



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:

Cass County Jail

Address: 300 Minnesota Avenue, PO BOX 1119, Walker, MN 56484

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Biennial **Inspected By:** Troy Okerlund – Detention Facility Inspector **Inspected on:** 07/21/2022 to 07/25/2022

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

Officials Present During Inspection: Assistant Jail Administrator Eric Lueth; Jail Administrator Chris Thompson

Officials Present for Exit Interview: Assistant Jail Administrator Eric Lueth; Jail Administrator Chris Thompson

Issued Inspection Report to: Jail Administrator Chris Thompson; Sheriff Tom Burch; County Administrator Josh Stevenson; 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	125	115	8	2	93.60%	Compliance rating of 100%
2911	Essential	99	88	5	6	94.95%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: approval **Begins On:** 09/01/2022 **Ends On:** 08/31/2024 **Facility Type:** Jail
Placed on Biennial Status: Yes **Biennial Status Annual Compliance Form Due On:** 08/31/2023
Delinquent Juvenile Hold Approval: 24 hrs exclusive of weekends and holidays **Certificate Holder:** Cass 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	60	80	48.00	48 operational capacity beds.	None.

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance

Total: 8

- 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:

Inspector was unable to locate within facility policy a chapter on a written suicide prevention and intervention plan. A policy review was conducted but there was not written documentation of the annual review.

Corrective Actions:

Per the rule requirement the facility shall have a written policy and procedure on a written suicide prevention and intervention plan. Review policy and procedure manuals annually, 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.

Response Needed By: 09/21/2022

2. 2911.2525 ADMISSIONS. Subpart 3. Orientation to rules and services.

A facility shall develop a written policy and procedure that provides: A. a method for all newly admitted inmates to receive orientation information in a manner the inmates can understand; and B. documentation by a statement that is signed and dated by the inmate that the inmate completed orientation.

Inspection Findings:

The facility requires signatures indicating the inmate has received the handbook, however nothing could be located in regard to the inmate signing and dating that they had completed orientation.

Corrective Actions:

The facility must add documentation that is signed and dated by the inmate indicating they have completed orientation.

Response Needed By: 01/18/2023

3. 2911.2550 RELEASES. Subpart 1. Release procedures.

A facility shall have written procedures for releasing inmates that include, at a minimum, the following: A. verification of identity; B. verification of authority to release; C. return of stored property with a receipt for the inmate to sign, unless the property is held for authorized investigation or litigation; and D. arrangements for completion of any pending action, such as grievances, or claims for damaged or lost possessions.

Inspection Findings:

Inspector could not find within facility policy that arrangements for completion of any pending action, such as grievances, or claims for damage or last possessions.

Corrective Actions:

Per the rule facility policy must include at a minimum "arrangements for completion of any pending action, such as grievances, or claims for damaged or lost possessions."

Response Needed By: 01/18/2023

4. 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:

When reviewing the facilities classification of inmates policy, the Inspector was unable to locate where the classification includes consideration of inmate gender, juvenile or adult status, and serious offense history. When speaking to facility supervisors it was confirmed that this is being conducted however the required language is not in policy.

Corrective Actions:

Facility policy in regard to classification must be updated and shall include all of the requirements of the rule A through J. The facility should pay special attention to A, B, and H.

Response Needed By: 01/18/2023

5. 2911.3200 INMATE VISITATION

The facility administrator or designee shall develop and implement an inmate visiting policy. The policy shall be in writing and include: A. attorney/client interviews allowed in a manner consistent with Minnesota Statutes, section 481.10; B. a schedule of visiting hours that includes the days and times for visits that includes visits during the normal business day, and evenings or weekends; C. establishment of a uniform number of permissible visits and the number of visitors permitted per visit; D. that an adult inmate be permitted an initial visit with a member or members of the inmate's immediate family at the next regularly scheduled visiting period; E. that all facilities schedule a minimum of eight visiting hours per week: (1) a minimum of three separate and distinct visiting days per week; and (2) 20 minutes' duration minimum for each visit unless the number of persons attempting to visit exceeds the facility's ability to meet this requirement, or the inmate's behavior dictates a need to terminate a visit earlier; F. allowed visits for identified members of an inmate's immediate family; G. when a visit to an inmate is denied for reasonable grounds on the belief that the visit might endanger the security of the facility, the action and reasons for denial shall be documented; H. that visitors register, giving names, addresses, and relationship to inmate; I that any area used for inmate visiting may be subject to audio monitoring, recording, or both. The facility shall use signs and the inmate handbook to inform the inmate about audio monitoring and recording. Professional visits not be audio recorded, unless a court order has been issued; J. that policies for parents, guardians, and attorneys visiting juveniles are unrestrictive as administratively possible and the initial visit of a juvenile by parents, guardians, and attorneys be permitted at any time; K. picture identification of visitors be required for identification purposes; L. that juvenile children be allowed to visit parents, regardless of age, as deemed appropriate by the parent or guardian accompanying the child and when a dispute over children visiting occurs between the inmate and the parent or legal guardian, the inmate be referred to the court for resolution; and M. facility policy and procedures setting forth criteria for authorized friend visiting.

Inspection Findings:

After speaking with facility supervisors it appears that the jail is compliant with the rule requirements in regard to procedures, however the rule requires policy shall be in writing and include certain text that is missing from the facilities policy.

Corrective Actions:

The facility must update policy and it shall include language from rule 2911.3200 A, D, E(2), F, and J within the facility policy.

Response Needed By: 01/18/2023

6. 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:

The Inspector observed video of multiple facility staff conduct well-being checks. Facility inspector reviewed video from July 19th at 0100 hours observing six different rounds. It was found that three of the checks were not compliant due to staff moving too quickly. Signs of life such as movement, rise and fall of chest and other signs of life would be difficult to determine at such a quick pace. The inspector also reviewed video from July 17 starting at 0400 hours observing six different rounds. It was found that two of the checks were not compliant due to staff moving too quickly. Signs of life such as movement, rise and fall of chest and other signs of life would be difficult to determine at such a quick pace.

Corrective Actions:

Establish an audit process to evaluate the quality and timeliness of well-being checks preformed by staff. The DOC will review well-being checks again on or before 01-18-2023

Response Needed By: 01/18/2023

7. 2911.5300 SEARCHES, SHAKEDOWNS, AND CONTRABAND CONTROL. Subpart 4. Daily inspections.

A facility shall be inspected at least daily for contraband, evidence of breaches in security, and inoperable security equipment, and shall document the inspection.

Inspection Findings:

The jail reported informally conducting daily inspections for contraband, evidence of breaches, and inoperable security equipment.

Corrective Actions:

The inspections for contraband, evidence breaches, and inoperable security equipment must occur daily and be documented.

Response Needed By: 01/18/2023

8. 2911.5450 DANGEROUS MATERIALS.

A facility shall have a written policy and procedure that specifies that materials dangerous to either security or safety shall be properly secured. Storage and use of flammable, toxic, and caustic materials must be in accordance with all applicable laws and regulations of governing jurisdictions. The policy must cover control and use of tools and culinary and medical equipment.

Inspection Findings:

Detergent (laundry detergent) is stored in the laundry room that inmate(s) have access to.

Corrective Actions:

If inmates are having contact with hazardous chemicals, they should be trained on proper storage and handling practices. Additionally, inmates should be provided with all necessary protective equipment such as eye protection when coming into direct contact with a chemical that has potential to damage eye/vision. The jail must remove the bulk laundry detergent chemicals available to inmates or devise a system that secures the chemicals in place and no longer gives the inmates access to bulk chemicals.

Response Needed By: 01/18/2023**Chapter 2911 - Essential Rules Not In Compliance****Total: 5**

1. 2911.2800 ADMINISTRATIVE SEGREGATION. Subpart 6. Protective custody.

Written policy and procedure shall provide that an inmate is separated from the general population for purposes of protective custody only when there is documentation that protective custody is warranted and segregation is the least restrictive alternative available.

Inspection Findings:

When reviewing the policy facility inspector was unable to locate a protective custody policy.

Corrective Actions:

The facility must add a written policy and procedure that shall provide that an inmate is separated from the general population for purposes of protective custody only when there is documentation that protective custody is warranted and segregation is the least restrictive alternative available.

Response Needed By: 01/18/2023

2. 2911.3100 INMATE ACTIVITIES AND PROGRAMS. Subpart 1. Written plan.

A facility administrator or designee shall have and implement a written plan for the constructive scheduling of inmate time. The plan shall: A. identify programs offered in the facility and when the programs are offered; B. identify persons conducting the program and whether or not the persons are facility staff, external community resources under contract, or volunteers; C. be consistent with established legal rights of inmates, type and status of inmates detained in the facility, and rule requirements associated with the facility's classification; D. provide inmates with the option to refuse to participate in facility programs, except work assignments and programs required by statute or court order; E. when males and females are housed in the same facility, provide comparable opportunities for participation in programs and services; and F. require documentation of programs offered and inmates participating in programs.

Inspection Findings:

The rule requires that the facility shall require documentation of programs offered and inmates participating in programs. Currently the facility doesn't track the inmates participating in programs in a consolidated form.

Corrective Actions:

Facility must document programs offered and inmates participating in programs.

Response Needed By: 01/18/2023

3. 2911.3100 INMATE ACTIVITIES AND PROGRAMS. Subpart 4. Education.

A facility shall have a written policy and procedure that provides for inmate access to educational programs, vocational counseling, and when available, vocational training. When possible, a facility shall arrange to have these educational programs delivered in classroom specifically designed and equipped for educational or vocational programming. Class I facilities are exempt from this requirement with the exception of those approved by the commissioner to house inmates serving alternative sentences. Text books necessary to complete a course of study, to the extent that local resources permit, shall be made available to inmates. The facility shall not be responsible for the purchase of text books to complete a course of study.

Inspection Findings:

The facility houses out approximately 3/4 of their inmates to neighboring Crow Wing County Jail. The Cass County jail has a very low average daily population. Because of this they have little demand for educational programs, vocational counseling, and vocational training. Currently the facility does not have written policy and procedure that provides it made access to educational programs vocational counseling.

Corrective Actions:

Per the rule the facility must add a written policy and procedure that provides for inmate access to educational programs, vocational counseling, and when available, vocational training.

Response Needed By: 01/18/2023

4. 2911.3600 CLOTHING AND BEDDING PROPERTY. Subpart 8. Protective clothing.

A facility shall have written policy, procedure, and practice that provides for the issue of special and, where appropriate, protective clothing and equipment to inmates participating in special work assignments. The clothing is available in quantities that permit exchange as frequently as the work assignment requires.

Inspection Findings:

Facility inspector could not locate a written policy on protective clothing.

Corrective Actions:

Facility shall create written policy, procedure, and practice that addresses this rule part. .

Response Needed By: 01/18/2023

5. 2911.4950 RESPONSE TO RESISTANCE. Subpart 7. Record.

The facility shall maintain a written record of emergency distribution of security devices and equipment.

Inspection Findings:

It was reported during the inspection that the facility does not maintain a written record of emergency distribution of security devices and equipment.

Corrective Actions:

The facility shall maintain a written record of emergency distribution of security devices and equipment.

Response Needed By: 01/18/2023**Chapter 2911 - Mandatory Rules In Compliance With Concerns****Total: 2**

1. 2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES. Subpart 1. Emergency plan.

A facility shall have a written disaster plan. The plan shall include policies and procedures designed to protect the public by securely detaining inmates who represent a danger to the community or to themselves when the facility must be evacuated in total. The plan shall also include: A. location of alarms and fire fighting equipment; B. an emergency drill policy as follows: (1) at least annual drills at all facility locations; and (2) drills shall be conducted even when evacuation of extremely dangerous inmates may not be included; C. specific assignments and tasks for personnel; D. persons and emergency departments to be notified; E. procedure for evacuation of inmates; and F. arrangements for temporary confinement of inmates.

Inspection Findings:

The facility has significant emergency plans in place. Under the rule location of alarms and firefighting equipment must be identified within the emergency plan. The facility has identified alarms and firefighting equipment on other documents but they are not currently included with the emergency plan.

Corrective Actions:

The facility must add location of alarms and firefighting equipment to it's emergency plan.

Response Needed By:

2. 2911.7200 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE. Subpart 4. Plan.

A facility shall establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance.

Inspection Findings:

The facility participates in an informal daily inspection of housekeeping sanitation and plant maintenance.

Corrective Actions:

A written housekeeping plan for all areas of the physical plant shall provide for daily housekeeping and regular maintenance by assigning specific duties and responsibilities. Facility floors are kept clean, dry, and free of hazardous substances. A facility shall establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance.

Response Needed By:**Chapter 2911 - Essential Rules In Compliance With Concerns****Total: 6**

1. 2911.2850 INMATE DISCIPLINE PLAN. Subpart 6. Removing clothing and bedding.

The facility administrator or designee shall have a policy and procedure for removing clothing and bedding from an inmate. The following shall be included: A. clothing and bedding shall be removed from an inmate only when the inmate's behavior threatens the health, safety, or security of self, other persons, or property. When appropriate, alternative clothing and bedding shall be issued; B. clothing and bedding shall be returned to the inmate as soon as it is reasonable to believe the behavior that caused the action will not continue; C. the decision to deprive an inmate of articles of clothing or bedding shall be reviewed by the officer in charge or the supervisor during each eight-hour period; and D. the review shall be documented.

Inspection Findings:

The facility has a policy about removing clothing and bedding. After speaking with supervisory staff it was determined that the procedure is documented along with the review. However, the rule requires that the language "the review shall be documented" is included within facility policy and it currently is not.

Corrective Actions:

The facility must update their removal of clothing and bedding policy to include D: "The review shall be documented".

Response Needed By:

2. 2911.3100 INMATE ACTIVITIES AND PROGRAMS. Subpart 5. Substance abuse programs.

A facility shall have a written plan for providing services for inmate chemical dependency issues.

Inspection Findings:

Community resources for programs such as AA and NA are not prevalent. Substance abuse programming is only available upon request.

Corrective Actions:

Continue to work on recruiting volunteers for scheduled substance abuse programming for the inmate population.

Response Needed By:

3. 2911.3100 INMATE ACTIVITIES AND PROGRAMS. Subpart 6. Work assignments for adults.

Class II to Class VI facilities shall have a written inmate work assignment plan that provides for inmate work, subject to the number of work opportunities available and the maintenance of facility security. Work assignments must provide: A. that adults not under sentence may volunteer to work but shall not be compelled to participate in work beyond maintaining the immediate living area; B. eligibility criteria for work activities; C. that sentenced inmates shall not be compelled to work more than ten hours per day; D. that work shall not be required of an inmate that cannot be done by the inmate due to physical limitations; E. work opportunities for disabled inmates; and F. inmate working conditions that comply with all applicable federal, state, or local work safety laws, rules, and regulations.

Inspection Findings:

The facility had a typo within its policy that stated sentence inmate shall not be compelled to work more than 12 hours per day. However after speaking with supervisory staff they confirmed that it's 10 hours a day. The facility is working on developing more work opportunities for disabled inmates.

Corrective Actions:

Facility must correct the typo within policy and continue to expand on more work opportunities for disabled inmates and included the plan within "work assignments" per the rule.

Response Needed By:

4. 2911.3100 INMATE ACTIVITIES AND PROGRAMS. Subpart 7. Recreation plan.

The facility administrator or designee shall have a plan providing opportunities for physical exercise and recreational activities for all inmates consistent with the facility's classification and design. Class I facilities are exempt from this requirement. The plan shall include policies and procedures necessary to protect the facility's security and the welfare of inmates. Policy and procedure shall provide: A. inmates with access to recreational opportunities and equipment, including seven hours of physical exercise or recreation outside the cell and adjacent dayroom areas per week; B. recreational opportunities a minimum of five days per week; C. indoor space and equipment for active recreational activities in all Class II to Class VI facilities; D. outdoor recreational space and equipment for outdoor recreational programming in all Class VI facilities. The space and equipment shall be provided in a manner consistent with the facility's security classification; E. passive and active recreation needs and equipment for a variety of inmates consistent with the facility's classification and offenders served. As an example, activity needs of geriatric, disabled, or geriatric and disabled offenders shall be addressed; F. inmates in segregation with a minimum of one hour a day, seven days a week, of exercise outside the inmates' cells, unless security or safety considerations dictate otherwise; and G. discretionary access by inmates on segregation status to the same recreational facilities as other inmates unless security or safety considerations dictate otherwise. When inmates on segregation status are excluded from use of regular recreation facilities, the alternative area for exercise used shall be documented.

Inspection Findings:

Active recreational space is available but is also used for programming, passive recreation, and vending. The facility is updating it's plan for providing opportunities for physical exercise and recreational activities for all inmates.

Corrective Actions:

When updating the recreational plan the facility must address within their policy and procedure the activity needs of geriatric and disabled offenders. Remodeling or new construction is the only viable solution for correcting space constraints.

Response Needed By:

5. 2911.3500 VOLUNTEERS.

When volunteers are used in facility programs, a written policy and procedure shall provide that a staff member is responsible for coordinating the volunteer service program. The policy includes the following elements: A. lines of authority, responsibility, and accountability for the volunteer services; B. a procedure for the screening and selection of volunteers; C. an orientation training program appropriate to the nature of the assignment; D. a requirement that volunteers agree in writing to abide by all facility rules and policies, with emphasis on security and confidentiality of information; and E. a statement that the administrator may discontinue a volunteer activity at any time by written notice.

Inspection Findings:

The facility did a significant update with its volunteer procedure. The facility procedures are rule compliant to include signed agreements from volunteers however required language within the policy is missing.

Corrective Actions:

Although currently performing the task the facility must add to policy “ a requirement that volunteers agree in writing to abide by all facility rules and policies, with emphasis on security and confidentiality of information.”

Response Needed By:

6. 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 keeps a relatively low average daily population and has the resources to transport all inmates. Additionally, it has arrangements to bring those inmates to a neighboring county correctional facility. However, the facility must put the plan in writing to be compliant with the rule.

Corrective Actions:

The 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.

Response Needed By:**INSPECTION COMMENTS**

Statutory updates: Facility inspector verified that the facility is compliant with some of the recent state statutes affecting county jails to include the exclusion of the prone restraint and reporting deaths within 24 hours. It was recommended that the facility have a policy and procedure in place for 90 day death reviews. State statute 631.412 was also discussed that the facility may have to save video recordings for 12 months for certain inmate transport recordings. The facility was asked to verify their compliance with Minnesota State statute 241.88 subdivision 2 requiring the facility staff who have contact with pregnant inmates to receive training.

Physical Plant: For a facility of its age, the Cass County Jail was notably clean and well maintained. It is apparent the Sheriff and Jail Administrator take pride in the facility. The property room is undersized which will be more of an issue when additional inmates are housed at the facility. Programming space is limited and will not accommodate jail needs when operating at capacity. The facility has recently undergone substantial upgrades to the camera system and door locks.

Programming: The Cass County Jail contracts 40 beds with Crow Wing County. The vast majority of their inmates are housed out of county and having their programming needs met. The inmates that remain are typically there for short periods of time. The facility has made progress within their programming and education since the last inspection however additional work needs to be done so they can be more consistent with the rule requirements.

JJDPA Compliance

On July 21, 2022, a Juvenile Justice and Delinquency Prevention (JJDP) Act audit was conducted. The Cass County Jail has received a "Rural Exception" to the JJDP Act. This allows the facility to hold a delinquent juvenile up to 24 hours, excluding weekends and holiday. The three core requirements that are looked at during the audit are Deinstitutionalization of Status Offenders (DSO), Removal of Juveniles for Adult Jail and Adult Lockups (Jail Removal), and Sight and Sound Separation.

According to Cass County Jail files three (3) juveniles were held or processed between October 2021 and the day of inspection. One hundred percent of the data was reviewed. The findings are as follows:

DSO: No violations of the facility holding status offenders in the jail were found.

Jail Removal: Files indicate that one (1) youth was held over the 24 hour time frame allowed per the "Rural Exception." But further research found that the juvenile was certified as an adult and after review with DPS, it was found not to be a violation.

Sight and Sound Separation: The facility design and policies allow for proper sight and sound separation. This includes the route taken to Court holding. Policies and the court schedule also indicate proper sight and sound separation are maintained.

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

Based on the documentation reviewed, one (1) violation of the JJDP Act was found during the Cass County jail inspection.

Report completed By: Troy Okerlund – Detention Facility Inspector

Signature: _____

