



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
Telephone: 651-361-7146 Fax: 651-642-0314 Email: ie-support.doc@state.mn.us

INSPECTION DETAILS FOR:

Martin County Jail

Address: 201 Lake Avenue, Fairmont, MN 56031

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Annual **Inspected By:** Jen Pfeifer – Detention Facility Inspector **Inspected on:** 04/01/2019 to 05/31/2019

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

Officials Present During Inspection: Sheriff Jeff Markquart

Officials Present for Exit Interview:

Issued Inspection Report to: Sheriff Jeff Markquart; County Administrator Scott Higgins; 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 | 125 | 117 | 6 | 2 | 95.20% | Compliance rating of 100% |
| 2911 | Essential | 102 | 98 | 3 | 1 | 97.06% | Compliance rating of 90% |

TERMS OF OPERATION

Authority to Operate: conditional approval **Begins On:** 05/01/2019 **Ends On:** 04/30/2020 **Facility Type:** Jail
Placed on Biennial Status: No **Biennial Status Annual Compliance Form Due On:**
Delinquent Juvenile Hold Approval: 6 hrs **Certificate Holder:** Martin 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 | 32 | 80 | 25.60 | None. | None. |

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance

Total: 6

- 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:

Classification forms are not being completed by all officers.

Corrective Actions:

Ensure that the process for classification is consistent with all officers. This process must be completed to ensure the safety of inmates and staff in the facility.

Response Needed By: 07/31/2019

2. 2911.5000 POST ORDERS; FORMAL INMATE COUNT; WELL-BEING CHECKS. Subpart 4. Counting.

A facility shall have a written policy describing the system of counting inmates. Formal counts shall be completed with an official entry made in the daily log at least once each eight hours. The facility shall maintain a system that identifies the whereabouts of all inmates in custody and includes a system of accountability for inmates approved for temporary absences from their assigned housing units. A written policy and procedure shall provide that staff regulate inmate movement.

Inspection Findings:

Formal counts are not being completed every eight hours. Review of camera footage showed at times this was not being done at all in a twenty-four hour period.

Corrective Actions:

Formal counts are to be conducted once every eight hours. This count is to be documented in the daily log.

Response Needed By: 07/31/2019

3. 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:

When staff are completing well-being checks in units H and I, they are not always going into the linear day spaces to personally observe inmates. They are observing them from the door window or the outer hallway.

It was also noted that when well-being checks are being conducted from the catwalk, the correctional staff are not always viewing inmates and stop short of being able to see the entire cell. It was also noted that well-being checks are being completed too fast and were at times over the 30 minute time frame allowed by the rule.

Corrective Actions:

Ensure that all well-being checks are being conducted according to the rule and that if a well-being check is late that the staff are documenting the reason. A review of jail logs and video by the Jail Administrator or designee is recommended.

Response Needed By: 07/31/2019

4. 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:

Weekly lock inspections are not being completed.

Corrective Actions:

Lock inspections shall be completed and documented weekly.

This was discussed with the Assistant Jail Administrator at the time of the inspection. I am confident with the new process in place that moving forward these inspections will be completed as required.

Response Needed By: 07/31/2019

5. 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:

Sanitation inspections were not completed or documented.

Corrective Actions:

This was discussed at the time of the inspection. Changes have been implemented since the time of the inspection and I am confident these will be completed as required prior to the next inspection.

Response Needed By: 07/31/2019

6. 2911.7200 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE. Subpart 2. Maintenance plan.

A written housekeeping plan for all areas of the physical plant shall provide for daily housekeeping and regular maintenance by assigning specific duties and responsibilities. Facility floors are kept clean, dry, and free of hazardous substances. A written policy and procedure shall establish the following requirements: A. weekly sanitation inspections of all institution areas by a designated staff member; and B. there is documentation that deficiencies, if any, have been corrected.

Inspection Findings:

Weekly inspections have not been completed. There is also little in place for preventive maintenance.

Corrective Actions:

This was discussed along with the other required inspections. Changes were made prior to this report.

Response Needed By: 07/31/2019

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 space for recreation is adequate for smaller groups of inmates but at this time it is not being used for any type of active recreation.

Corrective Actions:

There is no space available in the facility to increase the size of recreational space without a major remodel or new construction.

Response Needed By:

2. 2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES. Subpart 4. Reporting of unusual occurrences.

Incidents of an unusual or serious nature shall be reported within ten days of the incident in writing to the Department of Corrections in the format required by the department. The reports shall include the names of persons involved, staff and inmates, nature of the unusual occurrence, actions taken, and the date and time of the occurrence. Unusual occurrences requiring reporting to the DOC include such occurrences as: A. attempted suicide; B. suicide; C. homicide; D. death, by means other than suicide or homicide; E. serious injury or illness subsequent to detention including incidents resulting in hospitalization for medical care; F. hospitalization associated with mental health needs; G. attempted escape or escape from a secured facility; H. incidents of fire requiring medical treatment of staff or inmates or a response by a local fire authority; I. riot; J. assaults of one inmate by another that result in criminal charges or outside medical attention; K. assaults of staff by inmates that result in criminal charges or outside medical attention; L. injury to inmates through response to resistance by staff controlling inmate behavior; M. occurrences of infectious diseases and action taken relative to same when a medical authority has determined that the inmate must be isolated from other inmates; and N. reporting of all notices of intent to file litigation against the facility resulting from matters related to the detention or incarceration of an inmate; O. sexual misconduct, such as inmate on inmate, staff on inmate, and inmate on staff; and P. use of sexual materials, electronic media for sexual purposes, or both. In the event of an emergency such as serious illness or injury where death may be imminent, individuals designated by the inmate shall be notified. Permission for notification, if possible, shall be obtained from the inmate.

Inspection Findings:

No incidents have been reported to the Department of Corrections since September 2018.

Corrective Actions:

Incidents that are required to be reported are outlined in the rule listed A-O and should be reported within 10 days. This requirement was discussed with the Assistant Jail Administrator.

Response Needed By: 07/31/2019

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:

Weekly fire inspections have not been completed weekly.

Corrective Actions:

This was discussed at the time of the inspection and changes were made prior to this report.

Response Needed By: 07/31/2019

Chapter 2911 - Mandatory Rules In Compliance With Concerns

Total: 2

1. 2911.0300 INTENDED USE AND NONCONFORMANCE WITH RULES Subpart 2. Nonconformance, unsafe, unsanitary, or illegal conditions.

When conditions do not substantially conform or where specific conditions endanger the health, welfare, or safety of inmates or staff, the facility's use is restricted pursuant to Minnesota Statutes, section 241.021, subdivision 1, or legal proceedings to condemn the facility will be initiated pursuant to Minnesota Statutes, section 641.26 or 642.10.

Inspection Findings:

See Physical Plant Concerns.

Corrective Actions:

It is still strongly recommended that the elected officials of Martin County and Jail Administration consider the planning for the future public safety needs of Martin County.

Response Needed By:

2. 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:

Currently the jail has an emergency plan but it does not reflect current practice or include all elements listed in A-F.

Corrective Actions:

Update policy to reflect current practice in the facility to include all elements listed in the rule.

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:

Although staff are receiving the required number training hours, training is overdue in the areas of suicide risks and precautions, vulnerable inmates, and diversity training.

Corrective Actions:

It is recommended that the facility incorporate all necessary and relevant training to its yearly plan. Rotate trainings regularly to provide staff with required trainings. Emergency evacuation drills, man down, and inmate death drills should also be added to the training plan.

Response Needed By:

INSPECTION COMMENTS

Physical Plant Concerns:

The Martin County Jail was built in 1974 and the life expectancy for a facility this size is on average 25 years. Double bunking has also reduced the life expectancy of this facility with added use. The majority of physical plant deficiencies have been documented in past inspection reports and cannot be resolved without the planning of a new jail facility. The concerns are listed below:

- 1) There is a strong concern with the route the staff members take to escort an inmate to court. The route taken presents significant safety concerns due to inmates' being escorted in unsecure public areas with no camera coverage which may negatively affect the safety and security of the facility. It is recommended additional camera coverage be added to monitor the route taken to court. Staff members would then have someone watching if a problem arose while escorting someone to court.
- 2) The security electronics in the control room have not been updated and are antiquated and it has become increasingly difficult to find replacement parts.
- 3) The communication system is obsolete and only allows staff to address the inmates. If an inmate would need a jail staff member, they have to either knock on the door or use the kiosk.
- 4) The plumbing throughout the jail is showing its age. Replacement parts will continue to be problematic to find. Plumbing is an ongoing maintenance concern.
- 5) The locks are outdated and replacement parts are hard to find.
- 6) The jail is not A.D.A. compliant. Any inmate with physical disabilities needs to be housed in another facility.
- 7) G cell, this is the isolation cell that is used when a person is brought in and is uncooperative or aggressive. The door to this cell blocks the hallway and makes it difficult for staff to enter this cell. It is recommended the door be changed to a sliding door which would allow staff to enter safely.
- 8) Recreation and program space is limited for their inmate population.

Most notable from a physical plant standpoint is the lack of support space and poor sight lines. The recreation space and program space that is available no longer meets the needs of the facility population. The lack of visibility into the day spaces and living units makes the physical plant staff intensive.

Classification and Separation of Inmates:

All female, maximum security, and special management inmates have been boarded out of the Martin County Jail as of July 1st, 2010. Only minimum and medium/medium high custody inmates are currently allowed to be held at the Martin County Jail. Special management inmates can be housed if they are not also maximum custody and they can still maintain proper separation and classification. Boarding out females, maximum custody and special needs inmates has alleviated some of the classification and operational issues that Martin County faces. Females are not to be held in the area designated for juvenile bookings.

Due to the physical plant, classification, and separation concerns at this facility, it is strongly suggested that the elected officials of Martin County address future public safety needs for this facility. It continues to be the recommendation of the inspector that the Martin County Jail be reduced to a 90 day facility.

The Martin County Jail will remain on annual inspections.

JJDPA Compliance

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

On April 24,2019, a Juvenile Justice and Delinquency Prevention Act audit was conducted for Martin County. Martin County had previously lost the ability to hold juveniles securely in 2008 due to poor separation from adults and inadequate monitoring space for juveniles. In December 2010, Martin County had regained the ability to hold delinquent juvenile in a secure setting. The juvenile hold ability is limited to 6 hours before and 6 hours after a delinquent juvenile is brought to court.

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. Martin County held 22 juveniles in a secure setting for the federal fiscal year 2019. Martin County does not process juveniles through the Statewide Supervision System, all juvenile records are kept on a juvenile record log. All data entries on the log were reviewed. The findings are as follows:

Deinstitutionalization of Status Offenders (DSO): I did not find any violations of the facility holding status offenders in the jail.

Jail Removal: The jail has three violations for holding juveniles under the age requirements set by Minnesota Statutes.

Sight and Sound Separation: The conference room location allows for proper sight and sound separation from adults. The route taken to court holding is questionable due to the public visibility. The only route available is through the open lobby and outside to the courthouse, no other alternative routes are available.

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

Court Holding: Martin County does not have secure holding in the court house.

Based on the documentation that I reviewed, Martin County had three violations of the JJDP Act.

Report completed By: Jen Pfeifer – Detention Facility Inspector

Signature: _____

Jennifer Pfeifer