



# 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:** Sarah Johnson – Senior Detention Facility Inspector **Inspected on:** 07/09/2020

**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	121	3	4	97.66%	Compliance rating of 100%
2911	Essential	96	90	5	1	94.79%	Compliance rating of 90%

## TERMS OF OPERATION

**Authority to Operate:** conditional approval **Begins On:** 09/01/2020 **Ends On:** 08/31/2021 **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: 3**

## 1. 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:**

**Continue to seek out storage space outside the jail dispatch. This is a physical plant constraint that needs to be addressed with a remodel or new facility.**

**Response Needed By: 09/15/2020**

## 2. 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 facility does not complete a daily inspection for contraband, evidences in breaches in security, and inoperable security equipment.

**Corrective Actions:**

**It is imperative that all aspects of the jail are being checked for breaches in security and contraband, especially in inmate cells where they have the ability and time to create breaches in security. Inform staff of the change in daily procedures. Add daily inspections to the post orders and all daily inspections need to be documented for verification purposes. Submit corrective plan to Department of Corrections for review.**

**Response Needed By: 09/15/2020**

## 3. 2911.7100 INMATES WITH SPECIAL NEEDS. Subpart 1. Postadmission screening.

The facility written policy and procedure shall require postadmission screening and referral for care of inmates with special needs, whose adaptation to the correctional environment in significantly impaired.

**Inspection Findings:**

The facility needs more comprehensive policy and procedure on how they are going to deal with inmates who are experiencing a mental health crisis or is suicidal.

**Corrective Actions:**

**Work with your provider and community partners to formulate a policy that addresses an inmate that is in crisis and how that inmate will receive proper mental health services. Send updated policies to the Department of Corrections for review.**

**Response Needed By: 09/15/2020**

**Chapter 2911 - Essential Rules Not In Compliance****Total: 5**

## 1. 2911.1600 DESIGNATED TRAINING OFFICER.

A facility shall have a designated training officer responsible for: A. maintenance of training plans as required in part 2911.1000; B. maintenance of training records in sufficient detail to allow inspector assessment of compliance with parts 2911.1100 to 2911.1700; and C. documentation of waivers of training requirements based on equivalent training received before employment or demonstrated competency through proficiency testing.

**Inspection Findings:**

The jail training records need to be reorganized for better clarification as to what training was given for the training year for each individual employee. Staff should have individual training files for clarity and record keeping.

**Corrective Actions:**

**It is recommended to reorganize the training records for better clarity and long term record keeping.**

**Response Needed By:**

## 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 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.

**Corrective Actions:**

**The facility plans to move out an office to create a small programs space to remove the main hallway as the program space. Notify the Department of Corrections when this is complete.**

**Response Needed By:**

## 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:**

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.

**Corrective Actions:**

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

**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:**

There is not a recreation area.

**Corrective Actions:**

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

**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 not conduct a monthly security equipment check.

**Corrective Actions:**

**Create a monthly security equipment check to include all security equipment the facility uses. The security equipment must be inventoried and check for condition. Documentation should be kept for verification purposes.**

**Response Needed By:**

**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 does not incorporate all the required training that is given each year such as annual evacuation drill, fire drills, and quarterly reviews of emergency procedures. It also does not include the method of how the training will be conducted.

**Corrective Actions:**

**Update the training plan to include all training that will be given on a yearly basis and the method of how the training will be provided.**

**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:**

Progress has been made on the revision of the manual. It is recommended to separate out some of the emergency policies such as inmate suicide and attempted suicide. Also, the facility needs more in depth policies on suicidal and special needs inmates. The facility needs to create policies on all reportable special incidents such as hunger strike.

**Corrective Actions:**

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

**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 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 is no longer approved 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:**

**4. 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 completing timely well-being checks with the use of a timer. But at night the camera quality is too poor to verify a proper well-being check by staff.

**Corrective Actions:**

**It is recommended to continue the planning of a new camera system. It is also recommended to have the Jail Administrator review video to ensure proper well-being checks are completed by staff, especially during sleeping hours.**

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

1. 2911.2850 INMATE DISCIPLINE PLAN. Subpart 3. Due process.

Disciplinary segregation shall be used only in accordance with due process to include at a minimum: A. published rules of conduct and penalties for violation of rules; B. written notice of alleged violation of a rule; C. the right to be heard by an impartial hearing officer and to present evidence in defense: (1) the inmate may waive the hearing in writing; and (2) a written record is made of the disciplinary hearing and sanctions or other actions taken as a result of the hearing; D. the right to appeal; E. the status of an inmate placed on disciplinary segregation for more than 30 continuous days subsequent to a disciplinary hearing shall be reviewed, approved, and documented by the facility administrator or designee at least once every 30 days, and the facility shall develop written policy, procedure, and practice that provides that inmates in disciplinary segregation receive visits from the facility administrator or designee at least once every seven days as a part of the disciplinary segregation review process; F. an inmate placed in segregation for an alleged rule violation shall have a disciplinary hearing within 72 hours of segregation, exclusive of holidays and weekends, unless documented cause can be shown for delays. Examples of causes for delay are inmate requests for delay, or logistical impossibility, as in the case of mass disturbances; and G. the facility administrator or designee can order immediate segregation when it is necessary to protect the inmate or others. This action is reviewed and documented within three working days.

**Inspection Findings:**

Parts A and D of the rule are not addressed. There are not published rules and sanctions for an inmate to review. The inmate is also not notified that they have the right to appeal a hearing decision.

**Corrective Actions:**

**It is recommended to re-write the handbook to address facility violations and the due process procedures.**

**Response Needed By:**

## INSPECTION COMMENTS

### Medical-

Public Health provides medical services to the jail and their primary role is to provide mantoux to the inmates. Staff only call the nurse or the clinic if they see a potential medical issue with an inmate or when the inmate puts in a sick call request. It is a best practice in Minnesota to have a medical staff to review all medical screenings and refer all medical issues for a facility. The current process of staff addressing the medical needs of inmates and transporting inmates to a medical facility is inefficient, cost prohibitive, and increases the liability risk of the facility. It is strongly recommended the facility incorporate structured time to the jail to review and address inmate medical needs by a licensed health care provider.

There are very little programming options at this facility and there is no space for active recreation. The facility plans to move the Jail Administrator's office to outside the secure perimeter and create a small programs room. They will move the library from the hall and provide space for GED, NA, AA, and bible study.

There is a lack of support space for inmate programs, inmate property, record storage, supply storage, no dedicated health services area, no change out area, and no vehicle sally port. The designated booking shower is now used for storage. Storage of records and storage in general is kept anywhere available. Inmate commissary must be kept outside the secure area. The entire building is small and undersized for what is needed to operate a jail.

Separation and classification are difficult to maintain as there is very little ability to properly separate or classify multiple classifications when the facility gets in a female or has a busy weekend. All special management inmates are to be housed out of facility.

The facility is now locking the door to dispatch but there is still an issue of dispatch electronics getting too hot. There are plans to clean out dispatch and provide a more organized work area but this will not resolve all the issues this space has.

This is a sunsetted facility and the physical plant issues cannot be addressed without a remodel or new facility. The elected officials of Lake of the Woods County should continue to move forward in 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.

## JJDP A Compliance

On July 9th, 2020, 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 for the federal fiscal year 2020.

Report completed By: Sarah Johnson – Senior Detention Facility Inspector

Signature:

