



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
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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:** Troy Okerlund – Detention Facility Inspector **Inspected on:** 08/19/2021

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

Officials Present During Inspection: Jail Administrator Tami Maurer

Officials Present for Exit Interview: Jail Administrator Tami Maurer

Issued Inspection Report to: Jail Administrator Tami Maurer; Sheriff Gary Fish; County Auditor Lorene Hanson; Regional Manager Jake 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 | 128 | 118 | 9 | 1 | 92.97% | Compliance rating of 100% |
| 2911 | Essential | 96 | 87 | 8 | 1 | 91.67% | Compliance rating of 90% |

TERMS OF OPERATION

Authority to Operate: conditional approval **Begins On:** 09/01/2021 **Ends On:** 08/31/2022 **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: 9

- 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. However, the policy needs updates to be complaint with 2911. Policy contains language about security tactics and location of sensitive materials that have the potential to jeopardize security. The policy and procedure manual must have a documented annual review. No review has been documented in the past year and no amendments have been noted.

Corrective Actions:

Policy and procedure will need to be updated to include all required policies in 2911. Additionally, privileged security information that has the potential to compromise jail safety should be removed from policy and transferred to a format that is not readily accessible to the public.

Response Needed By: 11/30/2021

2. 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. Create a plan to correct this issue.

Response Needed By: 11/30/2021

3. 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:

A condensed classification tool was reviewed. This form doesn't include the use of an "override."

Corrective Actions:

Revise current classification form and policies to include all elements of this standard. Specific focus should be directed to adding the ability of an override and those who have the authority to invoke the override.

Response Needed By: 11/30/2021

4. 2911.2750 INMATE HYGIENE. Subpart 1. Personal hygiene.

The facility administrator or designee shall have and implement a written policy for personal hygiene practices of all inmates to include special assistance for those inmates who are unable to care for themselves. A written policy and procedure shall require that articles needed for personal hygiene are available to all inmates, and include at a minimum, the following: A. soap; B. toothbrush; C. toothpaste; D. shampoo; E. shaving equipment; F. materials essential to feminine hygiene; G. comb; and H. toilet paper.

Inspection Findings:

The rule requires facilities must have a written policy regarding special assistance for inmates who are unable to care for themselves. The facility currently has no policy to address this. The rule requires specific hygiene items be provided to inmates. Inspector found that the inmate handbook in conjunction with the policy identifies most of the hygiene items but leaves out items like toilet paper.

Corrective Actions:

Policy and procedure must be updated to include special assistance for inmates who are unable to care for themselves. It is recommended that policy also be updated to include all required hygiene items that are required to be provided to inmates.

Response Needed By: 11/30/2021

5. 2911.2850 INMATE DISCIPLINE PLAN. Subpart 2. Disciplinary segregation.

A facility administrator or designee shall have and implement policies and procedures for disciplinary segregation. An inmate on disciplinary segregation status must be separated from the general population.

Inspection Findings:

It appears that administrative segregation and disciplinary segregation have been blended together. We discussed the differences between administrative and disciplinary segregation. They seldom use either.

Corrective Actions:

The facility needs to write a disciplinary segregation policy that stands alone from the administrative segregation policy.

Response Needed By: 11/30/2021

6. 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:

The jail has a very open visiting policy and no complaints have been identified. After a review of policy it was noted that the jail is missing an establishment of a uniform number of permissible visits and the number of visitors permitted per visit as required by the rule.

Corrective Actions:

Update policy to include an establishment of a uniform number of permissible visits and the number of visitors permitted per visit.

Response Needed By: 11/30/2021

7. 2911.4000 ANNUAL FOOD SERVICE REVIEW.

A facility's menu content and cycle shall be reviewed at least once annually by a registered dietitian or nutritionist to ensure compliance with part 2911.3900. The review the findings shall be documented and on file.

Inspection Findings:

A review was not completed in the past year.

Corrective Actions:

Have a registered dietitian or nutritionist ensure compliance with part 2911.3900, document, and provide to the DOC.

Response Needed By: 11/30/2021

8. 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:

Night staff was observed completing high quality and timely well-being checks. Day staff logged but missed a well-being check resulting in a 58 minute lapse between a check, this appeared to be an isolated incident as no other non-complaint check were found. Camera quality has increased significantly with the new camera system that was installed.

Corrective Actions:

It is recommended to have the Jail Administrator review video to ensure proper well-being checks are completed by staff. Also policy should address "More frequent observation" when it is required and what it entails.

Response Needed By: 11/30/2021

9. 2911.6200 MEDICAL AND DENTAL RECORDS. Subpart 2. Data practices.

The medical record file shall be maintained separately and according to the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

Inspection Findings:

Medical records have been kept in conjunction with the inmates file until the inmate was released at which point the two files were separated.

Corrective Actions:

Existing inmates and future inmates files must be separated and maintained according to the Minnesota government data practice act. It is recommended that policy be updated to more clearly reflect the distinction and requirements for separate files.

Response Needed By: 11/30/2021**Chapter 2911 - Essential Rules Not In Compliance****Total: 8**

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:

It was reported that jail staff are attending training regularly. When reviewing two staff files at random it was found that neither had any documented training in the past year.

Corrective Actions:

It is recommended to keep a master list of employees required yearly training along with all the other training they have received. Training records should be of sufficient detail to allow both the jail administrator and inspectors the ability to assess compliance quickly and efficiently.

Response Needed By:

2. 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:

There is no protective custody policy. This was noted in the last three on-site inspections. Lack of housing unit options and proper classification and separation would not allow for this type of inmate to be housed at the jail.

Corrective Actions:

Write a protective custody policy. Arrange for alternative housing at another jail for any inmate requiring protective custody.

Response Needed By: 11/30/2021

3. 2911.2850 INMATE DISCIPLINE PLAN. Subpart 7. Disciplinary records.

A facility shall have written policy and procedure, that provides that, when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated supervisor. Disciplinary reports prepared by staff members shall include the following information: A. specific rules violated; B. a formal statement of the charge; C. an explanation of the event, which should include who was involved, what transpired, and the time and location of the occurrence; D. unusual inmate behavior; E. staff and inmate witnesses; F. disposition of any physical evidence; G. any immediate action taken, including the response to resistance; and H. reporting staff member's signature, and date and time report is made.

Inspection Findings:

This standard is not in policy. They have not had an inmate request a hearing in years.

Corrective Actions:

Write a policy to address this standard to include A-H in the rule.

Response Needed By: 11/30/2021

4. 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 recently transitioned to a new jail administrator. No written education plan could be identified. The administration is currently working on a plan that provides inmate access to educational programs.

Corrective Actions:

A written policy and procedure that provides an inmate access to educational programs sufficient to meet the requirements of the rule must be submitted by November 30th, 2021 to the Department of Corrections.

Response Needed By: 11/30/2021

5. 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:

The facility recently transitioned to a new jail administrator. No written substance abuse plan could be located. The administration is currently working on a plan that provides inmate access to substance abuse programs.

Corrective Actions:

A written plan that provides an inmate access to substance abuse programs sufficient to meet the requirements of the rule must be submitted by November 30th, 2021 to the Department of Corrections.

Response Needed By: 11/30/2021

6. 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. The facility is trying to make the most of the limited space and has provided an exercise bike.

Corrective Actions:

There is no corrective action as this would require a major remodel. This is a physical plant constraint that needs to be addressed with a remodel or new facility.

Response Needed By: 11/30/2021

7. 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 appears to conduct monthly inspections of equipment. The amount of items to be inventoried monthly is minimal but no documented formal inventory is being preformed currently.

Corrective Actions:

Create a monthly inventory equipment check to include all security equipment the facility uses. Documentation should be kept for verification purposes. It is recommended that policy be updated to identify the requirement for monthly inventory.

Response Needed By:

8. 2911.5000 POST ORDERS; FORMAL INMATE COUNT; WELL-BEING CHECKS. Subpart 1. Post orders and accountability.

There shall be written orders for every security post that are reviewed annually and updated if necessary. A written policy and procedure shall require that personnel read, sign, and date applicable post orders at least annually, or as needed for new posts or revisions. Medium and large facilities with multiple posts may need to conduct these reviews more often.

Inspection Findings:

Facility has post orders but they have not been signed off on in the past year.

Corrective Actions:

Review (revise as needed) and sign post orders. Provide documentation showing personnel has read signed post orders within past year.

Response Needed By: 11/30/2021**Chapter 2911 - Mandatory Rules In Compliance With Concerns****Total: 1**

1. 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. This is a physical plant constraint that needs to be addressed with a remodel or new facility. The jail will have to work diligently to ensure proper classification or inmates will need to be housed in other counties.

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

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 sufficient program space available.

Corrective Actions:

This is a physical plant constraint that needs to be addressed with a remodel or new facility.

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. 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.

Policy and procedure-

The jail's written policy and procedure appears not to have been updated in some time. The policy makes reference to equipment that has been discontinued since the 90's. The policy also is missing written policies that are required in 2911. The policy should be reviewed next to the requirements of 2911 and all deficiencies corrected. Furthermore, this may also be a benefit to rewrite some of the current and more burdensome policies such as saving years of kitchen menus or hourly formal counts that are not required by 2911.

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

This facility is on sunset status and the physical plant issues cannot be addressed without a remodel or new facility. The facility received a sunset notice in 2018 that the facility was to be sunset in 2021. An extension was granted for a sunset of 2023. New jail budgeting, planning, and construction typically takes 24 to 36 months. With current progress it does not appear the jail will have a workable solution to correct deficiencies and or build a new jail prior to the 2023 sunset date. It is strongly encouraged that this becomes a top priority for the County officials so a solution can be found and implemented prior to the 2023 sunset. Staff of the Inspection and Enforcement unit are available to provide technical assistance with the construction process.

JJDPA Compliance

On August 19th, 2021, a Juvenile Justice and Delinquency Prevention Act audit was conducted. The Lake of the Woods County Jail has No Approval to hold juveniles. 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 2021.

Report completed By: Troy Okerlund – Detention Facility Inspector

Signature:


