

U.S. Department of the Interior- Bureau of Indian Affairs Office of Justice Services

COVID-19 Detention Operations Action Plan Amended 03-31-2020

The U.S. Department of the Interior- Bureau of Indian Affairs (BIA), Office of Justice Services (OJS) manages a nationwide detention system throughout Indian Country, which are of various security and holding levels and specialized missions. The BIA OJS has been planning for coronavirus (COVID-19). Planning activities included reviewing guidance from U.S. Bureau of Prisons (BOP) and the Centers for Disease Control (CDC) and issuing guidance to all BIA and Tribal Detention Centers.

The BIA OJS has been coordinating its COVID-19 efforts using subject-matter experts both internal and external to the agency including guidance and directives from the WHO, the CDC, the Office of Personnel Management (OPM), and the Department of Justice (DOJ). In planning and implementation process, it is important to note that the guidance is updated on a continuing basis. OJS's planning is structured using the Incident Command System (ICS) framework.

As a result of these ongoing efforts, the BIA OJS is implementing our Detention Operations COVID-19 response. Effective immediately, the following national measures are being updated and deployed by the BIA-OJS in order to mitigate and manage the spread of COVID-19. These national measures will ensure the continued effective operations of the BIA and tribal detention/jail systems and that staff remain healthy and available for duty.

SOCIAL VISITS: Social visits will be suspended for 30-60 days, at which time the suspension will be reevaluated. To ensure inmates maintain social ties, the BIA Office of Justice Service (OJS) will allow for additional inmate telephone communications when necessary.

LEGAL VISITS: Access to legal counsel remains a paramount requirement in the OJS but like social visiting, the OJS is mitigating the risk of exposure created by external visitors. As such, while in general, legal visits will be suspended for 30-60 days, case-by-case accommodation will be accomplished at the local level and confidential legal calls will be allowed in order to ensure inmates maintain access to counsel. Attorneys seeking an in-person visit with their client or a confidential call should contact the institution BIA Supervisory Correctional Specialist to request the in-person visit. If approved for an in-person visit, the attorney will need to undergo screening using the same procedures as detention staff.

WORK RELEASE: Work release programs will be suspended for 30-60 days, at which time the suspension will be reevaluated. BIA OJS will notify the courts of the disruption in program services and work with the courts on any alternative protocols or options that may be warranted.

INMATE MOVEMENT: All inmate facility transfers will be suspended for 30-60 days, at which time the suspension will be reevaluated. Exceptions are allowed for severe overcrowding, forensic studies, writs, medical or mental health treatment, and release to pre-release custody. Other case-

by-case exceptions (e.g. for judicial proceedings) may be approved by the BIA Supervisory Correctional Officer. Admission of new inmates will continue with screening methods and proper protocols for incarceration.

TRAINING: All staff training, with the exception of basic staff training for new employees at the Federal Law Enforcement Training Center and the local facility, is suspended for 30 days at which time the suspension will be reevaluated. Any exceptions must be approved by the Director of BIA OJS.

STAFF HIRING: Staff hiring initiatives will continue.

CONTRACTORS: Contractor access to BIA OJS facilities will be restricted for 30-60 days to only those performing essential services or those who perform necessary maintenance on essential systems. Contractors who require access will be screened using the same procedures as staff prior to entry. Delivery of goods to include food and supplies will be receipt by a supervisor outside of the facility. Delivery of services such as laundry will be in receipt by a supervisor outside of the facility. Maintenance contractors who are approved for access, by the BIA Supervisory Correctional Officer/Supervisor will be screened using the same procedures as staff prior to entry.

SCREENING OF STAFF: Enhanced health screening of staff will be implemented. Such screening includes self-reporting and temperature checks for the next 30-60 days, at which time the process will be reevaluated.

SCREENING OF INMATES: The OJS manages an infectious disease management program as a matter of routine. To address the specific issues involving COVID-19, the OJS uses the following practices:

- All newly-arriving OJS or Tribal inmates are being screened for COVID-19 exposure risk factors and symptoms. All newly-arriving inmates shall be screened in the Sallyport or designated room outside of the booking area.
- Asymptomatic inmates with exposure risk factors are quarantined.
- Symptomatic inmates with exposure risk factors are isolated and tested for COVID-19 per local health authority protocols.

MODIFIED OPERATIONS: For the next 30-60 days, the BIA OJS will implement nationwide modified operations to maximize social distancing and limit group gatherings in our facilities. For example, depending on the facility's population and physical layout, the institution may implement staggered meal times, recreation, etc. These modifications will be re-evaluated in 30-60 days.

OJS and Tribal jails shall coordinate with the Indian Health Services and Tribal Court Systems, by location, on these initiatives to ensure that those agencies can adjust for impact to their operations.

OJS and Tribal jails shall coordinate with their tribal or CFR court and recommend that during the COVID-19 national emergency that only those offenders convicted of a crime of violence should

be confined within the jail. The term “crime of violence” is defined in 18 U.S. Code § 16 which states:

(a) an offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another, or

(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

BIA and Tribal programs in which utilize a contract facility to house inmates shall develop contingency plans should the contract facility need to adjust their operations, can no longer accept new inmates or must release existing inmates.

BIA and Tribal programs shall develop a contingency plan should staff levels decrease. Agency Human Resources (HR) shall be notified of the plan.

BIA and Tribal programs shall implement a social distancing for inmates by staggering day room time, meals, socializing, hygiene, video visitation, telephone calls, indoor/outdoor exercising, etc... Court appearances are considered as well with regard to video or telephonic conferencing. Staff shall receive training in the facility plan. Inmate movement shall be staggered through and transports are reduced to support the distancing.

BIA and Tribal programs shall implement an intensified cleaning and disinfecting plan by utilizing the CDC approved disinfectant cleaners (COVID-19) for normal detention facility and kitchen cleaning. When goods (food, laundry and supplies) come to the facility proper inventory, inspection and cleaning shall occur before they are shelved and ready to use.

LOCAL HEALTH AUTHORITY: According to the CDC, facilities with limited health care should be consulting with the Health Care Authorities (Indian Health Services, Tribal Health, County/Regional Clinics or Hospitals, etc.) in response to the suspected and confirmed COVID-19 cases. This plan is developed by both the detention center and the local health authority to include protocols of the preparation, prevention and management of COVID-19. The BIA and Tribal Detention Centers shall designate space for medical quarantine for suspected inmates and medical isolation for confirmed cases of COVID-19, if space is available.

HYGENE: Handwashing for both the inmates and staff is critical. The BIA and Tribal Facilities will ensure that water, towels, and soap (at no cost) are made available for inmates to wash their hands more often throughout the day. Clothing and Laundry are changed out more often. Detention facilities will consider relaxing the hand sanitizer restriction on inmates by providing access and monitoring use. Staff should always wash their hands and wear gloves.

PERSONAL PROTECTIVE EQUIPMENT: BIA and Tribal Detention Facilities shall utilize PPE in accordance with CDC recommendations and the local health care authority. All staff utilizing PPE shall be trained. The CDC provides a chart of when PPE should be worn and under certain provisions. Please see the PPE Chart.

COMMUNICATION: BIA and Tribal Facilities will provide updates to staff and education to the inmates on COVID-19. Training for staff on all modified operations is critical. Communication with inmates on the education of COVID-19 and the facility operations are important for operations of the detention center. The Jail Supervisors/Administrators will take part in the community/Tribal emergency response programs to ensure that jail operations are included in the planning process. Communicating with the public about the modified jail operations, as it relates to inmate contact, will also assist in a smoother operation of the detention centers.

OJS will also be sharing this guidance with its Tribal Programs.