



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:

MCF-Red Wing

Address: 1079 Highway 292, Red Wing, MN 55066

MN Governing Rule: 2960 Children's Residential Facility

Inspection Type: Annual **Inspected By:** Lisa Becking – Senior Detention Facility Inspector **Inspected on:** 02/24/2020 to 02/28/2020

Inspection Method: This 5 full day inspection consisted of inspections of all physical plant buildings where residents have access, review of staff files, resident files, incident report review, logs and other pertinent documentation, interviews with staff and residents.

Officials Present During Inspection: Warden Shon Thieren; AWO Tammy Wherley; Associate Warden of Administration James Schaffer

Officials Present for Exit Interview: Captain Tom Pasch; Warden Shon Thieren; Associate Warden of Administration James Schaffer

Issued Inspection Report to: Warden Shon Thieren; AWO Tammy Wherley; Regional Manager Dayna Burmeister

RULE COMPLIANCE SUMMARY

Rule Chapter	Requirement Type	Total Applicable	Total Compliance	Total Non Compliance
2960	Mandatory	316	312	3

TERMS OF OPERATION

Authority to Operate: approval **Begins On:** 04/01/2020 **Ends On:** 03/31/2021 **Facility Type:** Secure Juvenile Detention/Residential Facility

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

Delinquent Juvenile Hold Approval: **Certificate Holder:** Minnesota Department of Corrections
1079 Highway 292
Red Wing, MN 55066

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	Pre 96 LTSR	Post 96 LTSR	Bed Details	Conditions
Interchangeable secure residential/detention	Male	27	100	27.00	0	0	Unit Name: MCF-RW - Dayton.	None.
Non-secure residential	Male	88	100	88.00	0	0	Unit Name: MCF-RW.	None.

RULE COMPLIANCE DETAILS

Chapter 2960 - Mandatory Rules Not In Compliance**Total: 3****1. 2960.0050 RESIDENT RIGHTS AND BASIC SERVICES. Subpart 1. Basic rights.**

A resident has basic rights including, but not limited to, the rights in this subpart. The license holder must ensure that the rights in items A to R are protected: A. right to reasonable observance of cultural and ethnic practice and religion; B. right to a reasonable degree of privacy; C. right to participate in development of the resident's treatment and case plan; D. right to positive and proactive adult guidance, support, and supervision; E. right to be free from abuse, neglect, inhumane treatment, and sexual exploitation; F. right to adequate medical care; G. right to nutritious and sufficient meals and sufficient clothing and housing; H. right to live in clean, safe surroundings; I. right to receive a public education; J. right to reasonable communication and visitation with adults outside the facility, which may include a parent, extended family members, siblings, a legal guardian, a caseworker, an attorney, a therapist, a physician, a religious advisor, and a case manager in accordance with the resident's case plan; K. right to daily bathing or showering and reasonable use of materials, including culturally specific appropriate skin care and hair care products or any special assistance necessary to maintain an acceptable level of personal hygiene; L. right of access to protection and advocacy services, including the appropriate state appointed ombudsman; M. right to retain and use a reasonable amount of personal property; N. right to courteous and respectful treatment; O. if applicable, the rights stated in Minnesota Statutes, sections 144.651 and 253B.03; P. right to be free from bias and harassment regarding race, gender, age, disability, spirituality, and sexual orientation; Q. right to be informed of and to use a grievance procedure; and R. right to be free from restraint or seclusion used for a purpose other than to protect the resident from imminent danger to self or others, except for the use of disciplinary room time as it is allowed in the correctional facility's discipline plan.

Inspection Findings:

H. right to live in clean, safe surroundings;

Resident bedroom walls are very dirty. Several rooms appeared to have dried spit on the walls. The wear and tear of the units from 75 teenagers takes its toll. The upgrade of the living areas, recreation and educational areas is essential and is a resident right.

Corrective Actions:

This campus needs a full-time painter and a paint budget. Once the entire campus is painted, this position could start all over again.

Response Needed By: 07/31/2020**2. 2960.0270 FACILITY OPERATIONAL POLICIES AND PROCEDURE REQUIREMENTS, SERVICES, AND PROGRAMS. Subpart 6.D.. Discipline plan.**

The license holder must have a discipline plan that includes the requirements in items A to F. D. Disciplinary room time must be used according to due process procedures reflected in the facility's discipline plan. The status of a resident placed in disciplinary room time after a due process hearing must be reviewed by the facility administrator or the administrator's designee at least once every eight hours. Each review of the need for continued disciplinary room time must be done according to the facility's due process system and must be documented.

Inspection Findings:

Each 8 hour review of DRT fails to document the need for continued disciplinary room time. Continuations of DRT are a standard and not based on residents cooperation and compliance with the DRT expectations.

Corrective Actions:

Due Process and Discipline plan is in the process of being re-written. The new plan will then be trained and followed.

Response Needed By: 07/31/2020**3. 2960.0710 RESTRICTIVE PROCEDURES CERTIFICATION. Subpart 8. Disciplinary room time use.**

Disciplinary room time must be used only for major violations and be used according to the facility's restrictive procedures plan. In addition to the restrictive procedures plan requirements in subpart 2, the license holder who uses disciplinary room time must meet the following requirements: A. the license holder must give the resident written notice of an alleged violation of a facility rule; B. the license holder must tell the resident that the resident has a right to be heard by an impartial person regarding the alleged violation of facility rules; and C. the license holder must tell the resident that the resident has the right to appeal the determination made by the impartial person in item B internally to a higher authority at the facility.

Inspection Findings:

Disciplinary Room Time currently fails to identify and address the mental health and trauma needs of all residents. DRT appears punitive and excessive for young, immature and potentially mentally challenged residents. Alternatives and a clear consistent process for DRT is missing.

Corrective Actions:

A new approach to DRT based on the needs and abilities for the population needs to be created. This new approach should assure trauma prevention and with behavioral health services occur.

Create a cap at maximum hours, and a cap on new DRT hours. Assure authentic 8 hour reviews are taking place and documenting why continued DRT is in the best interest of the resident. Also- equal and adequate educational services for residents while serving DRT needs to be addressed.

Response Needed By: 07/31/2020

Chapter 2960 - Mandatory Rules In Compliance With Concerns**Total: 1**

1. 2960.0080 FACILITY OPERATIONAL SERVICES, POLICIES, AND PRACTICES. Subpart 9.A.. Educational services.

The license holder must ensure that educational services are provided to residents according to items A to D, except where not applicable, due to the age of the resident or the resident's short stay in the facility. A. The license holder must facilitate the resident's admission to an accredited public school or, if the resident is home schooled or educated at a private school or school operated by the license holder, the school must meet applicable laws and rules. If the educational services are provided on the grounds of the facility, the license holder must: (1) arrange for educational programs that provide for instruction on a year round basis, if required by law; (2) get the approval of the education services from the Department of Education; and (3) cooperate with the school district.

Inspection Findings:

When residents are housed in the DSU- they do not appear to be attending school. When they do attend it appears that they are there for an hour or two. Apparently youth are refusing their education time on DSU. Is there a better incentive or an alternative to the secure classroom?

Corrective Actions:

Create a process in which ALL residents are provided school/classroom- maybe DRT youth should be attending school at the Walter Miginnis High School with their peers. Or in a separate classroom at the school where they have access to teachers and learning materials relevant for their studies.

Response Needed By:

INSPECTION COMMENTS

Sections of 2960 that are applicable to this facility include: Administrative Standards, Group Residential, Secure, Detention, Corrections, and Restrictive Procedures certifications. Inspection results are contained in the various sections of this report.

Positive changes continue to take place at MCF-Red Wing. The new administration has settled in and continues to strive for high expectations for staff including better documentation for performance based and best practices.

Significant improvements have been created in the area of Behavioral Health for all residents. A Behavioral Health specialist has been assigned to each of the cottages allowing individualized behavioral health services for each resident. This is new since the last inspection. Each resident continues also to have a case manager assigned to them. Also new is the process that allows residents to make initial contact with the Transition Team within a few weeks of admissions and then partake in groups throughout their placement. Residents report receiving a quality education at the Walter Maginnis High School with teachers that engage the students. Residents have access to religious, cultural and spiritual services. Daily programing and recreational opportunities are impressive. This team approach is having a positive impact on the residents.

There have also been changes to the Restrictive Procedures used with residents. Some techniques have been permanently removed.

Many residents on campus have experienced significant past trauma and abuse. Most residents have experienced 3 or more prior placements prior to coming to MCF-Red Wing. Some of these prior placements have added to the trauma experienced by this population. Many residents on campus struggle with mental health issues. Past practices that may have been successful with correction youth, can no longer be used if we are mindful of the needs, past trauma and abuse, and limitations of this current population. MCF-Red Wing understands that any additional trauma for residents while on this campus is not acceptable. A great deal of hard work has been put into change over the past two years. Staff and administration should be commended for this progress.

With that said, it may seem odd that the Inspection & Enforcement Unit is placing MCF-Red Wing on an "Annual Status" in the inspection cycle. Please do not perceive this as a failure or consequence. When inspecting MCF-Red Wing through the lens of the Children's Residential Facility (CRF) Rule 2960, which is a minimum standard, you are in compliance with most areas and do well in most areas. When we take a closer look at the process involved with the use of Disciplinary Room Time (DRT); how DRT is determined on campus, how residents physically are moved from the cottage, school or campus location to Dayton Secure Unit (DSU), the specifics of intake at DSU for DRT, the DRT hearings, the number of hours given for DRT during the hearing, and the eight hour reviews that are designed to return the resident back to regular programing. We also must look at and acknowledge that there are a number of residents that do not do well in the secure environment and digress when in DRT. When we break the process down, step by step, we are forced to ask ourselves, "how we can do better?" How can we do better for residents with past trauma? How can we do better for residents with significant mental health issues? And how can we do better for every resident? During this next year you are encouraged to take a very close look at the current practice and create a team approach for all services that are occurring outside of DSU and assure that residents have that same support and network of services inside DSU. This is the largest facility in MN that DOC licenses. We want to assure that every youth is seen as and treated as an individual while placed at MCF-Red Wing. The annual status is a way of being pro-active and identifying a mindful process that supports the beliefs and goals of MCF-Red Wing as well as the individualized needs of the residents. The Inspection & Enforcement Unit looks forward to providing any assistance needed during this process.

JJDPA Compliance

This federal compliance review is completed by staff at the Department of Public Safety.

Report completed By: Lisa Becking – Senior Detention Facility Inspector

Signature:

