



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:

Rice County Jail

Address: 118 NW Third Street, PO BOX 158, Faribault, MN 55021

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Biennial **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: Jail Administrator Jake Marinenko

Officials Present for Exit Interview: Jail Administrator Jake Marinenko; Sheriff Troy Dunn

Issued Inspection Report to: Jail Administrator Jake Marinenko; Sheriff Troy Dunn; County Administrator Sara Folsted; 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	123	3	0	97.62%	Compliance rating of 100%
2911	Essential	101	96	4	1	96.04%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: conditional approval **Begins On:** 05/01/2019 **Ends On:** 04/30/2021 **Facility Type:** Jail

Placed on Biennial Status: Yes **Biennial Status Annual Compliance Form Due On:** 04/30/2020

Delinquent Juvenile Hold Approval: 24 hrs exclusive of weekends and holidays **Certificate Holder:** Rice 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
Minimum secure	Coed	36	100	36.00	Minimum secure beds located outside of the secure perimeter at 2119 Hwy 60 W.	None.
Secure	Coed	35	80	28.00	Located at 118 NW 3rd Street.	None.

RULE COMPLIANCE DETAILS

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

1. 2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES. Subpart 2. Quarterly review of emergency procedures.

There shall be a review of emergency procedures once every three months. The review shall include: A. assignment of persons to specific tasks in case of emergency situations; B. instructions in the use of alarm systems and signals; C. systems for notification of appropriate persons outside the facility; D. information on the location and use of emergency equipment in the facility; E. specification of evacuation routes and procedures; and F. that the review be documented and require signature or initialing by all staff.

Inspection Findings:

There was no documentation that quarterly review of the emergency procedures were completed.

Corrective Actions:

Ensure that all emergency procedures are reviewed every three months. These reviews must be documented including a signature or initial by all staff.

Response Needed By: 09/01/2019

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 does not complete a daily inspection for contraband, evidences in breaches in security, and inoperable security equipment.

Corrective Actions:

It is imperative that all aspects of the jail are being checked for breaches in security and contraband, especially in inmate cells where they have the ability and time to create breaches in security. Inform staff of the change in daily procedures. Add daily inspections to the post orders. All daily inspections need to be documented for verification purposes. This was noted in the last inspection.

Notify the Department of Corrections of the daily inspection procedures.

Response Needed By: 09/01/2019

3. 2911.5300 SEARCHES, SHAKEDOWNS, AND CONTRABAND CONTROL. Subpart 5. Delivery inspection.

Materials delivered to or transported from the facility's security perimeter shall be inspected for contraband prior to distribution.

Inspection Findings:

A review of well-being checks shows several checks to be in excess of the 30 minutes required by the rule. Checks are also done too fast and done outside of the housing unit.

Corrective Actions:

It is recommended that all staff be re-trained on the importance of well-being checks. It is also recommended that an auditing system be put in place to audit well-being checks. The facility should be documenting discrepancies and what action was taken.

Response Needed By: 09/01/2019

Chapter 2911 - Essential Rules Not In Compliance**Total: 4**

1. 2911.3100 INMATE ACTIVITIES AND PROGRAMS. Subpart 1. Written plan.

A facility administrator or designee shall have and implement a written plan for the constructive scheduling of inmate time. The plan shall: A. identify programs offered in the facility and when the programs are offered; B. identify persons conducting the program and whether or not the persons are facility staff, external community resources under contract, or volunteers; C. be consistent with established legal rights of inmates, type and status of inmates detained in the facility, and rule requirements associated with the facility's classification; D. provide inmates with the option to refuse to participate in facility programs, except work assignments and programs required by statute or court order; E. when males and females are housed in the same facility, provide comparable opportunities for participation in programs and services; and F. require documentation of programs offered and inmates participating in programs.

Inspection Findings:

Currently the jail has the assistant administrator and one part-time program person. This is not enough given the size of the jail.

Corrective Actions:

Create a written program plan that identifies letter A-F of the rule. Submit to the Department of Corrections a plan for addressing future program needs in the facility.

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:

The recreational space is limited and cannot meet the needs of the inmate population for active recreational activities. This is a physical plant issue and it does not appear the facility can comply with the rule without a renovation to the facility.

Corrective Actions:

There is no corrective action at this time. The only way to increase the space is through a facility addition.

Response Needed By:

3. 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:

Special incidents have not been reported to the Department of Corrections since September 11, 2018.

Corrective Actions:

Ensure that all special incidents outlined in the rule are being reported to the Department of Corrections. Submit all incidents that qualify under the rule from September 11, 2018 to the present. This was noted in the last inspection.

Response Needed By: 09/01/2019

4. 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 are not being completed.

Corrective Actions:

Endure that fire inspections are being completed as required.

Response Needed By: 07/31/2019

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:

Well-being checks were not included in the post orders.

Corrective Actions:

As discussed at the time of the inspection it is recommended that well-being checks be added to all of the post orders.

Response Needed By:

INSPECTION COMMENTS

Classification and Separation:

Proper classification and separation of inmates is an ongoing management issue for Rice County. The annex facility is designed for work release, STS and minimum security inmates only, and many of the inmates classified at the jail are not appropriate to be housed at the annex. Rice County Jail continues to house inmates out of county to be able to properly classify and separate inmates. Rice County will have to stay diligent in keeping inmates properly classified and separated and will have to continue to board inmates out, even with bed space available at the jail and annex. It is recommended that the county officials of Rice County begin researching ways to address these physical plant constraints.

The jail does not have a full-time program person and duties are being split between a part-time programs person and the assistant jail administrator. There is no recreational space for programs. It is recommended that a full-time program person be hired.

Program Space:

The facility lacks adequate program space for the population. This has been an ongoing issue for many years. Coupled with lack of educational programming, the lack of space continues to be one of the more significant concerns related to the operation of the facility. Research has shown that programs, whether educational, vocational, or recreational, help to reduce negative inmate behavior, as well as helping to reduce recidivism.

Well-being checks reviewed were in excess of the thirty minutes allowed by the rule. Well-being checks were completed at a pace that leaves to question whether or not the well-being of the inmates could be verified.

It is recommended that all staff be retrained on the importance of well-being checks and the required elements in the rule. This training must also be documented and submitted to the Department of Corrections for review. This was noted in the last inspection.

It is also recommended that a system be established to audit well-being checks on a regular basis. These audits should document discrepancies and what follow up was taken to address them.

Due to the on lack of programming and recreational space it will be recommended to the Commissioner of Corrections that the Rice County jail be reduced to a 90 day lock up facility.

The jail will remain on annual inspections at this time.

JJDPA Compliance

On April 23, 2019, a Juvenile Justice and Delinquency Prevention Act audit was conducted. The Rice County Jail has a unique juvenile holding arrangement for juveniles. The Jail has two holding cells and the county also has a holding area outside the secure perimeter of the jail called West Holding which can be secure or nonsecure, depending if the juvenile is a status offender.

Rice County 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.

According to the Statewide Supervision System, the Rice County Jail held or processed zero (0) juveniles during the federal fiscal year and two juveniles in West Holding. The findings are as follows:

DSO: I did not find any violations of the facility holding status offenders in the jail. The Rice County Jail does not hold juveniles, they book and release only. Juveniles are brought into the jail for book and release only if the court terminal is not functioning.

Jail Removal: Files and Statewide Supervision System data indicate that any children brought into the jail and West Holding were removed well within the 24 hour time frame allowed per the "Rural Exception."

Sight and Sound Separation: The facility design and policies allow for proper sight and sound separation. This includes the route taken to court holding. Policies and the court schedule also indicate proper sight and sound separation are maintained.

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

Court Holding: The Court holding cells for Rice County provide sight and sound separation from adults. Policies dictate that juveniles and adults are not transported or held together in court holding.

Policies for the jail and West Holding are complete.

Based on the documentation that I reviewed, I did not find any violations of the JJDP Act during the Rice County inspection.

Report completed By: Jen Pfeifer – Detention Facility Inspector

Signature: _____

Jennifer Pfeifer