



# 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 – Senior Detention Facility Inspector **Inspected on:** 03/15/2022

**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	118	6	2	95.24%	Compliance rating of 100%
2911	Essential	101	96	4	1	96.04%	Compliance rating of 90%

## TERMS OF OPERATION

**Authority to Operate:** approval **Begins On:** 04/01/2022 **Ends On:** 03/31/2023 **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.	The facility is currently undergoing construction. The facility has been limited to the number of inmates it will house during this phase.

## RULE COMPLIANCE DETAILS

**Chapter 2911 - Mandatory Rules Not In Compliance****Total: 6**

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:**

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: 07/01/2023**

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: 07/01/2023**

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: 07/01/2023**

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: 07/01/2023**

5. 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. It was also noted that correctional officers were not pulling the window coverings back a sufficient amount to fully view the inmate in the cell.

**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. When using window coverings, staff shall pull them back off of the window so they are able to sufficiently view the inmate/inmates in the cell.**

**Response Needed By: 04/01/2022**

6. 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: 07/01/2023**

**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 demolition phase of construction.**

**Response Needed By: 07/01/2023**

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: 07/01/2023**

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

**Response Needed By: 07/01/2023**

4. 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:**

Winona County has submitted one incident required under the rule since September 2020.

**Corrective Actions:**

**All qualifying incidents under the rule must be submitted within 10 days.**

**The facility must submit all qualifying incidents since January 1, 2021 by May 1, 2022. The facility must also provide the inspector with all inmates taken off-site for emergency medical services by April 1, 2022.**

**Response Needed By: 04/01/2022**

**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.**

**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:**

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

## 1. 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:**

Due to the COVID pandemic, 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:**

**INSPECTION COMMENTS**

The Sunset date for the Winona County Jail has been extended from September 20, 2021 to July 1, 2023 due to delays as a result of the COVID 19 Pandemic and lack of availability of construction materials. Winona County will need to file a request in writing to the Commissioner of Corrections if an extension is 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. The facility has completed the design and development stage and is currently in the demolition phase of construction of the current facility.

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 including no maximum custody inmates or juveniles.

Although, the facility has a multitude of physical plant concerns, it should be noted they have a large variety of inmate programming and an excellent inmate re-entry program established.

The Winona County Jail will remain on annual inspections.

### JJDPA Compliance

On March 15, 2022, 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 held or processed zero (0) juveniles from the fiscal time allowed for review. 100 percent of the available data was reviewed. 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 JJDP 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: \_\_\_\_\_

*Jennifer Pfeifer*