



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
Telephone: 651-361-7146 Fax: 651-642-0314 Email: ie-support.doc@state.mn.us

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:** 07/29/2020 to 08/03/2020

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 Administrator Sam Hansen; 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 | 121 | 2 | 4 | 98.43% | Compliance rating of 100% |
| 2911 | Essential | 99 | 94 | 4 | 1 | 95.96% | Compliance rating of 90% |

TERMS OF OPERATION

Authority to Operate: conditional approval **Begins On:** 07/01/2020 **Ends On:** 06/30/2021 **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: 2

- 2911.2600 CLASSIFICATION OF INMATES. Subpart 1. Policy and procedure.

A facility shall have a written policy and procedure that provides for inmate classification in terms of level of custody required, housing assignment, participation in facility programs, and use of any overrides. The facility's policy and procedure on classification shall include consideration of the following: A. inmate gender; B. juvenile or adult status; C. category of offense; D. severity of current charges, convictions, or both; E. degree of escape risk; F. potential risk of safety to others and self; G. institutional disciplinary history; H. serious offense history; I. special needs assessment, inclusive of vulnerable adults, which includes a determination of how medical needs, mental health needs, developmental disability, or other behavioral or physical limitations or disabilities may impact on the classification of an inmate and appropriate housing of same; and J. special management inmate status.

Inspection Findings:

The classification tool used by jail does not cover all elements of the rule and the facility is not getting the necessary information at the time of intake to properly classify and separate appropriately.

Corrective Actions:

The classification system will need to be updated to incorporate all elements of the rule. It is imperative that the facility gather accurate and complete documentation at the time of intake to properly classify and separate inmates.

Response Needed By: 12/31/2020**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:

Due to there being no cameras in the hallways, I was unable to watch video of well-being checks being completed, however, according to facility logs there were several well-being checks that were well beyond the 30 minutes allowed by the rule.

On 7/23/2020, 10 well-being checks were logged as late and on 7/25/2020, 4 checks were logged as late within a 24 hour time period.

Corrective Actions:

Ensure that all well-being checks are completed within the 30 minute time span allowed by the rule. It is highly recommended that the jail administrator or designee create a system for auditing well-being checks. This audit should be documented and follow up completed when needed.

Response Needed By: 12/31/2020

Chapter 2911 - Essential Rules Not In Compliance**Total: 4****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: 12/31/2020**2. 2911.1300 CUSTODY STAFF TRAINING.**

A facility shall have a written policy and procedure that provides that all custody staff receive 120 hours of orientation and training during the first year of employment. Forty of these hours are completed prior to being independently assigned to a particular post. All persons in this category are given an additional 16 hours of training each subsequent year. At a minimum, training completed before independent assignment to a particular post shall include: A. security procedures; B. supervision of inmates; C. signs of suicide risk and suicide precautions; D. vulnerable inmates; E. response to resistance regulations and tactics; F. report writing; G. inmate rules and regulations; H. rights and responsibilities of inmates; I. fire and emergency procedures; J. key control; K. interpersonal relations and communication skills; L. diversity training; M. distribution of medications; N. right to know; and O. blood-borne pathogens and communicable diseases.

Inspection Findings:

New employees are not receiving 120 hours of training within their first year of employment. Additionally, they are not receiving training in the requirements listed in A-O of the rule. Specifically, interpersonal communications, diversity training, right to know, vulnerable inmates, report writing, and rights and responsibilities of inmates.

Corrective Actions:

The training plan and FTO program for new employees shall be revamped to include all elements in the rule. It is imperative that new staff receive all required training outlined in the 2911 rules. Training hours shall be clearly documented.

Response Needed By: 12/31/2020**3. 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.
The facility will need to review all incidents from January 1, 2020 and enter those into the Statewide Supervision System.**

Response Needed By: 12/31/2020

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:

There is a system in place for monthly inventory but there is no accountability for missing security equipment.

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: 12/31/2020

Chapter 2911 - Mandatory Rules In Compliance With Concerns

Total: 4

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. Most training is done on-line.

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. 2911.1350 MEDICAL TRAINING FOR CUSTODY STAFF.

By policy and procedure a training program shall be established by the facility administrator in cooperation with the health authority, that provides instruction in the following areas: A. first aid training for custody personnel responsible for the supervision, safety, and well-being of prisoners; B. recognition of signs and symptoms of illness and knowledge of action required in potential emergency situations; C. administration of first aid and cardiopulmonary resuscitation (CPR). Recertification training shall occur as required with respect to first aid and CPR. The training shall be documented; D. methods of obtaining assistance; E. recognition of signs and symptoms of mental illness, developmental disabilities, emotional disturbance, and chemical dependency; and F. procedures for inmate transfers to appropriate medical facilities or other health care providers.

Inspection Findings:

Staff medical training is minimal and done solely online.

Corrective Actions:

Ensure all staff are receiving the required medical training and it is imperative that correctional staff receive a good combination of both online and in class trainings.

Response Needed By:

3. 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:

4. 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 documentation of the kitchen and medical staff reviewing quarterly procedures but not every quarter.

Corrective Actions:

Medical and kitchen staff should be completing quarterly reviews of emergency procedures and shall be documented quarterly as this occurs.

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

Physical Plant:

Since the last inspection, a majority of the plumbing has been replaced, and the facility is in the process of installing additional cameras in the hallways and living units.

The kitchen is in need of a major upgrade. It is too small to meet the needs of the jail. Kitchen items are stored on the floor and the space is unsanitary.

The Health Inspection noted deficiencies and those will need to be addressed by the facility administrator.

The jail is in the process of repainting all areas of the facility. 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.

On the day of the inspection, medical was not available so this inspector will follow up at a later date.

The jail will remain on annual inspections.

JJDPA Compliance

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

On July 29,2020 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 2019-2020. 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: _____

Jennifer Pfeifer