



Central Office
1450 Energy Park Drive, Suite 200 | St. Paul, MN 55108
Main: 651.361.7200 | Fax: 651.642.0223 | TTY: 800.627.3529
www.mn.gov/doc

December 20, 2020

Sheriff Troy Dunn
Rice County Sheriff's Office
118 3rd Street NW
Faribault, MN 55021

Re: Rice County Jail Facility Reclassification Extension Request

Dear Sheriff Dunn:

This letter is in response to your request to extend the previously established January 1, 2021 reclassification deadline for the Rice County Jail.

As you know, Rice County Jail physical plant concerns were discussed during your annual inspections in April of 2018 and again in April of 2019. In April of 2019, Inspector Jennifer Pfeifer informed you that a formal recommendation would be made to the Commissioner's Office to reduce the classification of the Rice County Jail to a Class II-90 day lock up. That formal recommendation was made to Commissioner Schnell by the Inspection and Enforcement Unit, and on July 26, 2019 you were given official notice of an effective date of November 1, 2019. On August 5, 2019, you requested an extension of the reclassification, which was granted with a sunset date of January 1, 2021.

While I appreciate the work Rice County officials are taking to be proactive in generating long-term solutions to the concerns outlined in previous inspections, and I recognize your need for the extension, we are responsible for ensuring the safety and well-being of the individuals subject to incarceration at the Rice County Jail.

Our concerns, as identified by Inspector Pfeifer, include improper classification and separation of the inmates, a lack of adequate program and recreation space for the population served, and a lack of educational programming for persons incarcerated longer than 90-days. We understand that many of these issues will be addressed with the construction of a new facility.

A compelling issue of immediate concern is that well-being checks continue to be out of compliance with the 30-minute timeline laid out in the rule and the manner in which well-being checks are done creates an unsafe environment for those in your custody as well as your staff. Poor sight lines require the staff to enter the day space of the housing areas when staff complete well-being checks, and information we have received indicates that this is not occurring on a regular basis. The manner and pace of the checks raises questions about whether the well-being of those in your custody can be verified.

On April 16, 2020, a full inspection of the Rice County Jail was completed. At that time, it was noted that well-being checks were out of compliance. It was communicated that all staff be trained about the requirement for and importance of well-being checks, including the procedural expectations for properly completing the checks. It was requested that documentation of the completed training be sent to the inspector, that you establish a system of accountability for well-being checks and that the jail administrator or designee set up a system to audit full compliance with these checks in accordance with the rule.

A recent review of several special incidents submitted to the Inspection and Enforcement Unit, through the DOC Portal, found the facility in violation of Chapter 2911 Rule 5000.5. In the reported incidents, there were repeated failures to complete well-being checks properly and within the required timeframe. I am also aware of a complaint received on December 12, 2020, regarding the lack of medical and mental health care provided in the facility. The inspector communicated concerns regarding ineffective communication between the jail and its medical provider, and serious process deficiencies that contributed to failures to provide medical and mental health services to a person in your custody for approximately 11 weeks. This is unacceptable and it is our expectation that improved processes and systems will be implemented immediately, and that documentation of such be provided to the inspector no later than January 1, 2021.

Recognizing that several of the aforementioned concerns will be addressed with a new jail facility, I will grant extension of the reclassification date to July 1, 2022 with the following conditions and in accordance with the noted effective dates below:

1. Effective immediately, you must keep inmates properly classified and separated. Inmates who do not classify according to the classification tool must be housed out of county.
2. Effective immediately, the jail must provide a monthly program schedule to the Department of Corrections to ensure adequate educational and recreational programming for the term of this extension, including copies of attendance documentation.
3. The jail must provide an approved written policy and procedure for well-being checks no later than December 31, 2020.
4. The jail must provide documentation of the new well-being check training completion by all staff to be completed no later than December 31, 2020.
5. The jail administrator or designee will document completion of all well-being check logs and review of corresponding video to ensure full compliance with well-being check requirements. Documentation of all well-being check audits will be submitted to the inspector monthly beginning January 1, 2021.
6. A written plan for ensuring that medical and mental health care is provided in a timely manner for non-emergent care and the process for determining and initiating immediate care when emergencies arise shall be submitted to the Department of Corrections by December 31, 2020.
7. A copy of new protocols or procedures regarding medical and mental health shall be submitted to the Department of Corrections by December 31, 2020.

I have asked Inspector Pfeifer and Acting Director Lisa Becking to keep me apprised of compliance with the above noted conditions, and I have briefed Commissioner Schnell on our plan. In fulfillment of our regulatory responsibility, please understand that the reclassification extension may be rescinded should Rice County Jail be found in violation of these conditions during its upcoming annual inspection in April 2021 or at any time through the term of the extension.

Please contact Acting Director Becking at lisa.cain.becking@state.mn.us or 507-382-9797, or Inspector Pfeifer at jennifer.pfeifer@state.mn.us or 952-484-4342, or me at marcus.schmit@state.mn.us or 651-361-7633 if you have any questions or concerns regarding this extension and the conditions listed above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcus Schmit', written in a cursive style.

Marcus Schmit
Assistant Commissioner

CC: Mr. Jake Marinenko, Jail Administrator, Rice County Sheriff's Office
Mr. Paul Schnell, Commissioner, Department of Corrections
Rice County File