



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:

Winona County Jail

Address: 201 W Third Street, Winona, MN 55987

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Annual **Inspected By:** Jen Pfeifer – Senior Detention Facility Inspector **Inspected on:** 02/21/2023

Inspection Method: Inmate and staff file review, facility tour including exterior, related documentation reviews, and recorded camera footage.

Officials Present During Inspection: Jail Administrator Steve Buswell

Officials Present for Exit Interview: Jail Administrator Steve Buswell; Sheriff Ron Ganrude

Issued Inspection Report to: Jail Administrator Steve Buswell; Sheriff Ron Ganrude; County Administrator Maureen Holte; 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	110	14	2	88.89%	Compliance rating of 100%
2911	Essential	100	95	5	0	95.00%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: approval **Begins On:** 04/01/2023 **Ends On:** 03/31/2024 **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:** Winona County Sheriff's Office

Special Conditions: The facility is operating as a 72-hold facility until construction is completed.

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	83	90	74.70	None.	2/21/23-The facility is operating as a 72-hour hold facility.

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance

Total: 14

- 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:

Lack of good sight lines, poor lighting, aged infrastructure, lack of proper storage space, lack of recreation space, lack of program space, no intercom system, no laundry, no kitchen, an undersized booking room, security garage and visitation area, as well as a need for additional cameras have made this facility labor intensive to operate and is clearly not meeting the needs of Winona County.

Corrective Actions:

The facility is currently undergoing construction.

Response Needed By: 07/31/2023

2. 2911.2500 SEPARATION OF INMATES. Subpart 1. General.

A combination of separate housing units inclusive of special management areas, general population, and minimum security areas and cells, dormitories, and dayroom spaces shall be provided to properly segregate inmates pursuant to Minnesota Statutes, section 641.14. The facility shall provide for the separate housing of the following categories of inmates: A. female and male inmates; B. community custody inmates such as work release or sentencing to service; C. inmates requiring disciplinary segregation; D. inmates requiring administrative segregation; E. juveniles who do not meet Minnesota statutory requirements for placement with adults; F. special management, general population, and minimum security inmates as considered appropriate to the facilities design intent and classification system; and G. inmates classified as mentally ill or special needs inmates in a manner consistent with Minnesota Statutes, section 253B.05.

Inspection Findings:

Due to the design of the facility there are no specified areas for inmates with special management needs.

Corrective Actions:

The design and layout of the current facility is not sufficient to classify and provide safe and secure housing for those inmates with special needs. This creates a safety concern for both staff and inmates. When separation cannot be achieved, the facility will need to find alternative facility's to house this population during current construction.

Response Needed By: 07/31/2023

3. 2911.2525 ADMISSIONS. Subpart 2. Privacy.

Intake procedures dealing with information protected by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, shall be conducted in a manner and location that assures the personal privacy of the inmate and the confidentiality of the transaction from unauthorized personnel.

Inspection Findings:

The facility is unable to protect the privacy of the inmates and the confidentiality of information given due to the layout of the intake area.

Corrective Actions:

The current plans for construction include an intake area sufficient to become in compliance with this rule.

Response Needed By: 07/31/2023

4. 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:

There is not a place for secure storage for an inmates property. All property is stored in an unsecured area.

Corrective Actions:

Inmate property shall be stored in a secured area and a new property storage area is being address in the plans for the new facility.

Response Needed By: 07/31/2023

5. 2911.3200 INMATE VISITATION

The facility administrator or designee shall develop and implement an inmate visiting policy. The policy shall be in writing and include: A. attorney/client interviews allowed in a manner consistent with Minnesota Statutes, section 481.10; B. a schedule of visiting hours that includes the days and times for visits that includes visits during the normal business day, and evenings or weekends; C. establishment of a uniform number of permissible visits and the number of visitors permitted per visit; D. that an adult inmate be permitted an initial visit with a member or members of the inmate's immediate family at the next regularly scheduled visiting period; E. that all facilities schedule a minimum of eight visiting hours per week: (1) a minimum of three separate and distinct visiting days per week; and (2) 20 minutes' duration minimum for each visit unless the number of persons attempting to visit exceeds the facility's ability to meet this requirement, or the inmate's behavior dictates a need to terminate a visit earlier; F. allowed visits for identified members of an inmate's immediate family; G. when a visit to an inmate is denied for reasonable grounds on the belief that the visit might endanger the security of the facility, the action and reasons for denial shall be documented; H. that visitors register, giving names, addresses, and relationship to inmate; I that any area used for inmate visiting may be subject to audio monitoring, recording, or both. The facility shall use signs and the inmate handbook to inform the inmate about audio monitoring and recording. Professional visits not be audio recorded, unless a court order has been issued; J. that policies for parents, guardians, and attorneys visiting juveniles are unrestrictive as administratively possible and the initial visit of a juvenile by parents, guardians, and attorneys be permitted at any time; K. picture identification of visitors be required for identification purposes; L. that juvenile children be allowed to visit parents, regardless of age, as deemed appropriate by the parent or guardian accompanying the child and when a dispute over children visiting occurs between the inmate and the parent or legal guardian, the inmate be referred to the court for resolution; and M. facility policy and procedures setting forth criteria for authorized friend visiting.

Inspection Findings:

There is currently no visiting on-site at the facility. All visiting is completed by phone or by iPad. All visiting currently offered is at a cost to the inmates.

Corrective Actions:

The jail must prepare a plan for visiting until such time as all inmates are moved to the new facility. This plan must be submitted for approval to the Department of Corrections by 03/31/2023.

Response Needed By: 03/31/2023

6. 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:

An emergency evacuation drill has not been conducted by the facility within the last year.

Corrective Actions:

Conduct an emergency evacuation drill and submit to the Department of Corrections by 12/31/2023.

Response Needed By: 12/31/2023

7. 2911.3900 DIETARY ALLOWANCES. Subpart 1. Generally.

Nutritional needs of adult inmates, and juvenile inmates housed in an adult facility, shall be met in accordance with inmate needs or as ordered by a medical professional, and meet the dietary allowances contained in this part which are based upon 2005 MyPyramid guidelines for a weekly 2,400 calories per day and meeting the 2002 Dietary Reference Intakes. A facility governed by this chapter shall have menu planning sufficient to provide each inmate the specified food servings per day contained in subparts 2 to 7.

Inspection Findings:

Meal being served do not meet the nutritional requirements in the rule.
Meals are being pre-packaged by the vendor and kept frozen until the facility is able to heat them up. These meals do not follow the approved menus.

Corrective Actions:

The facility shall work with the vendor to ensure that all meals served are meeting the nutritional requirements in the rule. The facility must notify the Department of Corrections by April 30, 2023, of changes made.

Response Needed By: 04/30/2023

8. 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:

Menus have been signed by the vendor, however no letter by a registered dietician approving the menus was provided.

Corrective Actions:

Obtain a letter from a registered dietitian approving the menus provided by the vendor. The letter shall include language that the menus comply with the requirements under the Chapter 2911.3900 rule. Submit the letter to the Department of Corrections by March 31, 2023.

Response Needed By: 03/31/2023

9. 2911.4600 MENU RECORDS.

All menus shall be planned, dated, and available for review at least one week in advance. Notations shall be made of any substitutions in the meals actually served, and substitutions shall be of equal nutritional value.

Inspection Findings:

Substitutions to approved menus are not being documented.

Corrective Actions:

Ensure that all substitutions by the vendor are being documented.

Response Needed By: 03/31/2023

10. 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:

Well-being checks were found to be on-time, but checks were done at too fast a pace to ensure the well-being of the inmate.

Corrective Actions:

The facility has a well-established audit process in place. Facility administration shall re-train staff in the importance of ensuring the safety and well-being of each inmate in every cell each time a check is completed. Documentation of training shall be submitted to the Inspector by March 31, 2023.

Response Needed By: 03/31/2023

11. 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:

Daily Inspections are not being logged as being completed.

Corrective Actions:

Ensure that the facility is inspected daily for contraband, breeches in security and inoperable security daily and that the inspection is documented.

Response Needed By: 03/31/2023

12. 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:

Medical sharps are not accounted for on the medication cart.

Corrective Actions:

Ensure that all medical sharps are inventoried and accounted for daily on the medication cart.

Response Needed By: 03/01/2023

13. 2911.6500 STORAGE. Subpart 6. Needles and other medical sharps.

There shall be a written policy and procedure for the control and disposal of medical sharps and supplies. Medical sharps and supplies when used or stored in inmate housing areas shall be accounted for and secured in a locked area.

Inspection Findings:

Medical sharps are not being accounted for on the medication cart. Lancets were found loose in the medication cart.

Corrective Actions:

Essure that all sharps in the medication cart are accounted for and inventoried to ensure accurate accounting.

Response Needed By: 03/01/2023

14. 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:

There is no documentation of the disposition of medication that has been destroyed. In addition, counts of prescription was not accurate when audited the day of the inspection.

Corrective Actions:

Create a log to document all medication that has been destroyed or disposed of. The facility inspector will follow-up with the facility on-site to ensure compliance with disposed and currently in use medications.

Response Needed By: 03/31/2023**Chapter 2911 - Essential Rules Not In Compliance****Total: 5****1. 2911.0330 APPROVED CAPACITY. Subpart 2. Approved bed capacity.**

Approved bed capacity, excluding holding areas and beds designed for disciplinary or administrative segregation purposes, shall be based on the following criteria: A. single occupancy cells shall provide a minimum of 70 square feet of floor space per inmate; B. single occupancy cells or detention rooms in facilities used for detention or confinement of inmates prior to May 15, 1978, shall provide a minimum of 50 square feet of floor space per inmate; C. dormitories shall provide a minimum of 60 square feet of floor space per inmate; and D. double occupancy cells shall provide a minimum of 70 square feet of floor space.

Inspection Findings:

Current construction standards require 70 square feet per inmate in dormitories. The square footage in both of the upstairs dormitory housing units does not meet this standard.

Corrective Actions:

**There is no corrective action at this time.
The County is currently undergoing construction.**

Response Needed By: 07/31/2023**2. 2911.2800 ADMINISTRATIVE SEGREGATION. Subpart 2. Separate and secure housing.**

Administrative segregation shall consist of separate and secure housing, but shall not involve any more deprivation of privileges than is necessary to obtain the objective of protecting the inmate, staff, or public.

Inspection Findings:

There is no designated area for this population of inmates.

Corrective Actions:

**Because of the design of building, there are limited options for separate and secure housing for those inmates needing separation.
Until such time, as a plan is in place for addressing this population inside the facility, inmates on any type of segregation status must be boarded out of county.**

Response Needed By: 07/31/2023**3. 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:

There is no space available for active recreation.

Corrective Actions:

There is no corrective action required at this time and is being addressed in the design of the new facility.

Response Needed By: 07/31/2023

4. 2911.4900 SECURITY INSPECTION.

The facility shall have a written policy and procedure to require the facility administrator or designee to inspect all areas within the security perimeter, and equipment at least monthly and initiate corrective action if needed.

Inspection Findings:

Security inspections are not being completed monthly.

Corrective Actions:

Although fire and sanitation inspections are being completed weekly, areas required in this section are not included in the inspection checklist.

Response Needed By: 03/31/2023

5. 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:

Post Orders have not been signed off on by correctional staff.

Corrective Actions:

Ensure that all post orders are reviewed and signed off by staff on an annual basis. Submit documentation to the Inspector by April 28, 2023.

Response Needed By: 04/28/2023**Chapter 2911 - Mandatory Rules In Compliance With Concerns****Total: 2**

1. 2911.1900 POLICY AND PROCEDURE MANUALS.

A facility shall have a written policy and procedure manual that is electronically available to staff and relevant regulatory authorities and defines the philosophy and method for operating and maintaining the facility. This manual shall be made available to all employees, reviewed annually, updated as needed, and staff trained accordingly. The manual shall include, at a minimum, the following chapters: A. correctional standards required under this chapter; B. administration and organization; C. fiscal management; D. personnel; E. training; F. inmate records; G. safety and emergency; H. security and control; I. sanitation and hygiene; J. food service; K. medical and health care services; L. inmate rules and discipline; M. communication, mail, and visiting; N. admissions, orientation, classification, property control, and release; O. inmate activities, programs, and services; and P. a written suicide prevention and intervention plan. The facility administrator or designee shall review policy and procedure manuals at least once each year. The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

Inspection Findings:

The policy and procedure manual is in need of additional updating to be in compliance with the revised Chapter 2911 rules, new required statute language and facility practice.

Corrective Actions:

The facility will be completing Lexipol as they move into the new facility. Policies were addressed prior to the date of the inspection.

Response Needed By:

2. 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:

Due to the style of the facility and lack of separation space, inmates with special needs are not able to be housed appropriately and those that classify as maximum are being housed out of the facility.

Corrective Actions:

A plan has been submitted and approved by the Department of Corrections for housing during the construction phase of the new jail. Inmates who are not able to be properly separated or any inmate who classifies as maximum custody shall not be housed in the facility until construction is completed or the Department of Corrections determines that there is significant completion to house inmates with multiple classification levels.

Response Needed By:**INSPECTION COMMENTS**

The Sunset date for the Winona County Jail has been extended from September 20, 2021 to July 1, 2023. A tour of the new facility was completed on February 21, 2023 and according to the officials of Winona County, the projected to be completed by July 2023. Winona County will need to file a request in writing to the Commissioner of Corrections if any further extensions are needed.

Due to the age of the facility, many of the reoccurring Chapter 2911 deficiencies are directly related to the physical plant conditions and limitations. These have been noted in previous inspections.

A majority of inmate housing areas, annex operations, and program areas of the facility are not being used during facility construction. Housing is limited to 72 hours and required the facility to additional house out those inmates who classify as maximum custody and any juveniles.

Due to an issue with the program, training record documentation was not provided at the time of the inspection. The Inspector will follow-up with the facility to ensure all training requirements are being met. It is strongly recommended that man down, cut down, and other emergency drills are added to the yearly training plan.

Although the facility is building a new facility and operating minimally in the current jail, the facility must continue to maintain minimum standards under the Chapter 2911 Rules Governing County Jails.

The Winona County Jail will remain on annual inspections.

JJDPA Compliance

On February 21, 2023, a Juvenile Justice and Delinquency Prevention (JJDP) Act audit was conducted. The Winona County Jail has received a "Rural Exception" to the JJDP Act. This allows the facility to hold a delinquent juvenile up to 24 hours, excluding weekends and holiday. The three core requirements reviewed in the audit are Deinstitutionalization of Status Offenders (DSO), Removal of Juveniles for Adult Jail and Adult Lockups (Jail Removal), and Sight and Sound separation.

According to facility records, the Winona County Jail processed five (5) juveniles from the fiscal time allowed for review. 100 percent of the available data was reviewed. None of five (5) juveniles processed were ever brought into the secure area of the jail. The findings are as follows:

DSO: There are no violations.

Jail Removal: Files and DOC Portal data indicate that any juveniles brought into the jail are removed well within the 24- hour time frame allowed per the "Rural Exception."

Sight and Sound Separation: The facility design and policies does not always allow for proper sight and sound separation. During peak times when all holding cells are full, the interview room is the only other option. This room is used frequently so its availability is sometimes in question. The route taken to Court holding is time phased so as not to mix adults and juveniles. 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.

Based on the documentation reviewed, no violations of the OJJDP Act were determined during the Winona County jail inspection. However, there is a concern with sight and sound separation due to the physical layout of the facility and how busy different areas can be during peak times. The jail is not currently approved for juvenile housing due to the construction process.

Report completed By: Jen Pfeifer – Senior Detention Facility Inspector

Signature: 