



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:

Lyon County Jail

Address: 611 W Main, PO BOX 28, Marshall, MN 56258

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Biennial **Inspected By:** Jen Pfeifer – Senior Detention Facility Inspector **Inspected on:** 11/22/2021

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

Officials Present During Inspection: Jail Administrator Brad Marks

Officials Present for Exit Interview: Jail Administrator Brad Marks

Issued Inspection Report to: Jail Administrator Brad Marks; Sheriff Eric Wallen; County Administrator Loren Stomberg; Regional Manager Dayna Burmeister

RULE COMPLIANCE SUMMARY

Rule Chapter	Requirement Type	Total Applicable	Total Compliance	Total Non Compliance	Total Compliance With Concerns	Compliance Rating	Substantial Compliance Result/Criteria
2911	Mandatory	126	116	8	2	93.65%	Compliance rating of 100%
2911	Essential	101	97	3	1	97.03%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: conditional approval **Begins On:** 12/01/2021 **Ends On:** 11/30/2023 **Facility Type:** Jail

Placed on Biennial Status: Yes **Biennial Status Annual Compliance Form Due On:** 11/30/2022

Delinquent Juvenile Hold Approval: 24 hrs exclusive of weekends and holidays **Certificate Holder:** Lyon County Sheriff's Office
611 W Main Street
Marshall, MN 56258

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	88	85	74.80	None.	None.

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance**Total: 8**

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 facility does not have an annual training plan.

Corrective Actions:

An annual training plan for 2022 shall be developed and submitted to the Department of Corrections by December 31, 2022. The training shall include all trainings for the year and describe curriculum, objectives, and methods of instruction.

Response Needed By: 12/31/2021

2. 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:

Please see Inspection Comments regarding classification concerns.

Corrective Actions:

NA.

Response Needed By: 03/31/2022

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:

There have been plans in place to update to a previously approved classification system but the county is having issues adding it to their booking program.

Corrective Actions:

Continue to work with the software vender to get the proper classification system in place. If this is not a viable solution, the County must go back to paper forms to meet this requirement. Staff will need to be trained on the new classification system. Notify the Department of Corrections when the updated classification system is in place.

Response Needed By: 03/31/2022

4. 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 is not providing "free" visiting for inmates. The only option for visiting is via texting devices which require a fee for services.

Corrective Actions:

The jail must provide visiting available to all inmates. If there is an interruption in these services a variance or emergency declaration must be submitted to the Department of Corrections. Submit a plan to provide visiting or submit the required requests for interruption of services to the Department of Corrections by December 31, 2021.

Response Needed By: 12/31/2021

5. 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:

There was no documentation of fire drills being completed or an emergency evacuation drill in several years.

Corrective Actions:

Fire and emergency evacuation drills shall be completed annually and those drills shall be documented. Additionally, cut down, man down, and other scenario based drills should be added to the training plan.

Response Needed By: 03/31/2022

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 well-being checks appear to at a pace acceptable for ensuring the well-being of the inmates however, well-being checks were found to be out of compliance with the 30 minute time frame allowed in the rule.

Corrective Actions:

Well-being checks need to be completed at a pace that verifies all inmates are ok. Staff need to have a review of policy or retraining on how proper well-being checks are completed. It is strongly recommended that the Jail Administrator be reviewing video of well-being checks and document that review.

Response Needed By: 12/31/2021

7. 2911.6500 STORAGE. Subpart 2. Refrigeration.

Medication requiring refrigeration shall be refrigerated and secured and the temperature checked daily. There must be separate refrigeration for medications only.

Inspection Findings:

Temperature checks are not being completed.

Corrective Actions:

Temperature checks shall be completed daily on the medical refrigerator located in the medical unit.

Response Needed By: 12/31/2021

8. 2911.6500 STORAGE. Subpart 6. Needles and other medical sharps.

There shall be a written policy and procedure for the control and disposal of medical sharps and supplies. Medical sharps and supplies when used or stored in inmate housing areas shall be accounted for and secured in a locked area.

Inspection Findings:

Medical sharp counts were not correct.

Corrective Actions:

Ensure that medical sharps are counted every time one is used or distributed.

Response Needed By: 12/31/2021

Chapter 2911 - Essential Rules Not In Compliance

Total: 3

1. 2911.0900 STAFFING REQUIREMENTS. Subpart 20. Coordination of programs.

In a Class III and Class VI facility, a staff person shall be designated to coordinate educational and vocational programs, social service programs, work release, and volunteer services programs. The following minimum inmate to program staff ratio shall apply for the average daily population: A. 30 or under, program staffing needs comply with subpart 4; B. 31 to 60, one full-time program staff person; and C. over 60, program staffing needs are addressed as part of the overall facility staffing plan.

Inspection Findings:

There is a programs person assigned to the jail but their primary duties are focused on being a medical liaison.

Corrective Actions:

The lack of programs in this facility are evident. The programs staff is not able to address any of the programing needs for this facility. The lack of programs is detrimental to the overall function of a jail. It is strongly suggested to address the medical needs of this facility through additional medical staff and allow the program staff to provide and implement programs for inmates.

Response Needed By: 12/31/2021

2. 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:

The inmate is given the notice of violation in report form which also includes sanctions at the time of notice. There is no place for an inmate to request a hearing or sign waiving the right to a hearing and the right to appeal.

Corrective Actions:

Develop a form that informs the inmate of their due process rights.

This form shall have a signature line acknowledging these rights and the option for them to plead in violation or not in violation and their right to a hearing.

Response Needed By: 12/31/2021

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:

Currently, there are not educational services for the jail.

Corrective Actions:

It is recommended to investigate educational services through community resources to be able to provide education and vocational services to inmates.

Response Needed By:

Chapter 2911 - Mandatory Rules In Compliance With Concerns**Total: 2**

1. 2911.1350 MEDICAL TRAINING FOR CUSTODY STAFF.

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

Inspection Findings:

Staff will be receiving mental health training and medical training recognizing signs and symptoms of illness and knowledge of action required in medical emergency situations coming up this fall.

Corrective Actions:

It is imperative that Lyon County still plan to provide medical training and mental health training for all staff. Staff must be able to address the medical and mental health needs of inmates.

Response Needed By:

2. 2911.5800 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES. Subpart 1. Availability of resources, general.

Under the direction of a health authority, a facility shall develop a written policy and procedure that provides for the delivery of health care services, including medical, dental, and mental health services.

Inspection Findings:

See Medical Comments.

Corrective Actions:

NA.

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

1. 2911.1300 CUSTODY STAFF TRAINING.

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

Inspection Findings:

See Training Comments.

Corrective Actions:

NA.

Response Needed By:

INSPECTION COMMENTS

MEDICAL CONCERNS: Avera Home Health is the medical provider for the facility. Avera Marshall Regional Medical Center provides emergent services should an inmate have to go off sight. Currently, there is no sharing of information between Avera Marshall and the jail when inmates are seen in the emergency room or transported from the jail. It is imperative that the Officials of Lyon County and Avera Marshall Regional Medical Center begin conversations as to how pertinent medical information will be shared when an inmate is released from the hospital to return to jail.

Currently, the program staff is utilizing their time to address medical service needs for this facility and not the needed inmate programming. With the increased medical care inmates require, it is imperative for the facility to have medical services that focuses on inmate care and provides a level of service that allows the program's staff to focus on programming requirements. It is strongly recommended Lyon County continue to increase medical services to address the medical needs of inmates and relieve line staff of medical duties.

TRAINING: Staff at Lyon County are receiving the required 16 hours a year training but, but do not have training in the areas of mental health, vulnerable inmates, or signs of medical distress or signs and symptoms of withdrawal. The facility shall work diligently with the mental health provider and Avera Home Health to provide these trainings to correctional staff. It is also imperative that the sergeants get additional leadership and jail training needed to confidently run the jail and supervise line staff when administration is not available.

GARAGE: Noted were items in the intake receiving garage were found to be unsafe for officers or individuals being transported to the jail. All items discussed during the inspection shall be removed.

Lyon County Jail will be placed on annual inspections inspection.

JJDPA Compliance

On November 22, 2021, a Juvenile Justice and Delinquency Prevention Act audit was conducted. The Lyon County Jail has received a "Rural Exception" to the Juvenile Justice and Delinquency Prevention Act (JJDP). This allows the facility to hold a delinquent juvenile up to 24 hours, excluding weekends and holiday. There are three core requirements that are looked at during our facility review. Those core requirements are Deinstitutionalization of Status Offenders (DSO), Removal of Juveniles for Adult Jail and Adult Lockups (Jail Removal), and Sight and Sound Separation.

The Lyon County Jail held or processed zero (0) juveniles during the federal fiscal year 2021. The findings are as follows: Based on the documentation reviewed, Lyon County had zero (0) violations of the JJDP act during the Lyon County inspection.

- Sight and Sound Separation: The facility design and policies allow for proper sight and sound separation. This includes the route taken to Court. The Lyon County Jail has a separate area designated for juveniles located off of the booking area. Juveniles have a separate entrance into the jail facility.
- The facility does not participate in any "Scared Straight" programs for any youth that are under public authority.
- Court holding- Lyon County does now have a secure court holding. The court rooms are time phased for juveniles to be taken first in the morning or last in the afternoon. This allows for proper sight and sound separation in the courtroom area from adult inmates.
- Policies- Lyon County updated the juvenile policies and they are clear and well written.

Report completed By: Jen Pfeifer – Senior Detention Facility Inspector

Signature:

