



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

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INSPECTION DETAILS FOR:

Brown County Jail

Address: 15 S Washington Street, PO BOX 877, New Ulm, MN 56073

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Annual **Inspected By:** Jen Pfeifer – Detention Facility Inspector **Inspected on:** 07/01/2019 to 07/31/2019

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

Officials Present During Inspection: Jail Administrator Steve Appel

Officials Present for Exit Interview: Jail Administrator Steve Appel

Issued Inspection Report to: Jail Administrator Steve Appel; Sheriff Jason Seidl; County Board of Commissioners Charles Enter; Regional Manager Dayna Burmeister

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	127	119	3	5	97.64%	Compliance rating of 100%
2911	Essential	99	93	5	1	94.95%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: approval **Begins On:** 07/01/2019 **Ends On:** 06/30/2020 **Facility Type:** Jail
Placed on Biennial Status: No **Biennial Status Annual Compliance Form Due On:**
Delinquent Juvenile Hold Approval: 24 hrs exclusive of weekends and holidays **Certificate Holder:** Brown County Sheriff's Office
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	56	80	44.80	None.	None.

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance**Total: 3**

1. 2911.0900 STAFFING REQUIREMENTS. Subpart 1. Staffing plan and staffing analysis.

The facility administrator shall prepare and retain a staffing plan. The staffing plan shall identify: A. jail personnel assignments for: (1) facility administration and supervisors; (2) facility programs including exercise and recreation; (3) inmate admission, booking, supervision, and custody; (4) support services including medical, food services, maintenance, and clerical; and (5) other jail-relevant functions such as escort and transportation of inmates; B. the days of the week that the assignments are filled; C. the hours of the day that the assignments are covered; and D. any deviations from the plan with respect to weekends, holidays, or other atypical situations must be considered. The facility administrator or designee shall review the facility's staffing plan at least once each year. The review shall be documented in written form sufficient to indicate that staffing plans have been reviewed and revised as appropriate to the facility's needs or referred to the facility' governing body for funding consideration. A facility with a design capacity of more than 60 beds must have a staffing analysis and staffing plan approved by the commissioner of corrections. This staffing analysis shall include all posts, functions, net annual work hours appropriate to each post, and total number of employees to fill the identified posts and functions.

Inspection Findings:

There was not an updated staffing plan at the time of the inspection.

Corrective Actions:

Create a new staffing plan using the template in the Statewide Supervision System. This plan shall be reviewed and documented yearly.

Response Needed By: 11/01/2019

2. 2911.3800 FOOD HANDLING PRACTICES.

Food service shall be provided according to Minnesota Department of Health rules.

Inspection Findings:

The kitchen staff was observed handling food without gloves and without a hair net.

Corrective Actions:

Kitchen staff shall provide food service according to the Minnesota Department of Health.

Response Needed By: 10/01/2019

3. 2911.5800 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES. Subpart 3. Health care policy review.

Facility policy shall ensure that each policy, procedure, and program in the health care delivery system is reviewed and documented at least annually under the direction of the health authority and revised as necessary.

Inspection Findings:

Medical policies need to be signed by the medical authority.

Corrective Actions:

Have medical policies reviewed and signed annually by the medical authority. This has been corrected since the time of the inspection.

Response Needed By: 08/12/2019**Chapter 2911 - Essential Rules Not In Compliance****Total: 5**

1. 2911.1200 CLERICAL AND SUPPORT EMPLOYEES WITH REGULAR OR DAILY INMATE CONTACT: TRAINING. Subpart 1. Minimal inmate contact.

A facility shall have a written policy and procedure that provides that all new clerical and support employees that have minimal inmate contact receive 24 hours of orientation and training during their first year of employment. Sixteen of these hours are completed before being independently assigned to a particular job. Persons in this category are given an additional 16 hours of training each subsequent year of employment.

Inspection Findings:

Support staff are not receiving 16 hours of training each year.

Corrective Actions:

In addition to the minimum staffing required for the kitchen and medical staff it is recommended that these positions shall also be required to participate in the quarterly emergency reviews.

Response Needed By: 11/01/2019

2. 2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES. Subpart 4. Reporting of unusual occurrences.

Incidents of an unusual or serious nature shall be reported within ten days of the incident in writing to the Department of Corrections in the format required by the department. The reports shall include the names of persons involved, staff and inmates, nature of the unusual occurrence, actions taken, and the date and time of the occurrence. Unusual occurrences requiring reporting to the DOC include such occurrences as: A. attempted suicide; B. suicide; C. homicide; D. death, by means other than suicide or homicide; E. serious injury or illness subsequent to detention including incidents resulting in hospitalization for medical care; F. hospitalization associated with mental health needs; G. attempted escape or escape from a secured facility; H. incidents of fire requiring medical treatment of staff or inmates or a response by a local fire authority; I. riot; J. assaults of one inmate by another that result in criminal charges or outside medical attention; K. assaults of staff by inmates that result in criminal charges or outside medical attention; L. injury to inmates through response to resistance by staff controlling inmate behavior; M. occurrences of infectious diseases and action taken relative to same when a medical authority has determined that the inmate must be isolated from other inmates; and N. reporting of all notices of intent to file litigation against the facility resulting from matters related to the detention or incarceration of an inmate; O. sexual misconduct, such as inmate on inmate, staff on inmate, and inmate on staff; and P. use of sexual materials, electronic media for sexual purposes, or both. In the event of an emergency such as serious illness or injury where death may be imminent, individuals designated by the inmate shall be notified. Permission for notification, if possible, shall be obtained from the inmate.

Inspection Findings:

There have been no special incidents reported to the Department of Corrections.

Corrective Actions:

The rule was discussed in depth at the time of the inspection and the process for reporting was reviewed via S3.

Response Needed By: 10/01/2019

3. 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:

Monthly security inspections are not being completed.

Corrective Actions:

Security inspection shall be completed monthly to include the secure perimeter and security equipment.

Response Needed By: 10/01/2019

4. 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:

Unused security equipment is not being inventoried monthly.

Corrective Actions:

All unused security equipment shall be inventoried at least monthly. It is recommended that a inventory form be designed to incorporate all equipment stored in this area to help with this process.

Response Needed By: 10/01/2019

5. 2911.7300 FIRE INSPECTION. Subpart 4. Weekly inspection.

There shall be an applicable fire code and safety inspection of the facility at least weekly by a designated staff member.

Inspection Findings:

The weekly fire inspection is not being completed weekly.

Corrective Actions:

Complete weekly fire and safety inspections weekly.

Response Needed By: 10/01/2019

Chapter 2911 - Mandatory Rules In Compliance With Concerns

Total: 5

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 training plan did not contain all of the elements under this rule. Training plans shall describe curriculum, methods of instruction, and objectives.

Corrective Actions:

Update current training plan to include these elements. It is recommended that the jail add a variety of drills to the training plan to include, severe weather, man down, cut down and scenario based response to resistance training.

Response Needed By:

2. 2911.1900 POLICY AND PROCEDURE MANUALS.

A facility shall have a written policy and procedure manual that is electronically available to staff and relevant regulatory authorities and defines the philosophy and method for operating and maintaining the facility. This manual shall be made available to all employees, reviewed annually, updated as needed, and staff trained accordingly. The manual shall include, at a minimum, the following chapters: A. correctional standards required under this chapter; B. administration and organization; C. fiscal management; D. personnel; E. training; F. inmate records; G. safety and emergency; H. security and control; I. sanitation and hygiene; J. food service; K. medical and health care services; L. inmate rules and discipline; M. communication, mail, and visiting; N. admissions, orientation, classification, property control, and release; O. inmate activities, programs, and services; and P. a written suicide prevention and intervention plan. The facility administrator or designee shall review policy and procedure manuals at least once each year. The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

Inspection Findings:

There have been changes made to the policy manual since the last inspection but not all policies reflect current practice.

Corrective Actions:

Review policy manual and make the appropriate changes.

Response Needed By:

3. 2911.2500 SEPARATION OF INMATES. Subpart 1. General.

A combination of separate housing units inclusive of special management areas, general population, and minimum security areas and cells, dormitories, and dayroom spaces shall be provided to properly segregate inmates pursuant to Minnesota Statutes, section 641.14. The facility shall provide for the separate housing of the following categories of inmates: A. female and male inmates; B. community custody inmates such as work release or sentencing to service; C. inmates requiring disciplinary segregation; D. inmates requiring administrative segregation; E. juveniles who do not meet Minnesota statutory requirements for placement with adults; F. special management, general population, and minimum security inmates as considered appropriate to the facilities design intent and classification system; and G. inmates classified as mentally ill or special needs inmates in a manner consistent with Minnesota Statutes, section 253B.05.

Inspection Findings:

The admissions policy does not include all of the elements listed in the rule.

Corrective Actions:

Add Subpart A to the policy.

Response Needed By:

4. 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 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:

Policy does not include all elements listed in the rule.

Corrective Actions:

Add Subpart A to the admission policy.

Response Needed By:

5. 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:

There was no documentation of the kitchen or medical staff completing reviews of emergency plans and procedures.

Corrective Actions:

Medical and kitchen staff should be completing quarterly reviews of emergency procedures and document those reviews.

Response Needed By:

Chapter 2911 - Essential Rules In Compliance With Concerns

Total: 1

1. 2911.1500 PROGRAM STAFF TRAINING.

A facility shall have a written policy and procedure that provides that the facility's program personnel receive at least 40 hours of orientation and training in the first year of employment, and at least 16 hours of training each year thereafter. This training must cover, at a minimum: A. security procedures and regulations; B. planning; C. development, and implementation of treatment, educational, and recreational programs; D. inmate and staff rules and regulations; E. rights and responsibilities of inmates; F. emergency procedures; G. interpersonal relations; H. interaction of elements of the criminal justice system; and I. first aid.

Inspection Findings:

Program staff training did not include key elements in the rule.

Corrective Actions:

Program staff shall have training in areas such as program planning, development and implementation of treatment, educational and recreational programs. Other training shall include rights and responsibility of inmates and interaction of elements of the criminal justice system.

Response Needed By:

INSPECTION COMMENTS

This was Steve Appel's first inspection as the Jail Administrator.

Physical Plant:

Since the last inspection, a majority of the plumbing has been replaced.

The kitchen is in need of a major upgrade. It is too small to meet the needs of the jail and items are stored on the floor and the space is becoming unsanitary. The kitchen staff was observed serving meals with no hair net or gloves.

The Health Inspection noted several deficiencies and at the time of the inspection the kitchen appeared dirty and many food items were stored on the floor. It is recommended that the facility have an inspection completed by the Minnesota Department of Health to ensure compliance with it's health code.

There are areas of the jail that are in need of paint. This was noted in the last inspection. As the jail continues to age, it is recommended that the Jail Administrator sit down with maintenance staff and begin working on a preventative maintenance schedule for repairs and replacement of aging equipment.

Cameras: There is an immediate need to address adding additional cameras in the facility. A letter addressing this need was sent to the facility in 2015 but the project has not been completed. The Jail Administrator indicates that this project is out for bid, and has been approved in the budget.

The jail will be placed on annual inspections.

JJDPA Compliance

Compliance Report for the monitoring Facilities Pursuant to the Juvenile Justice Delinquency Prevention Act of 2002.

On July 24, 2019, a Juvenile Justice and Delinquency Prevention Act audit was conducted. The Brown County Jail has received a "Rural Exception" to the Juvenile Justice and Delinquency Prevention Act (JJDP). This allows the facility to hold a delinquent juvenile up to 24 hours, excluding weekends and holiday. 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 the Statewide Supervision System, the Brown County Jail has held zero (0) juveniles during the federal fiscal year 2019. The findings are as follows:

DSO: I did not find any violations of the facility holding status offenders in the jail.

Jail Removal: I did not find any violations for the jail removal standard.

Sight and Sound Separation: The facility design and policies allow for proper sight and sound separation. Brown County does not hold delinquent juveniles in the facility per their policy. All delinquent juveniles are brought to Prairie Lakes Juvenile Detention Center.

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

Court Holding: There is one secure holding cell that is connected to the jail and is not used for juveniles. The courtrooms do not have a secure court holding area.

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

Report completed By: Jen Pfeifer – Detention Facility Inspector

Signature: 