



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:

Marshall County Jail

Address: 208 E Colvin Avenue, SUITE 1, Warren, MN 56762

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Annual **Inspected By:** Justin Roberts – Senior Detention Facility Inspector **Inspected on:** 09/20/2023

Inspection Method: Full Inspection- This was a comprehensive review that included the following areas facility tour, staff interviews, employee and resident file reviews, and related documentation reviews.

Officials Present During Inspection: Jail Administrator Mark Ellerbusch; Sheriff Jason Boman

Officials Present for Exit Interview: Jail Administrator Mark Ellerbusch

Issued Inspection Report to: Jail Administrator Mark Ellerbusch; Sheriff Jason Boman; Regional Manager Jacob McLellan; County Auditor Treasurer Scott Peters

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	127	116	10	1	92.13%	Compliance rating of 100%
2911	Essential	97	94	3	0	96.91%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: approval **Begins On:** 10/01/2023 **Ends On:** 09/30/2024 **Facility Type:** 90 Day Lockup

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

Delinquent Juvenile Hold Approval: 24 hrs exclusive of weekends and holidays **Certificate Holder:** Marshall County Sheriff's Office

Special Conditions:

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	15	86	12.90	None.	

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance

Total: 10

- 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:

The facility's staff have not received training on recognizing signs and symptoms of chemical dependency as required in the rule.

Corrective Actions:

The facility must complete recognizing signs and symptoms of chemical dependency training with all staff and submit documentation to the DOC inspector prior to October 31, 2023.

Response Needed By: 10/31/2023

2. 2911.2525 ADMISSIONS. Subpart 1. Policies and procedures.

A facility shall have written policies and procedures for processing new inmates to the facility to include, at a minimum, the following: A. obtaining and documenting available emergency medical information within two hours of admission; B. verification of court commitment papers or other legal documentation of detention. Verification shall include checking the date of admission, duration of confinement, and specific charges; C. a search of the inmate and the inmate's possessions; D. inventory and storage of the inmate's personal property; E. initial medical screening to include an assessment of the inmate's health status, including any medical or mental health needs; F. telephone calls made by the inmate during the booking and admission process and prior to assignment to other housing areas; G. shower and hair cleansing; H. issue of bedding, clothing, and personal hygiene items according to the rule requirements applicable to the anticipated length of stay of the inmate; I. photographing and fingerprinting including notation of identifying marks or unusual characteristics such as birthmarks or tattoos; J. interviewing to obtain the following identifying data: (1) name and aliases of person; (2) current address, or last known address; (3) health insurance information; (4) gender; (5) age; (6) date of birth; (7) place of birth; (8) race; (9) present or last place of employment; (10) emergency contact including name, relation, address, and telephone number; and (11) additional information concerning special custody requirements or special needs; K. initial classification of the inmate and assignment to a housing unit; L. an assigned booking number; and M. Social Security number, driver's license number, or state identification number, if available.

Inspection Findings:

The facility is not completing element "E" as required by rule and MN statute 641.15 Subd. 3a. The facility is utilizing the approved mental health screening form; however, the facility is not completing the referral process as required.

Corrective Actions:

Immediate action must be taken to implement a process that ensures the mental health screening and referral process is being completed. The facility must ensure all staff have been trained on the new process. Once completed, documentation must be submitted to the facility's DOC inspector for review.

Response Needed By: 10/31/2023

3. 2911.2525 ADMISSIONS. Subpart 4. Inmate personal property.

A facility shall have a written policy and procedure that: A. provides for the itemized inventory and secure storage of all personal property of a newly admitted inmate, including money and other valuables; B. specifies any personal property an inmate may retain in the inmate's possession; and C. provides that the inmate shall sign a receipt for all property held until release.

Inspection Findings:

The facility does inventory inmate's personal property; however, the facility is not having the inmates sign a receipt for the personal property inventoried.

Corrective Actions:

The facility must establish a process that requires all inmates to sign a receipt for the personal property inventoried. The facility must submit documentation once this process is in place and a copy of the signed receipt by October 31, 2023, for review.

Response Needed By: 10/31/2023

4. 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 registered dietitian has reviewed and documented the facility's menu contents; however, the letter does not document that the menu contents and cycle meet the requirements of rule 2911.3900.

Corrective Actions:

Immediate action must be taken to bring the facility into compliance with the rule. The facility must have a registered dietitian review and document that the facility's menu contents and cycle meet the requirements in rule 2911.3900. Documentation must be submitted to the facility's DOC inspector for review once completed.

Response Needed By: 10/31/2023

5. 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:

A review of well-being checks was conducted for multiple dates and times; the majority of the checks appear to meet the 30-minute requirement. However, there were three late checks documented on September 15, 2023, at 0805, 0838, and 0910 hours. Additionally, there was one late check documented on September 18, 2023, at 1505 hours.

Corrective Actions:

The facility must complete retraining with the facility's staff responsible for conducting well-being checks. The training must address completing well-being checks within the required 30-minutes and conducting them at a pace that allows for the observation of the inmates' well-being. Documentation that the retraining was completed must be submitted to the facility's DOC inspector for review.

Response Needed By: 10/31/2023

6. 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:

A facility shall be inspected at least daily for contraband, evidence of breaches in security, and inoperable security equipment, and shall document the inspection.

Corrective Actions:

The facility must continue to utilize the new form created by the jail administrator; the completed forms must be submitted to the DOC inspector weekly for review until November 30, 2023.

Response Needed By: 11/30/2023

7. 2911.5450 DANGEROUS MATERIALS.

A facility shall have a written policy and procedure that specifies that materials dangerous to either security or safety shall be properly secured. Storage and use of flammable, toxic, and caustic materials must be in accordance with all applicable laws and regulations of governing jurisdictions. The policy must cover control and use of tools and culinary and medical equipment.

Inspection Findings:

The facility is not maintaining SDS (Safety Data Sheets) forms for the cleaning chemicals that are provided and used by the inmates and staff.

Corrective Actions:

Immediate action must be taken to obtain and maintain SDS (Safety Data Sheets) forms for all cleaning chemicals provided and used by the inmates and staff.

Response Needed By: 10/31/2023

8. 2911.5550 LOCKS AND KEYS. Subpart 3. Regular testing.

Locks to security doors or gates shall be tested for proper function at least weekly to ensure proper operation.

Inspection Findings:

The facility has not been documenting weekly lock inspections as required in the rule.

Corrective Actions:

The facility must continue to utilize the new form created by the jail administrator; the completed forms must be submitted to the DOC inspector weekly for review until November 30, 2023.

Response Needed By: 11/30/2023

9. 2911.5800 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES. Subpart 3. Health care policy review.

Facility policy shall ensure that each policy, procedure, and program in the health care delivery system is reviewed and documented at least annually under the direction of the health authority and revised as necessary.

Inspection Findings:

The facility has not conducted and documented an annual medical policy and procedure review. The facility's health authority last completed and documented a review of the policies and procedures in August of 2022.

Corrective Actions:

Immediate action must be taken to bring the facility into compliance with the rule. The facility and the health authority must complete an annual review of the medical policies and procedures. The facility has until October 31, 2023, to complete this review and submit documentation to the facility's DOC inspector for review.

Response Needed By: 10/31/2023

10. 2911.7200 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE. Subpart 1. General.

A facility shall have a policy and procedure that provides that the facility shall: A. be kept in good repair to protect the health, comfort, safety, and well-being of inmates and staff; B. document weekly sanitation inspections; and C. document deficiencies from the weekly sanitation inspection, if any, have been ordered.

Inspection Findings:

The facility has not been documenting weekly sanitation inspections as required in the rule.

Corrective Actions:

The facility must continue to utilize the new form created by jail administrator; the completed forms must be submitted to the facility's DOC inspector weekly for review until November 30, 2023.

Response Needed By: 11/30/2023

Chapter 2911 - Essential Rules Not In Compliance**Total: 3**

1. 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:

The facility does not have a space to accomplish physical exercise or recreational activities. However, the facility is providing board games, puzzles, activity books, a library, and a tv in this space.

Corrective Actions:

The County is currently in the process of addressing this issue through remodeling and addition of the existing facility. The County must continue to proceed with these plans in order to avoid any further violations of this rule.

Response Needed By:

2. 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 has not been documenting the monthly inspection of equipment as required in the rule.

Corrective Actions:

The facility must continue to utilize the new form created by the jail administrator; the completed forms must be submitted to the facility's DOC inspector monthly for review until November 30, 2023.

Response Needed By: 11/30/2023

3. 2911.7300 FIRE INSPECTION. Subpart 4. Weekly inspection.

There shall be an applicable fire code and safety inspection of the facility at least weekly by a designated staff member.

Inspection Findings:

The facility has not been documenting the weekly fire inspection as required in the rule.

Corrective Actions:

The facility must continue to utilize the new form created by the jail administrator; the completed forms must be submitted to the facility's DOC inspector weekly for review until November 30, 2023.

Response Needed By: 11/30/2023

Chapter 2911 - Mandatory Rules In Compliance With Concerns**Total: 1**

1. 2911.0900 STAFFING REQUIREMENTS. Subpart 1. Staffing plan and staffing analysis.

The facility administrator shall prepare and retain a staffing plan. The staffing plan shall identify: A. jail personnel assignments for: (1) facility administration and supervisors; (2) facility programs including exercise and recreation; (3) inmate admission, booking, supervision, and custody; (4) support services including medical, food services, maintenance, and clerical; and (5) other jail-relevant functions such as escort and transportation of inmates; B. the days of the week that the assignments are filled; C. the hours of the day that the assignments are covered; and D. any deviations from the plan with respect to weekends, holidays, or other atypical situations must be considered. The facility administrator or designee shall review the facility's staffing plan at least once each year. The review shall be documented in written form sufficient to indicate that staffing plans have been reviewed and revised as appropriate to the facility's needs or referred to the facility' governing body for funding consideration. A facility with a design capacity of more than 60 beds must have a staffing analysis and staffing plan approved by the commissioner of corrections. This staffing analysis shall include all posts, functions, net annual work hours appropriate to each post, and total number of employees to fill the identified posts and functions.

Inspection Findings:

The facility does have a staffing plan in place; however, the staffing plan is missing elements "B" and "C" of the rule.

Corrective Actions:

The facility must update the staffing plan to meet all of the requirements in the rule.

Response Needed By:

INSPECTION COMMENTS

Physical Plant:

The facility is clean and appears well maintained for its age. However, the facility's design does not fit the needs of the County. Additionally, the dayroom/program space does not allow for physical activities and exercise.

According to the National Institute of Corrections, the average life expectancy of a jail facility operated 24 hours per day, seven days per week, is approximately 30 years, depending on usage. The Marshall County Jail was built in 1976 making it 47 years old. The County's elected officials are encouraged to continue discussions on a course of action to address long term public safety needs.

The Marshall County Jail will remain on an annual inspection status.

The Marshall County Jail has the right to request reconsideration of this correction order. Under Minnesota Statutes Section 241.021 subdivision 1e, any request for reconsideration does not stay any provision of this order. A request for reconsideration must:

- Be in writing;
- Be sent by certified mail to the Commissioner and postmarked no later than 30 calendar days after receipt of this order;
- Specify the parts of the order that are alleged to be in error;
- Explain why the violation is in error; and
- Include any supporting documentation to show why the order is in error.

Failure to follow these requirements will result in the loss of the right to request reconsideration. The timeline to seek reconsideration begins upon receipt of this order. Please send any request for reconsideration to:

Commissioner, Department of Corrections
ATTN: Inspection and Enforcement Unit
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108

JJDPA Compliance

On September 20, 2023, a Juvenile Justice and Delinquency Prevention (JJDP) Act Audit was conducted. A review of DOC Portal indicated that zero (0) juveniles were processed in the Marshall County Jail from October 1, 2022, to September 20, 2023. A review of data identified no violations.

DSO: No violations determined of the facility holding status offenders in the jail.

Jail Removal: No violations of the jail removal standard.

Sight and Sound Separation: The facility design and policies allow for proper sight and sound separation.

The facility does not participate in any "Scared Straight" programs for any youth that are under public authority.

Based on the documentation reviewed, zero (0) violations of the JJDP Act were identified during the Marshall County Jail inspection.

Report completed By: Justin Roberts – Senior Detention Facility Inspector

Signature: 
