



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:

Todd County Jail

Address: 115 Third Street, Long Prairie, MN 56347

MN Governing Rule: 2911 Local Adult Detention Facilities

Inspection Type: Annual **Inspected By:** Greg Croucher – Senior Detention Facility Inspector **Inspected on:** 07/21/2016

Inspection Method: Facility tour, staff interviews, employee and resident file reviews, video footage review, and related documentation reviews.

Officials Present During Inspection: Jail Administrator Scott Wright

Officials Present for Exit Interview: Jail Administrator Scott Wright; Sheriff Don Asmus

Issued Inspection Report to: Jail Administrator Scott Wright; Sheriff Don Asmus; Regional Manager Sherry Hill

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 | 120 | 6 | 4 | 95.24% | Compliance rating of 100% |
| 2911 | Essential | 97 | 90 | 7 | 2 | 92.78% | Compliance rating of 90% |

TERMS OF OPERATION

Authority to Operate: conditional approval **Begins On:** 05/01/2016 **Ends On:** 04/30/2017 **Facility Type:** Jail

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:** Todd 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 | 52 | 80 | 41.60 | None. | None. |

Variances

NONE

RULE COMPLIANCE DETAILS

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

1. 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:

There was no staffing plan available the day of the inspection. There is some staffing information in the policy. It normally takes 5 full time equivalents to fill a 24/7 post, which means the Todd County Jail needs 10 full time equivalents. The jail currently has 8 full time staff, and 1 part time staff, which means the jail is short staffed as it does not have 10 full time equivalents. While using part time is acceptable, part time staff can be more difficult to schedule. The full time staffing numbers are a concern.

Corrective Actions:

Complete a staffing plan. The Department of Corrections recommends the county review the full time positions versus part time positions to determine if that is the most effective and efficient way to staff the jail. (This is a repeat from last years inspection.)

Response Needed By: 09/30/2016

2. 2911.0900 STAFFING REQUIREMENTS. Subpart 11. Maintenance personnel and custody staff; separation of duties.

Maintenance personnel shall be employed to perform preventive, routine, and emergency maintenance functions. Custody staff shall not be given physical plant maintenance duties that detract from their primary responsibilities for ongoing supervision of inmates.

Inspection Findings:

Currently there is a correctional officer who has taken responsibility to see that the shower floors are coated with a special paint. This is done while she is on duty. Correctional officers are also changing lightbulbs, which could involve climbing ladders.

Corrective Actions:

The facility needs to find a permanent solution to the shower issues that continue to be an issue. This shall be completed by qualified professionals not jail staff as a part of their duties. This is a repeat from last year's inspection and little has been done to address this continued physical plant issue.

Response Needed By: 09/30/2016

3. 2911.0900 STAFFING REQUIREMENTS. Subpart 8. Staff person in charge.

Facility administration shall designate a staff person to be in charge at all times in the absence of administrative staff from the facility.

Inspection Findings:

A staff person in charge is not designated.

Corrective Actions:

Designate who will be in charge when Administration is absent.

Response Needed By: 09/30/2016

4. 2911.1000 TRAINING PLAN.

A facility administrator or designee shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. Training plans shall be documented and describe curriculum, methods of instruction, and objectives. In-service training plans shall be prepared annually and shall provide documentation indicating that training for individual employees has taken into consideration their length of service, position within the organization, and previous training completed.

Inspection Findings:

There is a training plan but it does not have all the elements of the standard.

Corrective Actions:

Add the curriculum, objectives and methods of instruction to the training plan.

Response Needed By: 09/30/2016

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:

A review of the jail logs and video footage showed several well-being checks over 30 minutes. Several checks were late by over 2 hours. Others were logged but not completed. I reviewed several days both day shift and night shift. Additionally, staff members enter the units infrequently. Some checks that were logged were done by staff members in the hallway while inmates had their cell doors closed. Staff shall be entering the cell blocks to complete well-being checks.

Corrective Actions:

A plan was supposed to be developed as a part of last years inspection. Most of the findings noted above were an issue a year ago and have appeared to have worsened. The corrective action at this time will be more frequent auditing of well-being check logs and camera footage by the Jail Administrator. These findings shall be forwarded to the facility inspector. The facility inspector shall also request logs and video footage for review to ensure compliance with this rule.

Response Needed By: 09/30/2016

6. 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:

There is a daily inspection form that is being filled out. However they are not always consistent with what the actual conditions are in the cells and support spaces. As staff are in the housing units infrequently it is difficult to document the actual conditions of these areas.

Corrective Actions:

Develop a plan to ensure that daily inspections are both completed and indicative of the conditions of the jail.

Response Needed By: 09/30/2016

Chapter 2911 - Essential Rules Not In Compliance**Total: 7****1. 2911.0700 EMPLOYEE EVALUATION.**

Consistent with Minnesota Statutes, an employee shall complete a probationary period and be evaluated during the probationary period before being permanently appointed. The evaluation shall be in writing, discussed with the employee, and made a part of the employee's personnel record.

Inspection Findings:

Several new staff members have been hired in the last two years. Evaluations have not been completed. Additionally, staff do not receive annual evaluations.

Corrective Actions:

Ensure that all new employees have evaluations completed by the Jail Administrator. It is recommended that current staff members received evaluations at least annually.

Response Needed By: 09/30/2016

2. 2911.0900 STAFFING REQUIREMENTS. Subpart 20. Coordination of programs.

In a Class III and Class VI facility, a staff person shall be designated to coordinate educational and vocational programs, social service programs, work release, and volunteer services programs. The following minimum inmate to program staff ratio shall apply for the average daily population: A. 30 or under, program staffing needs comply with subpart 4; B. 31 to 60, one full-time program staff person; and C. over 60, program staffing needs are addressed as part of the overall facility staffing plan.

Inspection Findings:

The inmate population of the Todd County jail continues to increase. Much of this is due to boarding in for other counties. The average daily population has been above 30 for the past year. When there are 31 inmates or above, the standard requires a full time programmer. There is a staff person designated as records/programs but this is in title only as this person does not coordinate any programming.

Corrective Actions:

The Department of Corrections recommends that the County hires a full-time programmer. This is a repeat from last year's inspection and was first brought to the attention of the County in 2006. If the County does not allow for this position further sanctions may be imposed which may also affect the approved capacity of the jail.

Response Needed By: 09/30/2016

3. 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 has other duties outside of his primary role. This has led to inspection compliance issues as other things that he is responsible for are not being completed. The Jail Administrator is also the programmer. He has delegated the training officer responsibilities to a correctional deputy. If the county decides to maintain an average daily population of over 30 inmates, the standard requires a Jail Administrator whose duties are solely related to administration.

Corrective Actions:

The County and Sheriff need to make a decision regarding how many inmates they are going to board in. As it stands right now the Jail Administrator position is overloaded with additional duties. If the county decides to stay below 30 inmates, the Department of Corrections still recommends the County remove all duties that are not related to jail administration from the Jail Administrator because of the number of inmates the jail is boarding in from multiple counties.

Response Needed By: 09/30/2016

4. 2911.3100 INMATE ACTIVITIES AND PROGRAMS. Subpart 1. Written plan.

A facility administrator or designee shall have and implement a written plan for the constructive scheduling of inmate time. The plan shall: A. identify programs offered in the facility and when the programs are offered; B. identify persons conducting the program and whether or not the persons are facility staff, external community resources under contract, or volunteers; C. be consistent with established legal rights of inmates, type and status of inmates detained in the facility, and rule requirements associated with the facility's classification; D. provide inmates with the option to refuse to participate in facility programs, except work assignments and programs required by statute or court order; E. when males and females are housed in the same facility, provide comparable opportunities for participation in programs and services; and F. require documentation of programs offered and inmates participating in programs.

Inspection Findings:

While there is a plan, there is limited programming and recreation space in the jail. There is no gym and only bible study and AA for programming. They are both on Thursday.

Corrective Actions:**Continue looking for additional programming.****Response Needed By: 09/30/2016**

5. 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:

The facility is unable to get GED or other educational programming.

Corrective Actions:**A program coordinator would aid in finding additional programming.****Response Needed By:**

6. 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:

The facility has a program room but no gym, so there is limited opportunity for physical exercise.

Corrective Actions:**This is a physical plant issue, so there is no corrective action unless the County decides to remodel or expand the jail.****Response Needed By:**

7. 2911.5800 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES. Subpart 5. Health care liaison.

In a facility without full-time qualified health care personnel, a designated health-trained staff member may act as liaison to coordinate the health care delivery in the facility under the direction of the health authority.

Inspection Findings:

There are 2 correctional officers on 24/7 but no one is identified as the health care liaison.

Corrective Actions:

Identify who will be the health care liaison.**Response Needed By:****Chapter 2911 - Mandatory Rules In Compliance With Concerns****Total: 4**

1. 2911.2525 ADMISSIONS. Subpart 1. Policies and procedures.

A facility shall have written policies and procedures for processing new inmates to the facility to include, at a minimum, the following: A. obtaining and documenting available emergency medical information within two hours of admission; B. verification of court commitment papers or other legal documentation of detention. Verification shall include checking the date of admission, duration of confinement, and specific charges; C. a search of the inmate and the inmate's possessions; D. inventory and storage of the inmate's personal property; E. initial medical screening to include an assessment of the inmate's health status, including any medical or mental health needs; F. telephone calls made by the inmate during the booking and admission process and prior to assignment to other housing areas; G. shower and hair cleansing; H. issue of bedding, clothing, and personal hygiene items according to the rule requirements applicable to the anticipated length of stay of the inmate; I. photographing and fingerprinting including notation of identifying marks or unusual characteristics such as birthmarks or tattoos; J. interviewing to obtain the following identifying data: (1) name and aliases of person; (2) current address, or last known address; (3) health insurance information; (4) gender; (5) age; (6) date of birth; (7) place of birth; (8) race; (9) present or last place of employment; (10) emergency contact including name, relation, address, and telephone number; and (11) additional information concerning special custody requirements or special needs; K. initial classification of the inmate and assignment to a housing unit; L. an assigned booking number; and M. Social Security number, driver's license number, or state identification number, if available.

Inspection Findings:

Subp. A is not in policy.

Corrective Actions:**Add subp. A to policy.****Response Needed By:**

2. 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 emergency reviews were completed by correctional staff, but the nurse was not included in the reviews. The plans themselves and evacuation maps are in need of some revision to make sure they include primary and secondary routes and all emergency equipment.

Corrective Actions:**Include the nurse in the quarterly reviews. (This is a repeat from last year's inspection.)****Revise maps and plans and have staff complete more scenario based training rather than just a policy review.****Response Needed By:**

3. 2911.3800 FOOD HANDLING PRACTICES.

Food service shall be provided according to Minnesota Department of Health rules.

Inspection Findings:

Countryside Restaurant provides the hot meal for the jail. Inmate workers prepare the other two meals under staff supervision. Meal serving itself takes a significant amount of time and is inefficient as correctional deputies manually pour out the drinks as they push the food cart down the hall.

Corrective Actions:

Provide for an alternative drink so that meal serving time can be decreased. Ensure that there is proper documentation and training for both staff and inmate workers in regard to food handling.

Response Needed By:

4. 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 however, they are not indicative of the conditions found through-out the jail.

Corrective Actions:

Ensure that the actual conditions, especially the showers and bathrooms are reflected on these weekly inspections.

Response Needed By:

Chapter 2911 - Essential Rules In Compliance With Concerns

Total: 2

1. 2911.0360 OPERATIONAL BED CAPACITY

The operational bed capacity of the facility shall be a percentage of the approved bed capacity level to accommodate peak population demands and separation requirements, and partial closing for maintenance and housekeeping.

Inspection Findings:

The operational is 80% or 41.60. During the two days of the inspection, the facility was running above operational capacity. Running above operational capacity can make classification and maintenance more difficult.

Corrective Actions:

The Department of Corrections encourages the facility to stay at or below operational capacity.

Response Needed By:

2. 2911.0900 STAFFING REQUIREMENTS. Subpart 17. Escort, movement, or booking staff.

Class I to Class VI facilities' staff shall be provided as follows: A. internal escort, rover, or movement officers in sufficient numbers as determined in the approved staffing plan under this subpart to ensure that inmates have access to staff, programs, activities, and services, and that the safety and security of the facility is not compromised; B. sufficient staff present to provide for the booking of offenders without a reduction in the safety or security of the facility and inmates; C. in multifloor jails, custody staff posted on each floor occupied by inmates; and D. sufficient numbers of staff to complete duties listed in post orders. Class I to Class VI facility staff shall not be used for the external transportation of inmates or court security if the level of inmate supervision, inmate admission, programs, or internal inmate movement would be reduced below minimums afforded under the facility's staffing plan.

Inspection Findings:

Although 2 correctional deputies meets the standard, during peak times with meals, bookings, and medication distribution this staffing pattern does not always work.

Jail staff are not be used for external transportation of inmates. They do take the inmates to the court holding room and then the bailiffs are responsible for them.

Corrective Actions:

It is recommended that an additional correctional deputy be on duty for 4-6 hours during peak times when they inmates are not in lockdown for the night.

Response Needed By:

INSPECTION COMMENTS

The main concern with this on-site inspection is the number of compliance issues that were noted over several inspections including one year ago. Most of the issues have either not been addressed or have become worse over the last year. Most notably well-being checks, and staffing.

There is a significant concern in regard to well-being checks. The written documentation showed times where the well-being checks were over 30 minutes. Additionally, several well-being checks were logged and not completed. Multiple hours had gone by and staff had not completed proper well-being checks. This practice clearly violates the Chapter 2911 rules. Correctional deputies need to prioritize their duties so that well-being checks are completed according to facility policy and D.O.C. standards. The camera review showed that staff are seldom entering the units to complete well-being checks. It is important for staff to enter the units, not only to ensure the physical well-being of the inmates, but also the psychological well-being of the inmates. It is also important to ensure that inmates are not taking advantage of each other and/or hiding contraband.

The County will have to address the issue of the staffing if they decide to remain above a population of 30 inmates. The standards call for a full-time program coordinator and a Jail Administrator who has duties solely related to administration of the jail. The jail has limited programming and no physical recreation space. A program coordinator is required when the inmate population is above 30 inmates. This issue was first brought to the attention of the County in 2006. It is my understanding that this position is in the Sheriff's budget for 2017 but it is strongly recommended that this position be added immediately. If the County does not provide for the program coordinator position further sanctions may be imposed which may also affect the jails approved capacity. When hired this could help keep more inmates engaged in positive activities. Since the county is boarding in inmates, the Department of Corrections is recommending that the Jail Administrator have no duties not related to jail administration even if the county decides to stay below 30. Boarding in inmates creates significantly more work than if all the inmates were Todd County inmates.

Currently jail staff are completing physical plant duties. The day of the inspection, a staff member reported she has taken on the responsibility to treat the shower floors with a truck liner substance. She applied it or inmate workers would apply it. This is at best a temporary fix. Maintenance of the jail needs to be performed by qualified professionals. Many of the showers need work now.

Since the facility continues to not be in substantial compliance, the Todd County Jail will remain on annual inspection cycle. Additionally, the inspector will be conducting unannounced visits and an inspection in approximately 6 months.

JJDPA Compliance

On July 21, 2016 a Juvenile Justice and Delinquency Prevention Act audit was conducted. The Todd 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 the Statewide Supervision System, the Todd County Jail held or processed 5 juveniles between October, 2015 to the day of inspection. I reviewed 100 percent of that data which was 5 records. The findings are as follows:

DSO: I did not find any violations of the facility holding status offenders in the jail. Upon review of the files, indication was that children that were brought into the facility were indeed there for delinquent offenses.

Jail Removal: Files and Statewide Supervision System data indicate that any children 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 allow for proper sight and sound separation. This includes the route taken to Court holding. Policies 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 did not find any violations of the JJDP act during the Todd County inspection.

Report completed By: Greg Croucher – Senior Detention Facility Inspector

Signature: _____

Gregory A. Croucher