



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:

Marshall County Jail

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

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Biennial **Inspected By:** Sarah Johnson – Senior Detention Facility Inspector **Inspected on:** 07/29/2020

Inspection Method: 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 Sherry Hill; 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	125	122	1	2	99.20%	Compliance rating of 100%
2911	Essential	95	91	3	1	96.84%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: conditional approval **Begins On:** 09/01/2020 **Ends On:** 08/31/2022 **Facility Type:** 90 Day Lockup
Placed on Biennial Status: Yes **Biennial Status Annual Compliance Form Due On:** 08/31/2021
Delinquent Juvenile Hold Approval: **Certificate Holder:** Marshall 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	15	86	12.90	None.	None.

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance**Total: 1**

1. 2911.6800 CONTROL. Subpart 1. Records.

Records of receipt, the quantity of the drugs, and the disposition of all prescription medications shall be maintained in detail to enable an accurate accounting.

Inspection Findings:

With the current medication system Marshall County uses, there is not a procedure in place for accurate accounting of all prescription medications.

Corrective Actions:

Create a system of accountability for all prescription medications. It is recommended to have staff complete a scheduled pill verification count to verify the correct medication count on all prescription medication. Notify staff in the change in procedures for medication accountability. Submit documentation of new medication procedures to the Department of Corrections for review.

Response Needed By: 09/15/2020**Chapter 2911 - Essential Rules Not In Compliance****Total: 3**

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:

The facility does not serve a notice of violation in writing to inmates when they are in violation of facility rules, they are notified verbally. They also do not provide disciplinary hearing findings in writing to inmates after a hearing, it is done verbally as well.

Corrective Actions:

Create a notice of violation form to serve to inmates that have violated facility rules. Include the right to have a hearing and the right to waive the hearing. Create a disciplinary hearing notice form to serve to inmates after they receive a disciplinary hearing. Notify staff in the change in procedures. Submit corrective act to the Department of Corrections for review.

Response Needed By:

2. 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:

Recreational space in the jail is not adequate to serve the inmate population.

Corrective Actions:

This is a physical plant constraint and cannot be remedied without a major remodel to the jail. No further action is required at this time.

Response Needed By:

3. 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 conduct a monthly security equipment check but the security equipment is not inventoried.

Corrective Actions:

It is recommended the security equipment be inventoried and checked for condition. Documentation should be kept for verification purposes.

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

1. 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 facility does a formal count at the beginning and end of each shift and then does formal counts randomly throughout the shift.

Corrective Actions:

Make sure a formal count is conducted for the facility every 8 hours, not randomly. This should be documented on the daily log for verification purposes. Also, the post orders will need to be updated to reflect the change in formal counts. Notify staff of the change in formal count procedures as well.

Response Needed By:

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 completes daily inspections, but they are not documented that they were completed.

Corrective Actions:

Document all daily cell inspections on the daily jail log for verification purposes. It is recommended to add the daily inspections for the post orders.

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

1. 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:

The post orders are good and in detail but staff do not review them annually as required.

Corrective Actions:

Have staff review, sign and date applicable post orders annually or as needed for revisions.

Response Needed By:**INSPECTION COMMENTS**

The jail was reclassified as a Class II 90 Day Lockup and the facility is doing well under the new classification.

The facility has done an excellent job of maintaining separation during the COVID pandemic and has sustained a manageable inmate population.

This facility will stay on a biennial status.

JJDPA Compliance

Compliance Report for the Monitoring Facilities Pursuit to the Juvenile Justice and Delinquency Prevention Act of 2002.

On July 29th 2020, a Juvenile Justice and Delinquency Prevention Act audit was conducted. The Marshall 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 holidays. 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.

According to the Statewide Supervision System, the Marshall County Jail held or processed no juveniles during the federal fiscal year 2020. The Marshall County jail does not hold juveniles per their policy.

DSO: I did not find any violations for the DSO standard.

Jail Removal: No violations for jail removal.

Sight and Sound Separation: No violations were found. There is a holding cell that is sight and sound separated.

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

Court Holding - Nonsecure.

Based on the documentation that I reviewed, there where zero violations for the Marshall County Jail audit for 2020.

Report completed By: Sarah Johnson – Senior Detention Facility Inspector

Signature:

