
OBFC Investigation Central Transport Report October 2023

Report Summary

The Office of the Ombuds for Corrections (OBFC) received a complaint from an individual who was transported by DOC Central Transport from an out of state facility in the spring of 2023, in which he made several allegations, including that he was transported without a seatbelt, was given insufficient restroom breaks, the temperature in the vehicle was too cold, and he went ten hours without being offered food and was given little water.

There was insufficient evidence to substantiate many of the allegations; although, insufficient restroom breaks were likely probable. Overall, the OBFC found that DOC Central Transport staff are regularly figuring out logistically difficult situations with high numbers of transports in arduous and challenging situations with professionalism and creativity.

There are, however, opportunities to better provide for staff wellness and incarcerated person safety. In consideration of staff safety, public safety, and human dignity of the incarcerated, the OBFC recommended to the DOC the following:

- Review and update processes to require transporting staff to maintain a log of activities.
- Review policy 301.095, processes, and training to better accommodate restroom breaks.
- Remind staff of DOC policy 301.095, F.6 regarding reimbursement of expenses.
- Consider inclusion of DOC Central Transport in a Security Audit, so that concerns related to adequate storage and security for vehicles is audited.
- Review video retention schedules, policies, and processes and include prioritizing this unit for deployment of officer worn cameras to better provide for staff safety and incarcerated person wellbeing.

The DOC accepted the recommendations.

Summary Description of Incident

This was initially an individual complaint about one transport in which the complainant made several allegations including the following:

- He was transported without a seatbelt.
- He was given insufficient restroom breaks.
- The temperature in the vehicle was too cold.
- He went ten hours without being offered food and was given little water.

In the process of investigating that complaint, overall processes were also reviewed. The incident was described in detail in the private version of this report made available to DOC and facility leadership, but details are not included in this public version to preserve the privacy and confidentiality of complainant and staff.

OBFC Investigative Actions

Relevant policies were reviewed, including DOC Policies 103.223, 104.461, and 301.095. All relevant documents were reviewed, and additional documents and photographs were requested and provided by Central Transport staff. OBFC staff spoke with Central Transport staff regarding the overall transport process. OBFC staff interviewed the complainant as well as a transporting officer.

Findings

Transport without a seatbelt is unsubstantiated.

DOC policy 301.095, C. 13 states that, “Officers and offenders must wear seat belts, when available, while the transport vehicle is moving.”

This allegation is not substantiated by evidence. The transport vehicle contains seatbelts as corroborated by photographs provided by Central Transport staff. Central Transport staff describe the transport vehicle as “state of the art” with four separate compartments. It seems likely that the lap belts could be belted and unbelted by an individual being transported, even if they are in restraints.

Staff drove at high rates of speed with sudden stops is unsubstantiated.

There is no evidence to support this allegation. The complainant was unable to physically see the speedometer as documented by photographs of the interior of the vehicle.

Insufficient rest stops are probable.

DOC policy 301.095, C.11 states that “Necessary rest stops must be conducted with minimal public contact. Efforts are made to use secure (county jail or DOC facility) rest rooms. If public restrooms are necessary during transport, staff must position themselves between the offender and the obvious exits and must keep the offender in view at all times.”

The complainant asserts that having to urinate on an exit ramp at the side of the vehicle potentially exposed him to public view. The transporting officer reported allowing the complainant to use the restroom when they stopped for gas. However, there is no documentation that supported that staff allowed the complainant to use the restroom at this stop nor that this stop would have met the policy that requires minimal public contact. Additionally, there is nothing to indicate that staff planned other stops for the long trip or any evidence to indicate that an effort was made to go to a jail or other secure facility, or that they planned reasonable stops to ensure necessary stops were made and made with minimal public contact.

The officer reports that there were no facilities nearby when the complainant requested to use a restroom 30-45 minutes after the initial stop and stated that the two doors on the transport vehicle would block any view of the individual. However, the policy does not provide for having the transported individual relieve themselves outside and this did not appear to be a situation requiring an immediate, urgent stop on an exit ramp. Further, an exit ramp can be a dangerous place to park as there may be vehicles exiting at high rates of speed placing staff and the transportee in peril.

Additionally, given the hard bench seats and length of trip, several rest stops would seem reasonable for the incarcerated person. Further, breaks would be beneficial to staff making long trips.

Vehicle temperature was too cold is unsubstantiated.

Staff denies this allegation and there is no evidence to support it. There is a call button in each of the compartments so that the individual can communicate with staff, including a need to adjust the temperature.

Meal was not provided is unsubstantiated.

DOC policy 301.095, F.6 states that “Travel arrangements for out-of-state transports are arranged by the central transportation unit. Transport staff must complete an employee expense report and attach all receipts/airline itinerary for reimbursement (refer to Policy 104.461, “Employee Reimbursement for Travel and Other Business Expenses”).”

DOC policy 103.223, A.2 states that employees are prohibited from “Giving or accepting gifts, articles, special favors to/from current or former offenders, or their families.”

The complainant alleges he was not provided with a meal during transport. The officer reports that a meal was provided but does not recall where or exactly when that stop occurred as there is no log kept of these trips. He states that the complainant used the restroom and had something to eat.

When an employee incurs expenses related to the transport of incarcerated persons, they should be required to submit all appropriate expense receipts. While staff may not have thought of providing an unreimbursed meal to the complainant as a gift, doing so could potentially place staff in compromising situations and this practice should cease immediately for the protection of staff and to provide documentation of meals provided.

Video Retention

Many of the concerns in this complaint may have been corroborated or determined to be unfounded based on video. However, video retention is only for 21 days and only includes the interior of vehicles.

Overall

The Central Transport Unit staff were candid in their discussion of this case and the strengths and challenges of their work. Central Transport completes incredibly difficult and logistically complex transports without many complaints or incidents, especially in light of the challenges of the pandemic, and the lingering effects from that, with fewer resources and decreased levels of staffing.

There are several concerns related to resources and access to adequate vehicle storage, and a study was conducted in 2020 to review that issue and bonding was requested for a bus depot to be housed at MCF-Oak Park Heights, but it has remained unfunded. The cost of buses can exceed a million dollars and they, along with other vehicles, for reasons of safety and security, should be secured in a garage to protect that investment.

Additional concerns were found related to challenges with access to airline travel. Central Transport staff used to share a plane with the Department of Public Safety and stated that an airplane would be on the "wish list" for longer trips. Central Transport does more driving, taking longer trips since the pandemic because airfare costs have substantially increased. Staff further noted that jails do not want to house individuals who are being transported overnight since the pandemic and that practice has not changed post-pandemic.

Recommendations

The Central Transport Unit regularly resolves logistically difficult situations with high numbers of transports in arduous and challenging situations with professionalism and creativity. There are, however, opportunities that could better provide for staff wellness and incarcerated person safety.

Based on the above findings, in consideration of staff safety, public safety, and the human dignity of incarcerated, the Office of the Ombuds for Corrections recommends the following:

Transport Logs

Review and update processes to require transporting staff to maintain a log of activities related to the trip, to include:

- Departure date, time, and location.
- Document all stops for food and restroom breaks.
- Require staff to submit receipts for reimbursement of meals and beverages purchased for individuals being transported.

Restroom Breaks

DOC should review policy 301.095, processes, and training to determine if it finds it permissible to allow individuals who are being transported to relieve themselves outside when there is no other reasonable alternative, and to provide direction and training to staff on how and when to best accommodate this situation.

Expense Reimbursement

Remind staff of DOC policy 301.095, F.6 regarding reimbursement of expenses related to the transport of incarcerated individuals and require staff to submit receipts for expenditures related to purchase food and beverage for transported individuals.

Resource Review

DOC Inspection and Enforcement should consider inclusion of Central Transport in a Security Audit of a facility such as MCF-Stillwater or MCF-Oak Park Heights, so that concerns related to adequate storage and security for vehicles is audited.

Video Retention

Video retention schedules, policies, and processes should be reviewed, and the DOC should consider video retention for a year. Additionally, the DOC should consider prioritizing this unit for deployment of office worn cameras to better provide for staff safety and incarcerated person wellbeing.

DOC Response

In accordance with Minnesota Statutes Chapter 341.93 subd. 6, please find the DOC's responses below:

October 2, 2023

Margaret Zadra, Ombuds
Office of the Ombuds for Corrections
540 Fairview Ave. N., Suite 202
St. Paul, MN 55104

RE: CTU transport complaint

Dear Ms. Zadra:

An incarcerated individual recently made a complaint to the Office of the Ombuds for Corrections (OBFC) related to an interstate transport that took place in April 2023. The OBFC investigated the complaint and interviewed [REDACTED] during the investigation. The investigation by your office prompted a series of recommendations.

The OBFC made five recommendations for process improvement. In summary, they included creating a log form to document activities and timelines of certain transports, requiring staff to submit all receipts for expenditures for the needs of incarcerated persons, reviewing policy for clearer language regarding restroom breaks, advising the DOC Inspection and Enforcement Unit to include the Central Transportation Unit (CTU) in an MCF-STW or MCF-OPH facility security audit and questioned if changing the video retention schedule would be beneficial.

The Department of Corrections (DOC) reviewed the report and the recommendations made. The following are our responses to the recommendations:

1. **Recommendation:** Review and update processes to require transporting staff to maintain a log of activities related to the trip, to include:
 - a. Departure date, time, and location.
 - b. Document all stops for food and restroom breaks.
 - c. Require staff to submit receipts for reimbursement of meals and beverages purchased for individuals being transported.

DOC Response: We concur and are working on an implementation plan. A log form is in development and will be put into use. DOC Capacity Manager Tracy Hosking will issue a memo to all CTU staff which will require acknowledgment and the use of the log form for transports in which a restroom break is

required or offered as well as transports in which a meal is required or offered. She will be responsible for reviewing the logs for consistency and compliance with the directive. The log form will be required to be used by October 1, 2023.

2. **Recommendation:** DOC should review policy 301.095, processes, and training to determine if it finds it permissible to allow individuals who are being transported to relieve themselves outside when there is no other reasonable alternative, and to provide direction and training to staff on how and when to best accommodate this situation.

DOC Response: Policy and post orders are currently under review. We will complete reviews by November 1, 2023. We will notify the Ombuds by November 15, 2023 on what, if any, policies and post orders will change and by when.

3. **Recommendation:** Remind staff of DOC policy 301.095, F.6 regarding reimbursement of expenses related to the transport of incarcerated individuals and require staff to submit receipts for expenditures related to purchase food and beverage for transported individuals.

DOC Response: CTU staff have been instructed to maintain and submit all expenditures related to purchases for incarcerated persons. Attached is the guidance that was sent to CTU staff. DOC will also revise this policy to specify that staff must use state issued purchase cards or submit reimbursement requests for expenses related to incarcerated persons.

4. **Recommendation:** DOC Inspection and Enforcement should consider inclusion of Central Transport in a Security Audit of a facility such as MCF-Stillwater or MCF-Oak Park Heights, so that concerns related to adequate storage and security for vehicles is audited.

DOC Response: DOC's Director of Inspection and Enforcement will bring this recommendation to a meeting of the State Correctional Facilities Security Audit Group (SCFSAG) to discuss incorporation into future updates of security standards.

5. Recommendation:

Video retention schedules, policies, and processes should be reviewed, and the DOC should consider video retention for a year. Additionally, the DOC should consider prioritizing this unit for deployment of office worn cameras to better provide for staff safety and incarcerated person wellbeing.

DOC Response: The video retention schedule for transportation security videos is dependent on IT storage resources. Extending the retention to one year will have a considerable fiscal impact. As such, we will explore that fiscal impact and determine if this recommendation can be feasibly implemented. It should be noted that if an investigation is initiated during the retention period, video evidence can be

captured and retained beyond the timeline. Additionally, if an incident occurs during a transport, supervisors capture and maintain video information.

DOC will prioritize the Central Transportation Unit for deployment of body worn cameras under the one time legislative appropriation's implementation. We will keep the Ombuds apprised of progress on this front.

The Minnesota Department of Corrections Central Transportation Unit (CTU) has a long history of providing safe, secure, and humane transportation of those incarcerated. The unit transports well over 100 incarcerated persons each week. The unit completes these transports with very few incidents, accidents, complaints, or emergencies. Unit staff understand that clear and respectful communication throughout transports is critical for successful transport operations. When incidents do occur, CTU reviews the factors involved to make prudent improvements to maintain our standards for safe, secure, and humane transports.

DOC will work to implement the suggested recommendations as outlined above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nanette Larson". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Nanette Larson
Deputy Commissionr

cc: Paul Schnell, Commissioner
Safia Khan, Deputy Commissioner
Tracy Hosking, Capacity Manager
Amy Lauricella, Policy Director
Kristi Strang, Director of Inspections and Enforcement
Kristi Politoski, Agency Planning Director