



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:

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 – Detention Facility Inspector **Inspected on:** 03/04/2021

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: Chief Deputy Chris Cichosz; Jail Administrator Steve Buswell; Sheriff Ron Ganrude

Issued Inspection Report to: Jail Administrator Steve Buswell; Sheriff Ron Ganrude; County Administrator Kenneth Fritz; 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	114	12	0	90.48%	Compliance rating of 100%
2911	Essential	101	97	4	0	96.04%	Compliance rating of 90%

TERMS OF OPERATION

Authority to Operate: conditional approval **Begins On:** 04/01/2021 **Ends On:** 03/31/2022 **Facility Type:** 90 Day Lockup

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

Delinquent Juvenile Hold Approval: no approval **Certificate Holder:** Winona 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	83	90	74.70	None.	None.

RULE COMPLIANCE DETAILS

Chapter 2911 - Mandatory Rules Not In Compliance

Total: 12

- 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:

Corrective action will consider substantial remodel of the facility.

Response Needed By: 09/30/2021

2. 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 jail has assigned a Sergeant to handle both staff trainings and inmate programs and is also acting in the role of Assistant Jail Administrator. This Sergeant is also covering shifts when the facility is short staffed.

Corrective Actions:

The jail will need to readdress this position as it is not feasible given the population of the jail for one staff member to fill all of those roles.

Response Needed By: 09/30/2021

3. 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 and facility practice. In addition, medical policies do not reflect current practice through Advanced Correctional Health Care.

Corrective Actions:

The facility will completing Lexipol as they move into the new facility, however updates to the medical policies shall be completed in conjunction with the medical authority.

Response Needed By: 06/01/2021

4. 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 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. If proper separation cannot be achieved, the facility will need to find alternative facility's to house this population.

Response Needed By: 04/01/2021

5. 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:

There is no corrective action at this time as this would require substantial remodel of the facility.

Response Needed By: 09/30/2021

6. 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, but due to the lack of space in the intake area this will need to be addressed as part of the long-term plan for Winona County.

Response Needed By: 09/30/2021

7. 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 jail the facility and lack of separation space, the jail is unable to classify and separate inmates as required. 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 long-term plan is needed to address the classification deficiencies at the jail due to lack of space and design of the facility. Inmates who classify as maximum custody or those with special needs will need to be housed out of facility when proper separation cannot be achieved.

Response Needed By: 04/01/2021

8. 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:

The facility currently has a written disaster plan and the review of this plan is documented in staff training records, however there is no documentation of drills being conducted due to the pandemic.

Corrective Actions:

Complete an evacuation drill at least annually and document the completion of those drills in the training file or files.

Response Needed By: 09/30/2021

9. 2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES. Subpart 3. Prompt evacuation of inmates.

A facility shall have a written policy and procedure that specifies the means for the prompt evacuation of inmates from an area of emergency.

Inspection Findings:

There has been no evacuation drill completed due to the COVID-19 Pandemic.

Corrective Actions:

Complete a facility wide evacuation drill using as many community emergency personnel as you are able. Document and submit to the Department of Corrections for review

Response Needed By: 09/30/2021

10. 2911.5550 LOCKS AND KEYS. Subpart 2. Lock policy.

A facility shall have a written policy and procedure that requires that all security perimeter entrances, control center doors, and housing unit doors are kept locked, except when used for admission or exit of employees, inmates, or visitors, and in an emergency. A facility equipped with a sally port shall ensure that only one of the doors of a sally port is opened at any point in time for entry or exit purposes.

Inspection Findings:

Due to deficiencies in the HVAC system the central control area doors are left open.

Corrective Actions:

**Ensure that all control center doors are secure at all times.
This has been an ongoing practice for years and must cease immediately.**

Response Needed By: 04/01/2021

11. 2911.6500 STORAGE. Subpart 3. Access.

Inmates shall not be permitted access to medication storage. Only health-trained staff or health care personnel shall have access to keys for the medication storage area.

Inspection Findings:

Due to the layout of the medical unit and lack of space in the facility, the medical area is not secure. The exam table, medication storage, record storage and staff work stations are all one area. This creates an unsafe environment for both staff and inmates.

Corrective Actions:

The medical unit area will need to be addressed in the long-term plan for the facility. Medication storage and record storage will need to be addressed at the new facility.

Response Needed By: 09/30/2021

12. 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:

Although the county is currently in the pre-planning stage for a new facility, a maintenance plan for the old facility must be created and adhered to.

Corrective Actions:

The facility is in need of repair in several different areas. Fixtures are separating from the walls, areas of the concrete floor need to be repaired. There is an immediate need for correction and maintenance must continue while the facility is still in operation.

Response Needed By: 04/01/2021**Chapter 2911 - Essential Rules Not In Compliance****Total: 4**

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 for this standard.
The County is currently in the pre-planning stage for a new facility.**

Response Needed By: 09/30/2021

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: 04/01/2021

3. 2911.3100 INMATE ACTIVITIES AND PROGRAMS. Subpart 4. Education.

A facility shall have a written policy and procedure that provides for inmate access to educational programs, vocational counseling, and when available, vocational training. When possible, a facility shall arrange to have these educational programs delivered in classroom specifically designed and equipped for educational or vocational programming. Class I facilities are exempt from this requirement with the exception of those approved by the commissioner to house inmates serving alternative sentences. Text books necessary to complete a course of study, to the extent that local resources permit, shall be made available to inmates. The facility shall not be responsible for the purchase of text books to complete a course of study.

Inspection Findings:

There are currently no educational programs offered in the facility with the change in the GED requirements.

Corrective Actions:

It is recommended that the facility research alternative educational programs utilizing resources from the community.

Response Needed By: 09/30/2021

4. 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 but will need to be addressed in the long term planning for the facility.

Response Needed By: 09/30/2021

INSPECTION COMMENTS

After reviewing documented logs and video footage of well-being checks it shall be noted that the staff at the Winona County Jail are completing well-being checks on time, they are staggered and the pace appears to be appropriate.

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 letter with a Sunset date of September 30, 2021 was submitted to Winona County on September 7, 2018. Since that time, the County Board has retained an architectural firm for a new jail project and are currently in the initial design phase conducting weekly meetings regarding the design of the new jail.

It is the recommendation of the inspector that the Department of Corrections not grant an extension to the officials of Winona County and as of September 30, 2021, the Winona County Jail in its current state will no longer have the authority to operate. Based on the numerous deficiencies in the physical plant of the facility, a recommendation to the Commissioner of Corrections will be made to review a reduction in capacity and all ability to hold juveniles as they do not have the capability to provide sight and sound separation as required.

After reviewing documented logs and video footage of well-being checks it shall be noted that the staff at the Winona County Jail are completing well-being checks on time, they are staggered, and the pace appears to be appropriate.

The Winona County Jail will remain on annual inspections.

JJDPA Compliance

On March 4, 2021, a Juvenile Justice and Delinquency Prevention Act audit was conducted. The Winona 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 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 facility records, the Winona County Jail held or processed 3 juveniles from the fiscal time allowed for review. I reviewed 100 percent of the available data. The findings are as follows:

DSO: There are no violations.

Jail Removal: Files and Statewide Supervision System 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 that I reviewed, I found no violations of the JJDP act 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.

Due to the physical plant concerns, and the inability to properly sight and sound separate juveniles from adults, the authorization for the facility to hold juveniles within the Winona County Jail is being forwarded to the Commissioner of Corrections for review.

Report completed By: Jen Pfeifer – Detention Facility Inspector

Signature:

