



Facility Inspection Report Issued By The Minnesota Department of Corrections Pursuant to MN Statute 241.021, Subdivision 1

Inspection and Enforcement Unit, 1450 Energy Park Drive, Suite 200, St.Paul MN 55108
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INSPECTION DETAILS FOR:

Benton County Jail

Address: 581 Hwy 23, PO BOX 159, Foley, MN 56329

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Biennial **Inspected By:** Justin Roberts – Detention Facility Inspector **Inspected on:** 05/17/2022

Inspection Method: Facility tour, staff and resident interviews, employee and resident file reviews, and related documentation reviews.

Officials Present During Inspection: Jail Administrator Sharlene Novak

Officials Present for Exit Interview: Jail Administrator Sharlene Novak

Issued Inspection Report to: Jail Administrator Sharlene Novak; Sheriff Troy Heck; County Administrator Monty Headley; Regional Manager Jacob McLellan

RULE COMPLIANCE SUMMARY

Rule Chapter	Requirement Type	Total Applicable	Total Compliance	Total Non Compliance	Total Compliance With Concerns	Compliance Rating	Substantial Compliance Result/Criteria
2911	Mandatory	126	121	2	3	98.41%	Compliance rating of 100%
2911	Essential	102	97	0	5	100.00%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: approval **Begins On:** 07/01/2022 **Ends On:** 06/30/2024 **Facility Type:** Jail

Placed on Biennial Status: Yes **Biennial Status Annual Compliance Form Due On:** 06/30/2023

Delinquent Juvenile Hold Approval: 6 hrs **Certificate Holder:** Benton County Sheriff's Office
581 Highway 23
Foley, MN 56329

Special Conditions: None.

Approved Capacity Details **Operational Capacity is calculated as a percent of Approved Capacity beds.*

Bed Type	Gender	Approved Capacity	%Operating Capacity	Operational Capacity	Bed Details	Conditions
Secure	Coed	102	95	96.90	None.	None.

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance**Total: 2**

1. 2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES. Subpart 2. Quarterly review of emergency procedures.

There shall be a review of emergency procedures once every three months. The review shall include: A. assignment of persons to specific tasks in case of emergency situations; B. instructions in the use of alarm systems and signals; C. systems for notification of appropriate persons outside the facility; D. information on the location and use of emergency equipment in the facility; E. specification of evacuation routes and procedures; and F. that the review be documented and require signature or initialing by all staff.

Inspection Findings:

Quarterly reviews of emergency procedures is being conducted, however upon reviewing records of these reviews it was discovered that a number of staff members had not signed off on the reviews. Because of the lack of documentation, compliance could not be determined.

Corrective Actions:

As was discussed with the jail administrator, for staff that no longer work for the facility it should be noted on the review documents so it doesn't appear as if staff didn't complete it. Also discussed was the issue with part time staff not working during the quarter to complete the required reviews, even if staff aren't scheduled to work they are still required to meet all of the standards. The jail administrator needs to create a plan to make sure that all staff are meeting the requirements this could include having those that don't work on a regular basis come into work once a quarter to complete requirements.

Please submit plan to MN DOC for review once it is completed.

Response Needed By: 07/16/2022

2. 2911.5000 POST ORDERS; FORMAL INMATE COUNT; WELL-BEING CHECKS. Subpart 5. Well-being.

A facility shall have a system providing for well-being checks of inmates. A written policy and procedure shall provide that all inmates are personally observed by a custody staff person at least once every 30 minutes. Thirty-minute checks should be staggered. If a well-being check does not occur due to an emergency, it must be documented in the jail log and have supervisory review and approval. More frequent observation is required for those inmates of a special need classification who may be harmful to themselves. Examples of inmates of a special need classification include those classified as potentially suicidal, or as mentally ill, or those experiencing withdrawal from drugs or alcohol.

Inspection Findings:

Well-being checks were reviewed using video records for 3 different dates, in 3 different locations in the Benton County Jail, and for approximately 2 hours for each date and location. The review found that all checks were completed within the 30 minute requirement. However the majority of the well-being checks were at a pace to quick for staff to make observations of signs of life or distress.

Corrective Actions:

The facility does have an auditing plan in place and this was briefly reviewed with the jail administrator, these audits are conducted by the sergeants and the majority were found in compliance according to their records.

All staff including the sergeants should be retrained on how to conduct a proper well-being check. It is recommended that policy be modified to include language that has staff looking for signs of life or distress while conducting well-being checks.

Documentation of retraining must be submitted to MN DOC for review once it has been completed.

Response Needed By: 07/16/2022**Chapter 2911 - Mandatory Rules In Compliance With Concerns****Total: 3**

1. 2911.1000 TRAINING PLAN.

A facility administrator or designee shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. Training plans shall be documented and describe curriculum, methods of instruction, and objectives. In-service training plans shall be prepared annually and shall provide documentation indicating that training for individual employees has taken into consideration their length of service, position within the organization, and previous training completed.

Inspection Findings:

The facility has an annual training plan, it breaks down the topics each month that will be covered. However it doesn't meet all the elements of the rule such as method of instruction and objectives.

Corrective Actions:

The jail administrator needs to modify the current annual training plan to include method of instruction and objective.

Response Needed By:

2. 2911.2525 ADMISSIONS. Subpart 1. Policies and procedures.

A facility shall have written policies and procedures for processing new inmates to the facility to include, at a minimum, the following: A. obtaining and documenting available emergency medical information within two hours of admission; B. verification of court commitment papers or other legal documentation of detention. Verification shall include checking the date of admission, duration of confinement, and specific charges; C. a search of the inmate and the inmate's possessions; D. inventory and storage of the inmate's personal property; E. initial medical screening to include an assessment of the inmate's health status, including any medical or mental health needs; F. telephone calls made by the inmate during the booking and admission process and prior to assignment to other housing areas; G. shower and hair cleansing; H. issue of bedding, clothing, and personal hygiene items according to the rule requirements applicable to the anticipated length of stay of the inmate; I. photographing and fingerprinting including notation of identifying marks or unusual characteristics such as birthmarks or tattoos; J. interviewing to obtain the following identifying data: (1) name and aliases of person; (2) current address, or last known address; (3) health insurance information; (4) gender; (5) age; (6) date of birth; (7) place of birth; (8) race; (9) present or last place of employment; (10) emergency contact including name, relation, address, and telephone number; and (11) additional information concerning special custody requirements or special needs; K. initial classification of the inmate and assignment to a housing unit; L. an assigned booking number; and M. Social Security number, driver's license number, or state identification number, if available.

Inspection Findings:

The facility has a policy that meets the elements of this rule with the exception of section (A) obtaining and documenting emergency medical information within two hours of admission.

Additionally, during the inspection a review of mental health screening conducted at the time of in-take was done. The facility uses the Brief Mental Health Screening which based on responses would refer on for additional mental health screening. While reviewing completed screenings, one screening was discovered that did not refer the individual on for additional mental health screening even though the response on the screening required it.

Corrective Actions:

The jail administrator must modify policy and add this information so that policy meets the requirements of this rule.

Conduct a retraining of staff on how to properly complete the Brief Mental Health Screening so that all individuals that require an additional referral are documented properly.

Response Needed By:

3. 2911.6600 DELIVERY. Subpart 9. Adverse reaction reports.

There shall be procedures for health-trained staff to report any adverse reaction incidents to health care personnel. The adverse reaction to a drug shall be documented.

Inspection Findings:

The facility has a policy that addresses this rule. However the policy only states that the facility shall document any adverse reactions, the rule requires that the adverse reaction be reported to health care staff and documented.

Corrective Actions:

The jail administrator needs to modify policy so that policy meets all the elements of the rule. Once completed staff must review the changes.

Response Needed By:

Chapter 2911 - Essential Rules In Compliance With Concerns

Total: 5

1. 2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES. Subpart 7. Mass arrest.

A facility shall have a written plan that governs space arrangements and procedures to be followed in the event of a mass arrest that exceeds the approved capacity of the facility established under parts 2911.0330 to 2911.0370.

Inspection Findings:

The facility does not have a written plan or policy in place to address mass arrests.

Corrective Actions:

The jail administrator needs to create a plan or policy that addresses mass arrests as is required in this rule. Once completed it needs to be reviewed by staff and submitted to the MN DOC for review.

Response Needed By:**2. 2911.3900 DIETARY ALLOWANCES. Subpart 4. Vegetable and fruit group.**

Five or more servings per day of vegetables and fruits shall be provided. A serving is one-half cup vegetable or fruit; one medium apple, orange, banana, potato, half a grapefruit, one cup raw leafy greens, one-fourth cup dried fruit, or four ounces 100 percent juice. Potatoes may be included once daily as a vegetable. One serving of a rich vitamin C source must be provided daily and one serving of a rich vitamin A source must be provided four times per week. Rich vitamin C sources include mostly fresh or raw produce, such as: citrus fruits, tomatoes, strawberries, leafy green vegetables, melon, bell peppers, and the broccoli and cabbage families; and may also include foods such as skin-on potatoes, sweet potatoes, and vitamin C-fortified real fruit juice. Rich vitamin A sources include foods such as: apricots, cantaloupe, carrots, mixed vegetables with carrots, winter or yellow squash, pumpkin, sweet potatoes or yams, spinach, greens (collard, kale, chard, mustard, beet or turnip), liver (counted under meat), and broccoli.

Inspection Findings:

The facility has a policy related to this rule. However during policy review it was discovered that the facility has separate policies for fruit and vegetable, that each policy requires a minimum number of servings of two for each area. Combined this does not meet the minimums required under the rule.

It should be noted that it appears as if the proper number of servings is being provided by the contracted kitchen staff, as they follow the rule not the facility policy.

Corrective Actions:

It is recommended that the jail administrator combine the two separate policies into one like the rule has. At a minimum the policy needs to be modified so that it reflects a minimum of 5 servings of fruits and vegetables combined, not 4 as policy states.

Response Needed By:**3. 2911.3900 DIETARY ALLOWANCES. Subpart 6. Bread or cereal.**

Six or more servings per day of whole grain or enriched cereal and bread products shall be provided. Whole grains are encouraged on a daily basis with the following sources suggested: oatmeal, grits, whole grain ready-to-eat cereal, whole wheat bread, corn tortillas, corn bread, plain popcorn, brown rice, and barley soup and rye crackers. A serving is defined as: A. one slice of bread or one ounce of bread product, such as sliced bread, buns, biscuits, muffins, pancakes, waffles, sweet rolls, stuffing, crackers, or bagels; B. one-half cup cooked cereal, pasta, rice or egg noodles; C. three-fourths cup dry cereal; D. one six-inch tortilla; or E. three cups popped popcorn.

Inspection Findings:

The facility has a policy that address this rule. However the facility's policy states that the minimum number of servings for this food group would be 5, not the 6 required in the rule.

It should be noted that it appears as if the proper number of servings is being provided by the contracted kitchen staff, as they follow the rule not the facility policy.

Corrective Actions:

The jail administrator needs to modify policy so that it meets the requirements of the rule.

Response Needed By:**4. 2911.4900 SECURITY INSPECTION.**

The facility shall have a written policy and procedure to require the facility administrator or designee to inspect all areas within the security perimeter, and equipment at least monthly and initiate corrective action if needed.

Inspection Findings:

The facility is currently conducting monthly security inspections, however the document that is used does not cover all areas of the facility and is limited in the areas that are inspected.

Corrective Actions:

The facility needs a more comprehensive security inspection document that covers all areas of the facility. An example will be provided to the jail administrator.

Response Needed By:

5. 2911.4950 RESPONSE TO RESISTANCE. Subpart 4. Equipment.

The issue, storage, inspection, and use of chemical agents, impact devices, electronic control devices, and other security devices shall be governed by written policy and procedure. All unissued security devices and equipment shall be stored in a secure, readily accessible depository located outside inmate housing and activity areas, and inventoried at least monthly to determine condition and expiration dates of the devices and equipment.

Inspection Findings:

The facility does conduct monthly inspections of restraints, however a review of the inspection reports show that over the past 1 1/2 years there a few missing months.

Corrective Actions:

The jail administrator needs to have staff review the policy related to this and conduct retraining as necessary.

Response Needed By:

INSPECTION COMMENTS

Sharlene Novak was recently promoted to Jail Administrator to the Benton County Jail, this was her first inspection as Jail Administrator. The Benton County Jail operates at a high level of compliance with the 2911 Rules.

Programming:

Benton County Jail was one of the few Jails to continue to offer programming through much of the Covid-19 pandemic. The facilities program staff found ways to offer programming remotely, so that volunteers were not brought into the facility. The facility also offers a large range of programming and also have a contracted service the offers life skills to those incarcerated in the facility.

Hardel Sherrell Act:

The facility needs to review the Hardel Sherrell Act that had a few items go into law August of 2021, the facility still hasn't addressed them in policy.

The areas include:

- Death Notification to the MN DOC
- Death Review Team
- Deadly Use of Force, to include chock holds and prone restraint
- Duty to Report Excessive Use of Force or Neglect

Physical Plant:

The facility is clean and appears to be well maintained. However the facility is beginning to show it's age at 30 years old, fixtures are out dated, materials are worn out, and the facility has limited camera coverage.

Additionally, the jail intake area lacks the ability to separate inmates upon intake. There are not an adequate number of individual holding cells for the volume of intakes. Group holding cells are often used by individual inmates. There is also a lack of storage space available for inmate property.

Conversations regarding the remodel of the intake area have taken place but no action has been taken. It is recommended that the elected officials of Benton County start planning for the long term operational needs of the facility.

Because of the high level of compliance, the Benton County Jail will remain on biennial inspection status.

JJDPA Compliance

On May 17, 2022, a Juvenile Justice and Delinquency Prevention Act (JJDP) audit was conducted. The facility is authorized to hold a delinquent juvenile up to 6 hours. There are three core requirements that are looked at during our facility review. Those core requirements are Deinstitutionalization of Status Offenders (DSO), Removal of Juveniles for Adult Jail and Adult Lockups (Jail Removal), and Sight and Sound separation.

According to facility records, the Benton County Jail held or processed eight (8) juveniles between October 1, 2021 and the day of the inspection.

DSO: I did not find any violations of the facility holding status offenders in the jail. The juveniles brought into the facility were indeed there for a delinquent offenses.

Jail Removal: Files and DOC Portal data indicate that any juveniles brought into the jail are removed well within the 6 hour time frame allowed by the JJDP.

Sight and Sound Separation: The facility design and policies allow for proper sight and sound separation.

The facility does not participate in any "Scared straight" programs for any youth that are under public authority.

Based on the documentation that I reviewed, I did not find any violations of the JJDP act during the Benton County inspection.

Report completed By: Justin Roberts – Detention Facility Inspector

Signature:

