DOCR”) unless a variance has been granted by the 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.

Observations:	The facility is in compliance with the standard.
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Standard 002	Applicable laws	Compliant: Yes
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Correctional facilities shall comply with all applicable state and federal laws, rules, and regulations, including all requirements of 28 Code of Federal Regulations Part 115 (PREA).

Observations:	BMDC conducted a PREA audit in October 2022.
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Standard 003	Grade, Classification and Population	Compliant: Yes
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The Director of the DOCR shall notify each correctional facility administrator of the approved correctional facility grade classification, approved inmate classifications, and total number of individuals who may be confined in the correctional facility. The Director of the DOCR shall notify correctional facility administrators of the terms of any variances that have been granted.

Observations:	At the time of the inspection, the inmate population did not exceed the rated capacity.
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Standard 004	Facility Review of Policy and Compliance	Compliant: Yes
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Each requirement for a policy or procedure in the North Dakota Correctional Facility Standards includes the requirement to demonstrate the correctional facility’s compliance with its policy. Correctional facility administrators shall review each of their policies and compliance with them at least annually. When necessary, a correctional facility administrator shall update the correctional facility’s policies and procedures and make them available in electronic form to the DOCR Office of Facility Inspections upon request.

Observations:	All BMDC policies and procedures are reviewed at least annually and revised as necessary.
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Standard 005	Inmate Access to DOCR	Compliant: Yes
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Correctional facilities shall have a process to permit inmates to contact the DOCR Office of Facility Inspections. Correctional facilities shall make the DOCR Office of Facility Inspections contact information available to inmates.

Observations:	BMDC procedures demonstrate compliance with the standard.
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Standard 006	Inspections and Self Inspections	Compliant: Yes
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The DOCR Office of Facility Inspections shall inspect correctional facilities pursuant to N.D.C.C. Chapter 12-44.1 and the North Dakota Correctional Facility Standards. Correctional facility administrators shall submit self-completed correctional facility inspection reports to the DOCR Office of Facility Inspections at least 30 days prior to a scheduled onsite inspection.

The DOCR Director and any designees may enter correctional facilities at any time to inspect compliance with North Dakota Correctional Facility Standards. Upon request of the DOCR,

correctional facilities shall admit the DOCR without unnecessary delay; provide timely access to interview employees, former employees, and inmates; and provide timely access to information, including documents, electronic information, data, audio recordings, video recordings, photographs, and physical evidence. The DOCR shall provide advance notice of its intent to visit a correctional facility, when reasonable, and shall collaborate with the facility to minimize disruption to facility operations.

If a correctional facility is in violation of any required minimum standards, applicable state or federal law, or North Dakota Correctional Facility Standards, the DOCR Office of Facility Inspections may issue a draft order of noncompliance. The correctional facility has 15 days from service of the draft order of non-compliance to contest the draft order.

Observations: BMDC provided a self-inspection to this office for review.

Standard 007	Contracts for Out-of-State Inmates	Compliant: Yes
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Correctional facilities that contract with a correctional facility located in another state, including for those in transport, shall comply with N.D.C.C. § 12-44.1-31.

Observations: BMDC is in compliance with the standard.

Standard 008	Construction and Renovation Plan Expenditures	Compliant: Yes
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Correctional facilities shall seek approval from the DOCR Office of Facility Inspections of all plans for construction or renovation of correctional facilities with an estimated expenditure of more than one hundred thousand dollars before commencement of the project.

Observations: BMDC did not have any plans for construction or major renovation.

Standard 009	Construction and Renovation Plan Standards	Compliant: Yes
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Correctional facilities shall ensure all plans for the construction or major renovation of correctional facilities are in compliance 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 and physical plant requirements apply to plans approved after January 1, 1992.

Observations: BMDC did not have any plans for construction or major renovation.

Standard 010	Classification and Male and Female Separation	Compliant: Yes
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Correctional facilities shall adopt a classification system for inmates. After a correctional facility adopts a classification system approved by the DOCR, it is no longer required to comply with subsections 3, 4, and 5 of N.D.C.C. § 12-44.1-09. Correctional facilities shall have a policy and procedure that requires separate male and female housing and includes visual, physical, and sound separation between male and female inmates.

Observations: BMDC procedures demonstrate compliance with the standard.

Standard 011	Single Cell Square Footage and Illumination Requirements	Compliant: Yes
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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. Illumination must be at least twenty foot-candles at desk level.

Observations: BMDC is in compliance with the standard.

Standard 012	Single Cells for Special Needs	Compliant: Yes
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Correctional facilities shall 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; and inmates with other special needs.

Observations: BMDC is in compliance with the standard.

Standard 013	Multiple Occupancy Room Usage	Compliant: Yes
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Correctional facilities may use a multiple occupancy room for inmates who do not have the special needs listed in Standard 12. Correctional staff shall classify and screen inmates before housing in multiple occupancy rooms.

Observations: BMDC is in compliance with the standard.

Standard 014	Multiple Occupancy Room Square Footage Requirements	Compliant: Yes
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Correctional facilities shall ensure multiple occupancy rooms contain a minimum of 25 square feet of unencumbered space per inmate. When confinement exceeds ten hours per day, correctional facilities shall ensure at least 35 square feet of unencumbered space is provided for each occupant.

Observations: BMDC is in compliance with the standard.

Standard 015	Grade One Dayroom for Indoor Recreation	Compliant: Yes
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Grade one correctional facilities shall provide dayrooms that are separate from indoor recreation areas.

Observations: BMDC is in compliance with the standard.

Standard 016	Secure Booking Area	Compliant: Yes
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Correctional facilities shall have a booking area that is separate and secure from the public and inmate housing areas.

Observations: BMDC is in compliance with the standard.

Standard 017	Control Room Separation	Compliant: Yes
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Newly constructed correctional facilities must include a control room area that is physically separated and staffed separately from a law enforcement dispatch center.

Observations: BMDC is in compliance with the standard.

Standard 018	Toilet, Washbasin, and Urinal Ratios	Compliant: Yes
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Correctional facilities shall provide inmates, including inmates housed in medical units and infirmaries, access to toilets and washbasins with temperature-controlled running water 24 hours per day. Toilets and washbasins must be accessible without staff assistance when inmates are

confined to their cells or sleeping areas.

- 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 males.
- 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.

Correctional facilities may have a cell or multiple 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.

Observations:	BMDC is in compliance with the standard.
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Standard 019	Shower Temperature and Ratio	Compliant: Yes
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Grade one, grade two, and grade three correctional facilities shall provide showers that are available to all inmates. Correctional facility showers must maintain the water temperature between 100 to 120 degrees. Correctional facilities shall provide showers at a ratio of not less than one shower per twelve inmates.

Observations:	BMDC is in compliance with the standard.
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Standard 020	Recreation Area Space Requirements	Compliant: Yes
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For exercise areas constructed after 1992, correctional facilities shall provide at least the minimum space requirements:

- 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 correctional 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; and
- c. Covered/enclosed exercise areas in correctional facilities of less than 100 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 500 square feet of unencumbered space.

Observations:	BMDC is in compliance with the standard.
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Standard 021	Intake Requirements	Compliant: Yes
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Only correctional staff members who have completed North Dakota Correctional Officer Basic Certification and Correctional Medical Training I and II; 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. Staff members shall record their findings in the medical screening portion of the intake form approved by the Health Care Administrator. The medical screening portion of the intake form may be completed by a licensed medical professional.

Correctional facilities shall 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 diseases, and screening for tuberculosis in accordance

- with guidance provided by the North Dakota Department of Health;
- b. Medication taken and special health requirements, including 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 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 sites; and
- l. Dispositions to:
 - 1. Facility intake,
 - 2. General population,
 - 3. General population and referral to a licensed health care service, and
 - 4. Referral to a licensed health care service on an emergency basis until inmate is medically cleared.

Correctional facilities shall send all medical screenings as soon as reasonably possible after the screening to the Health Care Administrator or provider for review or follow up.

Correctional facilities shall have a policy and procedure to deny the admission of any individual under the age of eighteen.

Observations:	BMDC is in compliance with the standard.
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Standard 022	Supervision of Mentally Ill and Emotionally Disturbed	Compliant: Yes
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Correctional facilities that house inmates with signs or symptoms of mental illness or emotional disturbance or individuals who are detained pursuant to a court-ordered emergency commitment under N.D.C.C. Chapter 25-03.1 shall have written policies and procedures for close observation, up to and including direct personal observation. Staff shall document the time, condition, and actions of the inmate or individual in the designated log. As required by N.D.C.C. § 25-03.1-25(3)(b), correctional facilities may not detain an individual taken into detention solely for emergency involuntary commitment (a) if another secure facility is accessible and (b) for more than twenty-four (24) hours.

Observations:	BMDC is in compliance with the standard.
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Standard 023	Intake File Content Requirements	Compliant: Yes
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Staff shall establish individual files at intake. The following minimum identification data and information must be recorded for each inmate in correctional facilities:

- 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 emergency contact;
- m. Occupation;
- n. Name of Employer;
- o. Time and date of admission to correctional facilities;
- 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. Correctional facilities shall complete the PREA screening and acknowledgment prior to general population assignment.
- v. Primary language the inmate reads and understands;
- w. Digital photos of front and side and identifying marks;
- x. Ten-print arrest fingerprints, when required by BCI administrative rules;
- 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 juvenile.

Observations: BMDC is in compliance with the standard.

Standard 024	Facility Clothing	Compliant: Yes
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Correctional facilities may require inmates to wear clothing provided by the correctional facility. If Inmates are required to wear clothing provided by the correctional facility, the correctional facility shall issue a clean set of appropriately-sized correctional facility clothing, including pants and shirt or coveralls, footwear, and undergarments. Correctional facilities may permit inmates to wear their own clothing.

Observations: BMDC is in compliance with the standard.

Standard 025	Inventory of Inmate Personal Property and Inmate Accounts	Compliant: Yes
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Correctional facilities shall inventory and itemize all personal property, including money, taken from an inmate at intake. A record of the property must be signed by the inmate and placed in inmate's file. The property must be 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 must be controlled.

Correctional facilities shall have a written policy and procedure for inmate financial accounts in accordance with N.D.C.C. § 12-44.1-12.1. The policy must include a procedure for the withdrawal of funds from the inmate's account for payment of the inmate's medical, dental, and eye care costs, and for payment of the inmate's funds to the inmate if the inmate is transferred to another facility or when the inmate is discharged from the correctional facility. The policy may include a Procedure for the withdrawal of funds from the inmate's account for payment of the inmate's legitimate financial obligations, including child support, restitution, fines, and fees.

Observations:	BMDC is in compliance with the standard.
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Standard 026	Intake Telephone Call	Compliant: Yes
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Correctional facilities shall 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 an electronic device approved by the correctional facility as soon as the admission process has been completed or within a reasonable time determined by the correctional facility administrator. Correctional facilities shall maintain documentation of the telephone calls and, when applicable, the inmate's refusal to make a telephone call.

Observations:	BMDC policy on page 125 and procedures meet the requirements of the standard.
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Standard 027	Inmate Orientation	Compliant: Yes
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Upon admission or as soon as practical, staff shall provide inmates orientation information in a language the inmate understands, including relevant information about:

- 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;
- h. Inmate hygiene and cell sanitation responsibilities; and
- i. PREA information.

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 staff shall document the inmate's refusal or inability to acknowledge completion of orientation.

Observations:	BMDC is in compliance with the standard.
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Standard 028	Incident Reporting	Compliant: Yes
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Correctional facilities shall have a policy and procedure to report significant incidents. Significant incidents include:

- a. Severe assault of an individual;
- b. Escapes and attempted escapes;
- c. Riots, strikes, hunger strikes longer than three (3) days, demonstrations, and

- disturbances;
- d. Refusal of medical care the Health Authority/Medical Director determined is necessary medical care;
- 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 correctional facility property;
- j. Substantiated PREA allegations;
- k. Juvenile intake into the secure area of the correctional facility;
- l. Use of Force resulting in serious or substantial bodily injury; and
- m. Current population exceeds the correctional facility's maximum capacity.

Correctional facilities shall submit the Significant Incident Reporting form provided by the DOCR to the DOCR Office of Facility Inspections within 24 hours of an significant incident. Correctional facilities shall report significant incidents involving escape, death, or an injury likely to result in death within one hour to the DOCR Office of Facility Inspections.

Observations:	BMDC policy on page 127 and procedures meet the requirements of the standard.
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Standard 029	Preservation of Evidence and Request for Independent Investigation	Compliant: Yes
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Correctional facility administrators shall request an investigation from the North Dakota Bureau of Criminal Investigation or the North Dakota Highway Patrol following:

- a. In-custody death of an inmate;
- b. Escape or attempted escape of an inmate; and
- c. Criminal activity committed by correctional facility employees that results in employee or inmate serious or substantial bodily injury.

The DOCR Office of Facility Inspections may request an investigation by the North Dakota Bureau of Criminal Investigation or the North Dakota Highway Patrol if correctional facility employees have committed suspected criminal conduct.

After an incident, correctional facilities shall ensure that all evidence is collected and stored in Accordance with evidence collection and chain of custody procedures and that the scene of an In-custody death or crime is preserved for law enforcement investigation.

Observations:	BMDC is in compliance with the standard.
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Standard 030	Trained Staff and Female Staff	Compliant: Yes
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Correctional facilities may not detain an inmate without at least two trained correctional officers who have completed North Dakota Correctional Officer Basic Certification and Correctional Medical Training I and II, have completed the training required under Standard 103, or are acting under the supervision of trained correctional facility staff on duty capable of responding to the reasonable needs of the inmate. When females are housed in a correctional facility, at least one female correctional officer must be on duty at all times in the correctional facility. An inmate may not be placed in a supervisory capacity over other inmates.

Observations: BMDC is in compliance with the standard.

Standard 031	Suicide Prevention Plan	Compliant: Yes
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Correctional facilities shall have a written suicide prevention plan that includes:

- a. Identification of the warning signs and symptoms of suicidal behavior and mental illness;
- b. Mental health screening after removal from observation, when no longer under the influence, or after any life event which results in a noticeable decline in affect or emotional stability;
- c. Proper response to suicide behavior or attempts;
- d. Referral procedure;
- e. Housing observation and suicide watch level procedures; and
- f. Follow-up monitoring.

Observations: BMDC is in compliance with the standard.

Standard 032	Inmate Observation	Compliant: Yes
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Correctional facilities shall have a written policy and procedure for conducting rounds and for placing inmates into and removing inmates from close observation. Trained staff shall conduct rounds to personally observe each inmate during each hourly period on an irregular basis.

Trained staff shall provide close observation of inmates who exhibit suicidal tendencies, self-destructive behavior, or emotional distress; are intoxicated; or have specialized medical problems at more frequent intervals as the inmate's condition requires. Documentation of inmates on close 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;
- e. Reason for removal from observation; and
- f. Person who authorized removal.

Only staff members who 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 complete rounds.

Only qualified medical or behavioral health personnel or staff members who have completed North Dakota Correctional Officer Basic Certification and Correctional Medical Training I and II, under Standard 103, or are acting under the supervision of trained correctional facility staff may complete inmate observation.

Observations: BMDC policy on page 139 and procedures meet the requirements of the standard.

Standard 033	Daily Written Record Requirements	Compliant: Yes
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Correctional facilities shall maintain a daily written record, including the date and time and name of staff member who completed the record, including:

- a. Personnel on duty;
- b. Formal count conducted in accordance with Standard 34;
- c. Admissions and releases of inmates, including inmates transporting out of the correctional facility and reason for transport;

- d. Shift activities and time and results of rounds; and
- e. Entry and exit of physicians, attorneys, and other visitors.

Observations: BMDC is in compliance with the standard.

Standard 034	Formal Count	Compliant: Yes
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Correctional facilities shall have a written policy and procedure for scheduled formal counts of inmates, which meet the following requirements:

- a. Inmates out on temporary leave from correctional facilities are included;
- b. There is a minimum of three formal counts within each 24-hour period;
- c. At least one formal count occurs outside of a shift change; and
- d. At least one formal count is a standing count.

Observations: BMDC policy on page 139 and procedures meet the requirements of the standard.

Standard 035	Searches of Correctional Facility Grounds and Vehicles	Compliant: Yes
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Correctional facilities shall have a written policy and procedure governing searches of buildings, grounds, vehicles used to transport inmates, and inmate living areas.

Observations: BMDC policy on page 146 and procedures meet the requirements of the standard.

Standard 036	Searches-Clothed and Unclothed	Compliant: Yes
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Correctional facilities shall 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. Facility staff must document any cross-gender unclothed body searches by medical personnel.
- c. Cross-gender unclothed 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 individuals who will not be placed in the general population when the individuals are 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 of inmates who will be placed in general population.
- f. Correctional staff may conduct unclothed body searches of inmates who have had personal contact visitation or who have exited and returned into the facility.
- 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 may not involve touching the inmate.
- h. Cross-gender clothed searches may not be conducted on female inmates absent

exigent circumstances. Facility staff shall document all cross-gender clothed searches of female inmates, including the exigent circumstances for the search.

i. PREA requirements, including:

1. Staff may not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.
2. If the inmate's genital status is unknown, it may be determined through conversation with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
3. If it is determined either through assessment or through admission by the inmate that an inmate is transgender or intersex, the person responsible for the screening or the search shall ask the inmate if they prefer to be searched by a male or female officer and document the response.
4. If the inmate does not have a preference or if a search must be completed by someone not of the inmate's preferred gender because of security concerns, available staff may conduct the search and document the reason the person was searched by someone not of the inmate's preferred gender.

Observations:	BMDC policy on page 147 and procedures meet the requirements of the standard.
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Standard 037	Use of Force	Compliant: Yes
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Correctional facilities shall have a written policy and procedure governing use of force. The written policy and procedure must restrict the use of force to situations where it is necessary to protect the safety and security of staff, inmates, and the public; protect property, prevent escapes, prevent crime; enforce correctional 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 correctional facility's administrator by the end of the employee's shift. Correctional facilities shall have a procedure and practice to review each use of force incident. Correctional facilities shall make a reasonable attempt to video record all use of force situations. Correctional facilities shall report the use of force that results in serious or substantial bodily injury in accordance with Standard 28.

Observations:	BMDC policy on page 3 and procedures meet the requirements of the standard.
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Standard 038	Inventory of Equipment	Compliant: Yes
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Correctional facilities shall have a written policy, procedure, and practice for the daily inventory, control, and use of keys, tools, culinary equipment, and medical/dental supplies (including syringes, needles, and other sharps). The policy must include daily accountability measures for outside equipment and tools coming into the correctional facility.

Observations:	Initial inspection found the facility practice and procedure not in compliance with the standard. BMDC submitted a corrective action plan which was accepted resulting in a final finding of compliance.
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Standard 039	Post Orders	Compliant: Yes
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Correctional facilities 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. Correctional facilities shall review all post orders annually and update or amend them as needed.

Observations: BMDC is in compliance with the standard.

Standard 040	Post Order Staff Review	Compliant: Yes
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Correctional facilities shall require all correctional staff to 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.

Observations: BMDC is in compliance with the standard.

Standard 041	Supervisory Staff Patrols	Compliant: Yes
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Correctional facilities 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 correctional facility administrator shall visit living and activity areas at least weekly to observe living and working conditions. When the sheriff or correctional facility administrator is not available, a supervisory official shall complete these duties. These visits and patrols must be logged.

Observations: BMDC policy on page 156 and procedures meet the requirements of the standard.

Standard 042	Exceeding Maximum Capacity	Compliant: Yes
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Correctional facilities may not operate above the capacity established by the DOCR. Correctional facilities shall have a written policy and procedure governing temporary space arrangements in case of arrests exceeding the maximum capacity of the correctional facility. Correctional facilities shall report instances of exceeding maximum capacity in accordance with Standard 28.

Observations: BMDC policy on page 157 and procedures meet the requirements of the standard.

Standard 043	Use of Restraints	Compliant: Yes
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Correctional facilities shall have a written policy and procedure for the use of restraint devices. 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.

Correctional facilities shall include in their policies and procedures the use of restraints with pregnant females. Restraints may not be used on a female who is in active labor and delivery.

Observations: BMDC policy on page 159 and procedures meet the requirements of the standard.

Standard 044	Transportation of Inmates	Compliant: Yes
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Correctional facilities shall have a written policy and procedure governing the transportation of inmates outside the correctional 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. The policy shall include procedures for the following:

- a. Transportation of pregnant inmates. To allow the inmate to protect herself and the fetus

correctional facilities shall refrain from the use of restraints on pregnant inmates. Exceptions may only be permitted by written approval from the correctional facility administrator.

- b. The use of firearms for inmate transports. Procedures to allow staff to carry a weapon must include:
 1. Documented authorization;
 2. A requirement for intermediate weapons to be carried any time a firearm is possessed; and
 3. Firearms, weapons, and ammunition must be separated from inmates by the use of a caged vehicle or a chase vehicle accompanying the transport.

As required by N.D.C.C. § 12-44.1-30, the policy must be approved by the DOCR if the correctional facility allows any correctional officer to carry a weapon.

Observations:	BMDC policy on page 164 and procedures meet the requirements of the standard.
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Standard 045	Transfer of Inmate Files	Compliant: Yes
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Correctional facilities shall have a written policy and procedure governing the transfer of a discharge summary of the inmate’s medical, dental, mental health and forensic records when the inmate is transferred to another correctional facility. Correctional facilities may transfer complete medical, dental, mental health and forensic records to facilities receiving an inmate upon the request of the facility. Prescription medications must be transferred with the inmate.

Observations:	BMDC policy on page 29 and procedures meet the requirements of the standard.
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Standard 046	Notification of Victims and Witnesses	Compliant: Yes
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Correctional facilities shall have a written policy and procedure governing the notification of victims and witnesses 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.

Observations:	BMDC policy on page 166 and procedures meet the requirements of the standard.
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Standard 047	Inmate Work	Compliant: Yes
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Correctional facilities may require sentenced inmates to perform work. Correctional facilities may not require a pretrial detainee to perform work except routine general housekeeping duties. Correctional facilities may allow a pretrial detainee to perform work only upon the request or consent of the pretrial detainee. Correctional facilities shall provide safety training to inmates prior to work assignment. Correctional facilities shall maintain documentation of the training. Correctional facilities’ health care providers shall provide the inmate a medical screening prior to assignment to work.

Observations:	BMDC is in compliance with the standard.
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Standard 048	Health Authority/Medical Director	Compliant: Yes
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Correctional facility administrators shall designate a health agency, licensed physician, nurse practitioner, or a physician's assistant to be the Health Authority/Medical Director. The Health Authority/Medical Director shall be responsible for oversight of health care administration and development of health care policies and procedures. The correctional facility administrator shall maintain a copy of the credentials of persons providing health care in the correctional facility. Medical and mental health decisions are the sole province of the responsible medical or mental health clinician and may only be countermanded by non-clinicians with the approval of the responsible medical or mental health clinician.

Observations:	BMDC is in compliance with the standard.
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Standard 049	Access to Medical Care	Compliant: Yes
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Correctional facilities shall have a written policy and procedure to ensure all inmates have access to daily and ongoing necessary medical care, which includes administration of medication, physical health, mental health, eye care, dental care, and individual inmate sick call requests. The correctional facility shall designate a Health Care Administrator. Sick call for grade one and grade two correctional 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.

Observations:	BMDC policy on page 19 and procedures meet the requirements of the standard.
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Standard 050	First Aid and CPR	Compliant: Yes
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Correctional facilities shall ensure at least one employee who has current certification in basic first aid training, basic cardiopulmonary resuscitation training (CPR), and Naloxone administration and as many additional employees with that training as needed to comply with Standard 57 are on duty within the correctional facility.

Observations:	BMDC is in compliance with the standard.
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Standard 051	Access to Medical Professional	Compliant: Yes
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A licensed physician, nurse practitioner, physician's 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 shall provide health care to an inmate on the same basis as any resident of the community. Correctional facilities shall transport inmates to an appropriate health care facility or bring a licensed physician, nurse practitioner, physician's assistant, or registered nurse to the correctional facility.

Observations:	BMDC is in compliance with the standard.
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Standard 052	Health Care Training of Staff	Compliant: Yes
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Correctional facilities shall have a training program approved by health care personnel that includes:

- a. Response to emergency health-related situations;
- b. Recognition of signs, 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 correctional facility, training and certification for staff in accordance with N.D.C.C. § 12-44.1-29.

Observations:	BMDC is in compliance with the standard.
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Standard 053	Treatment of Injuries Sustained in Facility	Compliant: Yes
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Correctional facilities shall have a written policy and procedure to provide medical care for anyone injured within correctional facilities.

Observations:	BMDC policy on page 45 and procedures meet the requirements of the standard.
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Standard 054	Emergency Medical Supplies	Compliant: Yes
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Correctional facilities shall maintain a first aid kit, emergency medical supplies equipment, automatic external defibrillator (AED), and Naloxone. The Health Authority/Medical Director, correctional facility administrator, or designee shall determine the contents, locations, and procedures for inspection of the kits, including a schedule and checklist to use when inventorying the contents.

Observations:	BMDC is in compliance with the standard.
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Standard 055	Separation of Inmate Files	Compliant: Yes
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Correctional facilities shall maintain the confidentiality of inmates medical, psychological, and treatment records. The medical records file must be separate from the correctional facility's confinement records and must be securely maintained.

- a. The inmate's medical, psychological, and treatment records may only be disclosed in accordance with N.D.C.C. § 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, the requirement of a court order does not apply to the transfer of records to criminal justice agencies, the DOCR, 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, conduct, and protective management are exempt records under N.D.C.C. § 44-04-17.1.
- e. Institutional discipline, 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.

Observations:	BMDC is in compliance with the standard.
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Standard 056	Inmate Health Appraisals	Compliant: Yes
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Inmates detained in a grade one or grade two correctional facility shall undergo a health appraisal by a licensed health practitioner authorized by the Health Authority/Medical Director within fourteen days of admission. The Health Authority/Medical Director shall determine the nature and extent of the health appraisal. The health appraisal must include:

- a. Tuberculosis Screening and Testing under the guidance of the North Dakota Department of Health;
- b. Review of admission medical and mental health screenings;
- 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 Authority/Medical Director may deem necessary;
- f. Review of medical examination results; and
- g. Human immunodeficiency virus (HIV) testing and reporting, if required.
 - 1. Every inmate who is convicted of a crime and further imprisoned for fifteen days or more in a grade one or grade two correctional facility must be tested for the presence of antibodies to or antigens of the human immunodeficiency virus (HIV) in accordance with N.D.C.C. § 23-07-07.5 within thirty (30) days or prior to release, whichever occurs first.
 - 2. The results of any positive test or reactive result must be reported to the North Dakota Department of Health and the inmate tested in accordance with N.D.C.C. § 23-07-02.1.

Correctional facilities shall document an inmate's refusal to participate in the health appraisal in whole or in part and place the documentation in the inmate's medical records. If the Health Authority/Medical Director or correctional facility 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 Authority/Medical Director or correctional facility administrator determines that the risk no longer exists.

Observations:	BMDC is in compliance with the standard.
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Standard 057	Health Care Orders	Compliant: Yes
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Correctional facilities, in conjunction with the Health Authority/Medical Director, shall establish a written procedure to carry out the orders of the Health Authority/Medical Director relating to an inmate's medical care. Staff shall document all treatment administered to inmates pursuant to orders of the Health Authority/Medical Director. Staff must be trained and able to respond to

inmate medical emergencies within a four-minute response time.

Observations:	BMDC is in compliance with the standard.
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Standard 058	Inmate Death Notification	Compliant: Yes
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Correctional facilities shall establish a written policy and procedure to notify the next of kin or legal guardian of an inmate's death. Correctional facilities shall notify the county coroner and the state's forensic examiner if there is an inmate death and comply with Standard 28.

Observations:	BMDC policy on page 24 and procedures meet the requirements of the standard.
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Standard 059	Intoxication Management and Social Detoxification	Compliant: Yes
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Correctional facilities shall have a written policy and procedure for intoxication management that includes a definition of intoxication if correctional facilities hold individuals who appear intoxicated or under the influence of alcohol or controlled substances. Correctional facilities may not hold an individual for more than 24 hours solely for intoxication management under N.D.C.C. § 5-01-05.1.

Before a correctional facility may hold a person for intoxication management:

- a. A licensed medical provider must provide a medical clearance from care signed by a physician, physician's assistant, or nurse practitioner; and
- b. The correctional facility ensures it can provide a trained staff person within constant hearing distance of the intoxicated person and place the individual on close observation until that person no longer qualifies for intoxication management, as defined by facility policy.

A correctional facility may only provide social detoxification if the correctional facility meets all requirements of N.D. Admin. Code Chapter 75-09-08.1.

Observations:	BMDC policy on page 35 and procedures meet the requirements of the standard.
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Standard 060	Maintenance and Testing of Emergency Equipment	Compliant: Yes
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Correctional facilities shall have written policy and procedure that address the maintenance, operation, and testing of emergency equipment. Correctional facilities 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.

Observations:	BMDC policy on page 173 and procedures meet the requirements of the standard.
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Standard 061	Fire Prevention and Carbon Monoxide Detection	Compliant: Yes
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Correctional facilities shall have a written policy and procedure specific to their facility for fire prevention and carbon monoxide detection to ensure the safety of inmates, staff, and visitors, including:

- a. Provision for an adequate fire protection service throughout the correctional facility and provision for carbon monoxide detection in the facility or sally port;

- b. A system of fire inspection and testing of equipment, including locks, keys and doors completed at least annually by the authority having jurisdiction;
- c. Availability of fire hoses or extinguishers at appropriate locations throughout the correctional facility;
- d. At least two documented fire drills in all correctional facility locations annually, at least one of which must include the evacuation of each living area of the correctional facility, and which generally should include the evacuation of all inmates unless there is a reasonable belief institutional security may be jeopardized; and
- e. Documentation of the drills and findings.

Observations:	BMDC policy on page 179 and procedures meet the requirements of the standard.
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Standard 062	Evacuation Plans	Compliant: Yes
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Correctional facilities shall have a written evacuation plan prepared in case of fire or major emergency. The plan must include procedures to account for all inmates, visitors, and staff; evacuation routes and plans for the immediate release of inmates from locked areas; and a backup system if power-operated locks fail.

Correctional facilities shall review the plan with the authority having jurisdiction annually and update the plan when necessary. Correctional facilities shall complete an annual fire inspection by an independent, qualified source and provide documentation of all completed corrective actions.

Observations:	BMDC is in compliance with the standard.
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Standard 063	Emergency Plans	Compliant: Yes
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- Correctional facilities 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;
 - d. Outbreak of a pandemic disease; and
 - e. Storms or other acts of nature that may affect operations, safety, and security.

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

Observations:	BMDC is in compliance with the standard.
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Standard 064	Storage and Use of Hazardous Materials	Compliant: Yes
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Correctional facilities shall 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.

Observations:	BMDC policy on page 185 and procedures meet the requirements of the standard.
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Standard 065	Boiler Inspection	Compliant: Yes
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Correctional facilities using a boiler shall comply with North Dakota boiler inspection requirements.

Observations:	BMDC is in compliance with the standard.
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Standard 066	Bedding and Clothing Exchange and Laundering	Compliant: Yes
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Correctional facilities shall provide each inmate:

- a. Appropriate clean clothing, towels, and bedding: The bedding must include a mattress made in compliance with national regulatory authority standards; pillow and pillowcase, if mattress does not have a built in pillow; two sheets or an alternative approved by the DOCR, including bed sleeves; and at least one blanket to provide comfort to sustain summer and winter comfort zones; and
- b. The opportunity to exchange or launder sheets and pillowcases at least weekly, or more frequently if directed by the correctional facility administrator.

Clothing, pillows, and bedding must be laundered prior to issuance to a newly admitted inmate. Correctional facilities shall allow inmates to exchange or launder clothing. Correctional facilities shall provide the opportunity to exchange or launder clothing, including undergarments and towels, not less than twice weekly.

Observations:	BMDC is in compliance with the standard.
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Standard 067	Removal of Inmate Clothing or Bedding	Compliant: Yes
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Correctional facilities may remove inmate clothing or bedding from an inmate's cell when they determine it is necessary for safety, security, sanitation, or orderly operation of the correctional facility. Correctional facilities shall have written procedures in place for the removal and return of inmate clothing and bedding from an inmate's cell. Correctional facility staff shall document the date, time, items, and reason for removal and the date, time, and items returned to the inmate.

Observations:	BMDC is in compliance with the standard.
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Standard 068	Personal Hygiene Products	Compliant: Yes
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Correctional facilities shall provide each inmate detained for more than twenty-four hours personal hygiene items including:

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

Observations:	BMDC is in compliance with the standard.
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Standard 069	Inmate Grooming	Compliant: Yes
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Correctional facilities shall establish a policy and procedure for grooming, including hair length and style and facial hair length and style. Correctional facilities shall allow an inmate to request an exception to hair and facial hair restrictions, if any, based on the inmate's sincerely held

religious beliefs. Correctional facilities may determine a schedule for barbering and hair care services.

Observations:	BMDC policy on page 188 and procedures meet the requirements of the standard.
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Standard 070	Biohazard Materials	Compliant: Yes
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Correctional facilities shall have a written policy, procedure, and practice for the proper handling and disposal of biohazard materials.

Observations:	BMDC policy on page 55 and procedures meet the requirements of the standard.
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Standard 071	Licensed, Registered Dietician Review of Menu	Compliant: Yes
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Grade one and grade two correctional facilities shall have a licensed, registered dietician review and approve food menus annually. Correctional facilities shall make the approved menus available in locations accessible to all inmates in the correctional facility. This rule applies to correctional facilities whether they have in-house or contracted food services.

Observations:	BMDC is in compliance with the standard.
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Standard 072	Special Diets	Compliant: Yes
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Correctional facilities shall 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.

Observations:	Initial inspection found the facility practice and procedure not in compliance with the standard. BMDC submitted a corrective action plan which was accepted resulting in a final finding of compliance.
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Standard 073	Food Service	Compliant: Yes
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Correctional facilities shall provide inmates at least three meals, of which at least two must be hot meals, at regular mealtimes during each twenty-four-hour period, with no more than fourteen hours between the evening meal and breakfast. Correctional facility staff shall document substitutions in the meals actually served, and substitutions must be of equal nutritional value. Correctional facilities shall retain accurate records of all meals served for a minimum of one year. Variations may be allowed during emergencies, for inmates on work release, and for weekends and holidays, provided nutritional requirements are met.

Observations:	Initial inspection found the facility practice and procedure not in compliance with the standard. BMDC submitted a corrective action plan which was accepted resulting in a final finding of compliance.
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Standard 074	Alternate Food Service	Compliant: Yes
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Correctional facilities shall 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, based on health or safety considerations, meet basic nutritional requirements, and have documented approval by the correctional facility administrator and responsible Health Authority/Medical Director or Health Care Administrator. If the alternate food service extends for longer than seven days, the correctional facility administrator or designee and responsible Health Authority/Medical Director or Health Care Administrator shall review and approve the alternate food service every seven days.

Observations:	BMDC policy on page 189 and procedures meet the requirements of the standard.
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Standard 075	Food Service Health Inspection	Compliant: Yes
<p>Food service facilities and employees shall, and equipment must, comply with all applicable health, safety, and sanitation laws and regulations. The health inspector authority having jurisdiction shall conduct an inspection of the food service area of each grade one, grade two, and grade three correctional facility at least once a year. Correctional facilities shall maintain records of all inspections and all actions taken as a result of these inspections. When an outside entity provides food, correctional facilities shall collect written documentation from a health inspector having jurisdiction that the provider complies with applicable requirements.</p>		

Observations:	BMDC is in compliance with the standard.
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Standard 076	Weekly Food Service Inspections	Compliant: Yes
<p>When meals are prepared in correctional facilities, correctional facilities shall have a written policy, procedure and practice requiring weekly health, safety, and sanitation inspections by the correctional facility administrator or designee and food service manager. Records of the inspections and any corrective actions must be maintained in the correctional facility.</p>		

Observations:	Initial inspection found the facility practice and procedure not in compliance with the standard. BMDC submitted a corrective action plan which was accepted resulting in a final finding of compliance.
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Standard 077	Inmate Telephone Usage	Compliant: Yes
<p>Correctional facilities may allow an inmate to make telephone calls to persons other than the inmate's attorney within limitations set by the correctional facility. Correctional facilities 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.</p>		

Observations:	BMDC is in compliance with the standard.
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Standard 078	Visitation Restriction or Denial	Compliant: Yes
<p>Correctional facilities shall have a written policy and procedure for inmate visitation. Correctional facilities may deny visitation or place restrictions on visitors when correctional facilities have justification to believe visitors present a threat to the correctional facility safety, security, order, or inmate rehabilitation. Correctional facilities shall document the justification for restricting or denying visitation.</p>		

Observations:	BMDC policy on page 191 and procedures meet the requirements of
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the standard.

Standard 079	Visitation Times and Notification	Compliant: Yes
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Correctional facilities shall establish reasonable times for visitation. The visiting schedule must be made available in a location accessible to all inmates.

Observations:	BMDC is in compliance with the standard.
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Standard 080	Visitor and Property Searches	Compliant: Yes
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Correctional facilities shall have a policy, procedure, and demonstrated practice governing visitation and property, including visitation rules and searches of visitors, contractors, volunteers, legal counsel, and clergy. Correctional facilities shall make their visitation rules available to inmates and post them in a public location.

Observations:	BMDC policy on page 191 and procedures meet the requirements of the standard.
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Standard 081	Incoming and Outgoing Inmate Mail	Compliant: Yes
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Correctional facilities shall have a written policy, procedure, and practice governing incoming and outgoing general, official, and legal mail that includes:

- Mail depository or mail collection process;
- Procedures for screening incoming and outgoing general correspondence;
- Procedures for documenting and verifying incoming and outgoing legal and official mail and searching it for contraband; and
- Process for inmates to challenge mail rejections.

Observations:	BMDC policy on page 195 and procedures meet the requirements of the standard.
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Standard 082	Inmate Access to Reading Materials	Compliant: Yes
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Correctional facilities shall have a written policy and procedure to provide for inmate access to reading materials, magazines, newspapers, and periodicals.

Observations:	BMDC policy on page 197 and procedures meet the requirements of the standard.
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Standard 083	Mail Rejection or Removal of Items	Compliant: Yes
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Correctional facilities shall 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:

- The inmate name and number;
- A description of the mail in question;
- A description of the action taken and the reason for such action;
- The disposition of the item(s) involved;
- Signature of the acting officer; and
- Written notification to the inmate and sender.

A due process procedure must be provided to inmates allowing them to challenge the correctional

facility's rejection of mail. The item may not be destroyed or sent out until the process has been completed. Packages mailed to an inmate must be handled the same way as mail or publications. Providing a photocopy of correspondence instead of the original correspondence is not a rejection.

Observations:	BMDC policy on page 195 and procedures meet the requirements of the standard.
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Standard 084	Inmate Attorney Telephone and Electronic Contact	Compliant: Yes
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Correctional facilities shall allow inmates to make telephone calls to their attorneys at reasonable times. Calls to and from contacts verified as legal representation may not intentionally be audio monitored or recorded. Correctional facilities shall obtain the telephone number of an attorney who has called an inmate and permit the inmate to return the call at a reasonable time. Correctional facilities shall inform inmates electronic messaging is not a confidential means of communication.

Observations:	BMDC policy on page 124 and procedures meet the requirements of the standard.
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Standard 085	Attorney Visits	Compliant: Yes
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Correctional facilities shall allow inmates to have visits from their 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 visual 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.

Observations:	BMDC is in compliance with the standard.
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Standard 086	Inmate Legal Material	Compliant: Yes
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Correctional facilities shall have a written policy and procedure to provide legal materials or legal assistance to inmates who are not represented by legal counsel or by standby legal counsel to prepare a defense in a criminal prosecution; a challenge to a criminal conviction on a direct appeal, post-conviction or habeas proceeding; and a challenge to conditions of confinement.

Correctional facilities shall provide inmates access to the contact information for the public defender offices and local private attorneys within a reasonable time.

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.

Correctional facilities may provide access to legal materials through sources approved by the

correctional facility 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, or photocopies of legal materials.

Observations: BMDC is in compliance with the standard.

Standard 087	Legal Material Sources	Compliant: Yes
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Correctional facilities shall have a policy and procedure for inmates to obtain legal materials from sources approved by the correctional facility 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.

Observations: BMDC policy on page 199 and procedures meet the requirements of the standard.

Standard 088	Recreation and Supervision	Compliant: Yes
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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 at grade one facilities.

Correctional facilities that have recreation areas shall have policies for recreation, whether it is indoor or outdoor.

Correctional facilities that have a secure outdoor recreational area for inmate use:

- a. Shall have trained staff provide direct visual observation of all inmates at all times or
- b. May use video surveillance, if all of the following requirements are met:
 - 1. A fence or wall enclosing the area of at least 16 feet high;
 - 2. A communication mechanism for inmates to contact staff,
 - 3. A secure cover;
 - 4. A secure floor;
 - 5. A search after each use;
 - 6. “Thirty minute” rounds in the area; and
 - 7. Approval by the DOCR.

Observations: BMDC is in compliance with the standard.

Standard 089	Non-Discrimination	Compliant: Yes
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Correctional facilities shall have a written policy and procedure for the practice of religion. Inmates have the right to exercise their religious beliefs, subject only to the least restrictive limitations needed for correctional facility safety and security.

Correctional facilities shall have written policy and procedures for religious programs, volunteers, and visitation and may not restrict religious conduct more than comparable secular conduct.

Inmates have the right to be free from discrimination because of race, religion, genetics, sex, sexual orientation, gender identity, origin, creed, nationality, or disability. Correctional facilities shall treat inmates equally under all their policies and procedures.

Observations:	BMDC policy on page 200 and procedures meet the requirements of the standard.
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Standard 090	Prohibition of Abuse and Harassment	Compliant: Yes
Correctional facilities shall have a written policy and procedure to protect inmates from personal abuse, corporal punishment, personal injury, disease, property damage, neglected unsanitary conditions, and harassment.		

Observations:	BMDC policy on page 201 and procedures meet the requirements of the standard.
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Standard 091	Grievance Procedure	Compliant: Yes
Correctional facilities shall 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. Written or electronic form on which an inmate may report a grievance;
- b. A process for correctional facility staff to provide a written report setting forth the results of the investigation and any recommendation for the disposition of the grievance to the inmate;
- c. Retention of the grievance and report in the correctional facility's records;
- d. Prescribed reasonable time limits for inmate reporting and staff response, with special provisions for responding to emergencies;
- e. At least one level of appeal by someone other than the individual who initially reviewed the grievance;
- f. A process for the reviewing authority to document the findings and disposition of an appeal;
- g. A process for the correctional facility to provide a copy of the appeal report to the inmate; and
- h. Retention of the appeal report in the correctional facility's records.

The policy and procedure may include a restriction on the use of the grievance process based on The frivolous, abusive, or malicious use of the grievance process, provided the correctional facility provides due process.

Observations:	BMDC policy on page 203 and procedures meet the requirements of the standard.
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Standard 092	Rules of Inmate Conduct and Prohibited Acts	Compliant: Yes
Correctional facilities shall establish written rules of inmate conduct that specify acts prohibited in the correctional facility and the disciplinary sanctions that may be imposed for violations of correctional facility rules. Correctional facilities 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 correctional facility administrator shall review disciplinary action involving fines, fees, restitution or the extension of time to serve to ensure compliance with clearly established law and correctional facility policy.

Grade one and grade two correctional facilities shall have a written policy and procedure for inmates to earn sentence reduction credit based upon performance criteria established by the correctional facility administrator. 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 an inmate alleged to have committed a crime based on conduct in the correctional facility that the case may be referred to law enforcement officials for criminal investigation and possible prosecution in addition to correctional facility discipline.

Observations:	BMDC policy on page 205 and procedures meet the requirements of the standard.
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Standard 093	Levels of Violations	Compliant: Yes
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Correctional facilities 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. The policy must include procedures that reflect the following:

- a. For post-conviction inmates, violations involving possible sanctions of (1) fines, fees, or restitution; (2) adverse impact on release date; or (3) more than 5 days of disciplinary restrictive housing, restriction to quarters, or work without pay require due process (a disciplinary hearing as outlined in Standard 96 and a twenty-four hour notice of the charges prior to the hearing).
- b. For pretrial inmates, violations involving possible sanctions of (1) fines, fees, or restitution; (2) adverse impact on release date; (3) disciplinary restrictive housing; (4) restriction to quarters longer than twenty-four (24) hours; or work without pay require due process (a disciplinary hearing as outlined in Standard 96 and a twenty-four hour notice of the charges prior to the hearing).

The policy may permit the inmate to waive the twenty-four-hour notice, in writing.

Observations:	BMDC policy on page 205 and procedures meet the requirements of the standard.
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Standard 094	Disciplinary Report Requirements	Compliant: Yes
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Correctional facilities shall have written policy, procedure, and practice which require that disciplinary reports include:

- a. Specific rules violated;
- b. A formal statement of the charge or charges;
- c. An explanation of the violation, including a description of 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; and
- f. Date and time the report is completed and reporting staff signature.

If disclosure of information used in the finding of guilt may pose a risk to the safety or security of

the correctional facility, staff, or inmates, including information received from a confidential informant, correctional facilities 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 correctional facility or person.

Observations:	BMDC policy on page 205 and procedures meet the requirements of the standard.
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Standard 095	Pre-hearing Restrictive Housing	Compliant: Yes
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Inmates may be placed in restrictive housing for a violation of correctional facility rules prior to a disciplinary hearing. This action must be documented. A disciplinary hearing must follow within seven days, unless a delay is authorized and documented by the correctional facility administrator or designee.

Observations:	BMDC is in compliance with the standard.
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Standard 096	Disciplinary Hearing Requirements	Compliant: Yes
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Correctional facilities shall have a written policy and procedure that requires:

- a. Disciplinary hearings are conducted by an impartial person or panel of persons;
- b. Inmates have the right to appear and testify at the disciplinary hearings;
- c. For major violations:
 1. Inmates can 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; and
 2. If inmates are not permitted to call witnesses and present documentary evidence, reasons for not allowing the inmate to call witnesses are documented in the hearing record;
- d. A written record is made of the disciplinary hearing decision, including:
 1. A summary of the evidence;
 2. Findings of fact that establish the guilt or innocence of the inmate; and
 3. An explanation for disciplinary sanctions imposed;
- e. Any confidential informant information is separately documented;
- f. A copy of the disciplinary hearing decision and evidence relied upon are given to the inmate but confidential information that could jeopardize the safety or security of the correctional facility or person may be excluded;
- g. When sanctions involve restrictive housing, fines, fees, restitution or may affect their release date, inmates have the right to appeal the decision to the correctional facility administrator or an independent authority; and
- h. Any disciplinary action recommended by the hearing officer(s) may be reduced on appeal but not increased.

Observations:	BMDC policy on page 205 and procedures meet the requirements of the standard.
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Standard 097	Use of Restrictive Housing	Compliant: Yes
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If correctional facilities utilize disciplinary restrictive housing or administrative restrictive housing, they shall have a written policy, procedure, and practice consistent with Standard 93 and Standard

98 for use of restrictive housing and for supervision of inmates while in this status.

Observations:	BMDC policy on page 138 and procedures meet the requirements of the standard.
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Standard 098	Use of Immediate Restrictive Housing for Safety and Security	Compliant: Yes
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Correctional facilities shall have a written policy, procedure, and practice to authorize the use of administrative restrictive housing without notice and hearing for inmates (pretrial or post-conviction) who may need protection from other inmates, or present a serious threat to the safety or security of the correctional facility, to themselves, or to any person. The policy must include procedures that reflect the following:

- a. restrictive housing, correctional facility staff shall document the reasons they were placed in administrative restrictive housing.
- b. If placement in administrative restrictive housing exceeds 72 hours, placement must be reviewed by the correctional facility administrator. The correctional facility administrator shall document the review.
- c. Placements in administrative restrictive housing must be reviewed at least every seven (7) days by the correctional facility administrator. The correctional facility administrator shall document the reason for release or continued placement if the placement exceeds 72 hours.

Observations:	BMDC policy on page 205 and procedures meet the requirements of the standard.
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Standard 099	Restriction of Items or Activities	Compliant: Yes
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Correctional facilities shall have a written policy, procedure, and practice that requires correctional facility staff members make a report and provide it to the correctional facility administrator when inmates are not provided any usually authorized item or activities, including visitation.

Observations:	BMDC policy on page 205 and procedures meet the requirements of the standard.
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Standard 100	Showering and Shaving	Compliant: Yes
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Correctional facilities shall have a written policy, procedure, and practice allowing inmates in restrictive housing to have the opportunity to shower at least three times per week. Shaving may be allowed according to the correctional facility schedule.

Observations:	BMDC policy on page 120 and procedures meet the requirements of the standard.
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Standard 101	Restrictive Housing Inmate Telephone Calls	Compliant: Yes
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Correctional facilities shall have a written policy, procedure, and practice that allows inmates in restrictive housing to make and receive telephone calls related specifically to access to the courts, legal representation, and family emergencies, as determined by the correctional facility administrator.

Observations:	BMDC policy on page 124 and procedures meet the requirements of
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the standard.

Standard 102	Restrictive Housing Recreation	Compliant: Yes
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Correctional facilities shall have a written policy, procedure, and practice that correctional facility staff afford inmates in restrictive housing at least one hour outside their cell, five days per week after seven continuous days in restrictive housing, unless the correctional facility administrator can document clear rationale for denial.

Observations:	BMDC policy on page 109 and procedures meet the requirements of the standard.
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Standard 103	Staff Orientation Training	Compliant: Yes
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Correctional facilities shall have a written policy and procedure requiring all correctional officers to 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 procedure;
- b. Inmate handbook;
- c. Key and equipment control;
- d. All emergency procedures to include basic first aid, emergency equipment, CPR, and Naloxone administration;
- e. Classification of inmates;
- f. Booking procedures, including medical and mental health screening;
- g. Use of force;
- h. Suicide behavior, response, intervention, and observation;
- i. Victim notification in accordance with state law;
- j. Prison Rape Elimination Act (PREA); and
- k. Bloodborne pathogen training, with an emphasis on any facility-specific control measures.

Grade one correctional facilities may provide the training required in section d at any time within the first year of employment and may work independently prior to its completion, provided the correctional facility has enough employees on shift to comply with Standards 50 and 57.

Observations:	BMDC policy on page 216 and procedures meet the requirements of the standard.
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Standard 104	Staff Training Requirements	Compliant: Yes
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Correctional facility administrators and staff who work in direct and continuing contact with inmates shall receive training determined and approved by the North Dakota Peace Officer Standards and Training (P.O.S.T.) Board within their first year of employment 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. The training must include the following:

- a. Recertification for CPR and Naloxone every two years;
- b. For Certified Medication Technician (CMT 2) certified staff, recertification every four years;
- c. Facility-specific training on bloodborne pathogens every four years; and
- d. Annual suicide prevention training for staff with responsibility for inmate supervision.

Correctional facility employees who have access to criminal justice information provided by the FBI or North Dakota Office of Attorney General or unescorted access to a physical area in which it is stored must apply for their access and complete required training.

Observations: BMDC is in compliance with the standard.

Standard 105	Staff Certification and Recertification	Compliant: Yes
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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. Any person who has completed North Dakota Correctional Officer Training and has not been employed as a North Dakota Correctional Officer for one year or more shall complete North Dakota Correctional Officer Training. If a person has not been employed by a correctional facility for less than three years from the date of the person's last North Dakota Correctional Officer Training, then the correctional facility may collaborate with the P.O.S.T. Board to identify appropriate refresher training in lieu of the full training.

Observations: BMDC is in compliance with the standard.

Standard 106	Security Equipment	Compliant: Yes
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Correctional facilities shall have a written policy, procedure, and practice covering the use, issuance, storage, training, daily inventory, and maintenance of security equipment, weapons, and firearms. The policy and procedure may not permit firearms in the secure areas of the correctional facility.

Observations: BMDC policy on page 217 and procedures meet the requirements of the standard.

Standard 107	Grade Four Requirements	Compliant: N/A
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Grade four correctional 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. Shall require correctional facility staff personally observe each inmate at least every thirty minutes on an irregular basis and document the time and content of the observation;
- e. May not detain an inmate under the age of eighteen; and
- f. Shall complete a yearly fire inspection per Standard 61 of the North Dakota Correctional Facilities Standards.

Current grade four correctional facilities are not subject to requirements of PREA.

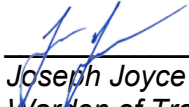
Observations: BMDC is a Grade One Facility

Standard 108	Management of Inmate Population	Compliant: Yes
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Pursuant to N.D.C.C. § 12-44.1-07.1, grade one and grade two correctional facilities, 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 correctional facilities' operations and inmate population, including acts of God and mass arrests.

Observations: BMDC is in compliance with the standard.

END OF REPORT

 Date: 2/10/2023

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