



# 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:** 11/22/2016 to 11/28/2016

**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; Program Coordinator Ben Klinger

**Officials Present for Exit Interview:** Chief Deputy Chris Cichosz; Jail Administrator Steve Buswell; Program Coordinator Ben Klinger; Sheriff Ron Ganrude

**Issued Inspection Report to:** Jail Administrator Steve Buswell; Sheriff Ron Ganrude; 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	124	2	5	98.41%	Compliance rating of 100%
2911	Essential	101	96	5	3	95.05%	Compliance rating of 90%

## TERMS OF OPERATION

**Authority to Operate:** conditional approval **Begins On:** 12/01/2016 **Ends On:** 11/30/2017 **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:** 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.

### Variances

NONE

## RULE COMPLIANCE DETAILS

**Chapter 2911 - Mandatory Rules Not In Compliance****Total: 2**

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 oversized 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:**

**A long term plan is needed to address the needs of the County moving forward.**

**Response Needed By: 06/30/2017**

2. 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:**

Weekly sanitation inspections are being completed by the facility however deficiencies are not being addressed in a timely manner.

**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, caulking in the showers and removal of mold in these areas needs to be addressed.**

**Response Needed By: 06/30/2017**

**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 for this standard.**

**Response Needed By:**

2. 2911.0900 STAFFING REQUIREMENTS. Subpart 5. Class I to Class VI facilities.

Class I to Class VI facilities with average daily inmate populations exceeding 30 shall have a single administrator of the facility whose duties are solely related to administration of the facility.

**Inspection Findings:**

The Jail Administrator is also the Records Supervisor. Previously this was a different supervisory position but was combined with the Jail Administrators position.

**Corrective Actions:**

**Arrange for the selection and hiring of a Records Supervisor. There is potential to combine these duties with the Assistant Jail Administrator position referenced in rule part 2911.0900 subpart. 7.**

**Response Needed By:**

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:**

**This is a physical plant deficiency that needs to be addressed in long term planning for Winona County jail needs.**

**Response Needed By:**

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:**

Unusual occurrences are not being submitted through the statewide supervision system as required by the rule.  
Review of medical reports identified 8 instances where an occurrence should have been reported for review.

**Corrective Actions:**

**Ensure that incidents of an unusual or serious nature are being reported through the Statewide Supervision System.**

**Response Needed By: 12/01/2016**

## 5. 2911.4950 RESPONSE TO RESISTANCE. Subpart 4. Equipment.

The issue, storage, inspection, and use of chemical agents, impact devices, electronic control devices, and other security devices shall be governed by written policy and procedure. All unissued security devices and equipment shall be stored in a secure, readily accessible depository located outside inmate housing and activity areas, and inventoried at least monthly to determine condition and expiration dates of the devices and equipment.

**Inspection Findings:**

Handcuffs are locked in shift commanders office.

**Corrective Actions:**

**Create an inventory sheet for all unissued security devices that is checked and documented monthly to determine condition of those devices and equipment.**

**Response Needed By: 02/28/2017**

**Chapter 2911 - Mandatory Rules In Compliance With Concerns****Total: 5**

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

**Corrective Actions:**

**Finish updating policy manual and submit to facility inspector for review by June 30, 2017. It is recommended that the facility have one set of approved medical policies for staff to follow.**

**Response Needed By:**

## 2. 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.

**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:**

3. 2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES. Subpart 2. Quarterly review of emergency procedures.

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

**Inspection Findings:**

The majority of quarterly reviews of emergency procedures were completed and documented. However, not all required staff have these reviews documented in their files.

**Corrective Actions:**

**Ensure that training is documented appropriately.**

**Response Needed By:**

4. 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:**

Approved menus were submitted for the lunch and dinner meals however there was nothing approved or submitted for the breakfast menu.

**Corrective Actions:**

**Submit an approved breakfast menu to the Department of Corrections by December 12, 2016.**

**Response Needed By:**

5. 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:**

A breakfast menu was not submitted at the time of the inspection.

**Corrective Actions:**

**Submit an approved menu to the Department of Corrections.**

**Response Needed By:**

**Chapter 2911 - Essential Rules In Compliance With Concerns**

**Total: 3**

1. 2911.2400 DETENTION INFORMATION SYSTEM REQUIREMENTS.

The facility administrator shall designate a staff person responsible for reporting of information on persons detained or incarcerated to the DOC in a manner consistent with requirements in the DOC's Statewide Supervision System. Detention Entry Guide (2010) and any amendments, which is incorporated by reference, subject to frequent change, and available at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. Detention information system reporting requirements shall be met in an accurate manner daily.

**Inspection Findings:**

There are issues with the jail management system that the facility administrator is working to get resolved.

**Corrective Actions:**

**Keep facility inspector informed about the updates to this system.**

**Response Needed By:**

2. 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:**

3. 2911.7400 POLICIES AND PROCEDURES TO DETECT DETERIORATION OF BUILDING AND EQUIPMENT.

The facility administrator or designee shall have policies and procedures designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions. Policies and procedures shall include requirements that facility staff report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs; and documentation that appropriate work orders or requests for budget resources to effect needed repair, replacement, or corrections have been made.

**Inspection Findings:**

There are many physical plant concerns and deficiencies that are detailed in Inspection Comments #1 Physical Plant.

**Corrective Actions:**

**Develop a long term plan for the jail needs of Winona County.**

**Response Needed By:**

**INSPECTION COMMENTS****#1 Physical Plant:**

Built in 1978 and designed primarily as a linear type jail has led to many physical plant deficiencies and operational difficulties. Ten years ago a minimum security dorm was added on to the facility but that area does not provide the type of secure beds that the facility needs to ensure proper separation per security classification. Consequently, the county is still in the position of having to board inmates to other facilities.

Lack of good sight lines, poor lighting, lack of security interlocks and sallyports, 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. The facility is also not A.D.A. compliant as the hallways and cell doors are below the minimum width.

Many of the housing areas require attention by maintenance to maintain sanitary conditions. There is corrosion behind many of the sinks and adjacent toilets. Specifically blocks 3, 4, 5 and 6. Mold is also beginning to grow under the caulk in the shower units.

The current staffing complement could potentially support a larger capacity of inmates in a more effeciently designed facility.

**#2 Classification change.**

The classification of the Winona County jail was changed from a Class III to a Class II jail effective August 30, 2016.

**#3 Operational concerns and recommendations.**

Video visitation is also recommended and was discussed.

**JJDPA Compliance**

On November 22, 2016, 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 one juvenile from October 1, 2016 to November 22, 2016. I reviewed 100 percent of the available data. The findings are as follows:

DSO: I did not find any 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.

Report completed By: Jen Pfeifer – Detention Facility Inspector

Signature: 