



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:

Lake Of The Woods County Jail

Address: 206 Eighth Avenue, SUITE 300, Baudette, MN 56623

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Annual **Inspected By:** Jen Pfeifer – Detention Facility Inspector **Inspected on:** 07/29/2019 to 08/20/2019

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

Officials Present During Inspection: Jail Administrator Sandy Peterson

Officials Present for Exit Interview: Jail Administrator Sandy Peterson

Issued Inspection Report to: Jail Administrator Sandy Peterson; Sheriff Gary Fish; County Administrator Cody Hasbargen; Regional Manager Sherry Hill

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	128	120	4	4	96.88%	Compliance rating of 100%
2911	Essential	96	92	3	1	96.88%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: conditional approval **Begins On:** 09/01/2019 **Ends On:** 08/31/2020 **Facility Type:** 90 Day Lockup

Placed on Biennial Status: No **Biennial Status Annual Compliance Form Due On:**

Delinquent Juvenile Hold Approval: no approval **Certificate Holder:** Lake Of The Woods 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	7	80	5.60	None.	None.

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance

Total: 4

- 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 jail consists of 3 housing units. A minimum-security dorm, a 2 single cell unit, and a 3 bed general population unit. Proper separation is difficult to maintain with the current facility.

Corrective Actions:

The jail shall no longer approve to house special management and this was added to the policy manual. The jail will have to work diligently to ensure proper classification or inmates will need to be housed in other counties.

Response Needed By: 12/31/2019

2. 2911.5000 POST ORDERS; FORMAL INMATE COUNT; WELL-BEING CHECKS. Subpart 4. Counting.

A facility shall have a written policy describing the system of counting inmates. Formal counts shall be completed with an official entry made in the daily log at least once each eight hours. The facility shall maintain a system that identifies the whereabouts of all inmates in custody and includes a system of accountability for inmates approved for temporary absences from their assigned housing units. A written policy and procedure shall provide that staff regulate inmate movement.

Inspection Findings:

Formal Counts are not done consistently between staff. It appears the day shift staff are counting correctly, but this is not always happening on the evening/night shift.

Corrective Actions:

Ensure that staff members are physically counting inmates in person.

Response Needed By: 09/01/2019

3. 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:

Staff are no longer completing well-being checks via camera, but after reviewing camera footage well-being checks were observed to be longer than every 30 minutes as stated in the rule. Staff seldom enter the housing units. When only one staff member is working they are not allowed to enter the housing units.

Three beds are not visible from the entry door to the units.

It was discussed at the time of the inspection that moving the bunk beds to the other side of the wall would give the staff better sight lines when completing their checks.

Corrective Actions:

**Ensure that well-being checks are within the 30 minute time allowed by the rule and that the well-being checks are staggered.
Staff shall enter the units to conduct well-being checks.**

Response Needed By: 09/01/2019

4. 2911.5550 LOCKS AND KEYS. Subpart 2. Lock policy.

A facility shall have a written policy and procedure that requires that all security perimeter entrances, control center doors, and housing unit doors are kept locked, except when used for admission or exit of employees, inmates, or visitors, and in an emergency. A facility equipped with a sally port shall ensure that only one of the doors of a sally port is opened at any point in time for entry or exit purposes.

Inspection Findings:

A check of video footage and observations during this on-site inspection showed that the security door into the dispatch area is left unsecured and propped open many times throughout the day.

Keep in mind, promulgated rules have force and effect of Minnesota Statute. Violating mandatory rules on an ongoing basis as has been the practice significantly increases the county's exposure to liability, and may be considered deliberate indifference if there were to be an incident that was precipitated by this deliberate violation of the rules. This has been noted in several previous inspections.

Corrective Actions:

All security doors are to remain secured unless one of the exceptions noted in this standard is applicable.

This purposeful action of leaving the control room door unsecured must cease immediately.

Response Needed By: 09/01/2019

Chapter 2911 - Essential Rules Not In Compliance**Total: 3****1. 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 jail does not have program space available. The limited programs that are available are done in the main hallway. This is not an acceptable area to conduct programs. Additionally, the main security door to dispatch is often propped open.

Corrective Actions:

This is a physical plant issue which cannot be resolved without a major remodel or new construction. There is no corrective action at this time.

Response Needed By:

2. 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:

There is no educational programming available. Since the facility is a 90 Day Lockup with an average stay of 15 days, which includes the Huber sentences, providing education would be difficult. There is also no program room.

Corrective Actions:

Efforts need to be made to obtain educational programming for the inmates.

Response Needed By:

3. 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:

There is no program room or recreation area.

Corrective Actions:

There is no corrective action as this would require a major remodel.

Response Needed By:

Chapter 2911 - Mandatory Rules In Compliance With Concerns**Total: 4****1. 2911.0900 STAFFING REQUIREMENTS. Subpart 18. Program staff requirements for Class II.**

In a Class II facility a staff person shall be designated to coordinate community services and volunteer programming.

Inspection Findings:

Programs and resources are not available at this facility. Additionally, there is no area to hold programs so they are held in the hallway. This duty has been delegated to a correctional officer/dispatcher who has not been given adequate enough hours to complete this task.

Corrective Actions:

Programming is very limited at this facility.

Response Needed By:

2. 2911.0900 STAFFING REQUIREMENTS. Subpart 9. Condition of custody staff person on duty.

An inmate shall not be detained without custody staff on duty, present in the facility, awake and alert at all times, and capable of responding to emergencies or the reasonable needs of inmates.

Inspection Findings:

Correctional officers/dispatchers work 12 hour shifts. Seven days on, 7 days off. This schedule essentially has staff members working two weeks worth of work in 7 days (82 hours). Typically staff working 12 hours shifts only work a maximum of 3 shifts in a row before a day off.

Corrective Actions:

It is strongly recommended that the County review the current schedule and change to a more traditional schedule.

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:

Progress has been made on the revision of the manual, but work is still needed and staff members need to review the changes.

Corrective Actions:

**Continue to update manual with changes made to facility procedures.
Have staff review the changes to the policy manual.**

Response Needed By:

4. 2911.2100 STORAGE AND PRESERVATION OF RECORDS.

Space shall be provided for the safe storage of records.

Inspection Findings:

A growing number of records need to be stored off-site as support space for the facility is almost non-existent.

Corrective Actions:

No corrective action is required at this time as this is a physical plant constraint.

Response Needed By:**Chapter 2911 - Essential Rules In Compliance With Concerns****Total: 1**

1. 2911.1400 ADMINISTRATIVE AND MANAGERIAL STAFF TRAINING.

A facility shall have a written policy and procedure that provides that the facility's administrative and managerial staff receive at least 16 hours of orientation. Orientation training shall include, at a minimum, general management and related subjects, data practices, decision-making processes, labor law, employee-management relations, the interaction of elements of the criminal justice system, and relationships with other service agencies. After orientation, a facility's administrative and managerial staff shall receive at least 16 hours of training annually.

Inspection Findings:

No documentation to show that any of this type of training is taking place. There is a correctional officer who has been delegated most jail administration duties but is not given adequate hours to complete these tasks.

Corrective Actions:

Arrange for additional training to address all of the elements listed in this standard.

Response Needed By:

INSPECTION COMMENTS**#1. Operational Issues and Facility Atmosphere.**

There have been significant changes in the facility in the past 8 months. Changes to the policy and procedures have been a major undertaking for the Jail Administrator.

Although improvements have been made in several areas there are still significant areas of non-compliance. Most elements of basic security, well-being checks, formal counts, inmate accountability, and searches are many times informal and lack documentation.

There are very little programming options at this facility and there is no space for active recreation.

Well-being checks were found to be out of compliance and formal counts need to be done according to facility policy.

#2. Physical Plant.

The maintenance request from the last inspection were all completed.

There is a lack of support space for inmate programs, inmate property, record storage, supply storage, no dedicated health services area, no ADA compliance and no vehicle sallyport.

#3. Facility planning.

The elected officials of Lake of the Woods County should be commended for approving the planning, design, and construction of a new facility. It must be noted that part of the process includes transition and policy writing for the new facility operation. The Sheriff and County Board of Commissioners should be planning to provide staff and staff time to provide transition services. Staff of the Inspection and Enforcement unit are available to provide technical assistance with the construction process.

The facility will remain on annual inspections.

JJDPA Compliance

On 7/30/2019 a Juvenile Justice and Delinquency Prevention Act audit was conducted. The Lake of the Woods County Jail has No Approval to hold juveniles because they do not have the ability to sight and sound separate. All juveniles that need to be held are taken to Northwestern Juvenile Detention Center in Bemidji.

According to facility records no juveniles were held or processed at the jail between October 2018 and the day of inspection.

Report completed By: Jen Pfeifer – Detention Facility Inspector

Signature: _____

Jennifer Pfeifer