

January 21, 2021

TO: [REDACTED]  
Assistant Director for Detention Management

FROM: [REDACTED]  
Lead Compliance Inspector  
The Nakamoto Group, Inc.

SUBJECT: **Annual Detention Inspection of the Sherburne County Jail**

The Nakamoto Group, Inc. performed an annual inspection for compliance with the ICE National Detention Standards (NDS 2019) of the Sherburne County Jail, Elk River, Minnesota during the period of January 19-21, 2021. This inspection was scheduled for 2020 but was postponed to 2021 due to COVID. This is an IGSA facility.

The inspection was performed under the guidance of [REDACTED], Lead Compliance Inspector. Team members were:

Subject Matter Field	Team Member
Detainee Rights	[REDACTED]
Security	[REDACTED]
Medical Care	[REDACTED]
Medical Care	[REDACTED]
Safety	[REDACTED]

### **Type of Inspection**

This is a scheduled annual inspection that is performed to determine overall compliance with the ICE NDS 2019 for Over 72-hour facilities. The facility received a rating of Meets Standards during the November 2019 annual inspection.

### **Inspection Summary**

The Sherburne County Jail is currently accredited by:

- The American Correctional Association (ACA) – Yes
- The National Commission on Correctional Health Care (NCCHC) – No
- The Joint Commission (TJC) - No
- Prison Rape Elimination Act (PREA) - Yes

### **Standards Compliance**

The following information is a summary of the standards that were reviewed and overall compliance that was determined as a result of the 2019 and 2021 NDS annual compliance inspections:

<b>2019 Annual Inspection</b>	
Meets Standards	37
Does Not Meet Standards	0
Repeat Finding	0
Not Applicable	2

<b>2021 Annual Inspection</b>	
Meets Standards	31
Does Not Meet Standards	0
Repeat Finding	0
Not Applicable	2

The inspection team identified ten (10) deficient components in the following six (6) standards:

Custody Classification—2  
 Hold Rooms in Detention Facilities—1  
 Searches of Detainees—1  
 Staff-Detainee Communication—1  
 Medical Care—2  
 Visitation—3

### Facility Snapshot/Description

The Sherburne County Jail is located in Elk River, Minnesota, approximately 35 miles north of Minneapolis, St. Paul. The Sherburne County Jail is a regional detention facility operated by the Sherburne County Sheriff's Office. The county has an Intergovernmental Service Agreement (IGSA) with ICE to house male and female detainees. The facility was constructed in 1979 and has undergone a series of remodeling and construction projects [REDACTED]

[REDACTED] Most of the bed space is used by the federal government including the U.S. Marshals Service, the Bureau of Indian Affairs, and ICE. The facility also houses prisoners for Sherburne and Anoka counties. [REDACTED]

The facility operates with a combination of direct and indirect supervision. The special management unit is one level and of linear design. The remaining housing units are two levels and of direct supervision design. The detainees participate in a seven to ten-day orientation program before being housed in general population. The formal orientation program includes an overview of facility rules, operations, available programs, and services. The housing units include a barbershop, janitorial closet, vending machines, and a multipurpose room for programs and the use of an electronic law library. Electronic tablets are provided in each housing unit on which detainees may access various types of educational programming, videos, and music. Currently, the tablets are not used for communication, but the facility plans to add this functionality.

All detainees arriving at the facility are placed in a fourteen-day cohort (quarantine status) due to COVID-19 protocols which overlap with the orientation process. Upon arrival, detainees are offered a COVID-19 test. If a detainee tests negative and is asymptomatic, he or she will move to the general population after completion of the cohort period. A detainee who tests positive for COVID-19 and/or has symptoms will be placed in a medical protocol. Detainees are classified before placement in the cohort status.

ICE suspended on-site general/social visitation for ICE detainees in March 2020. However, the facility continues to offer fee-based virtual visitation to detainees and visitors during the on-site visitation suspension. Legal and professional visitation are exempt from the on-site visitation suspension; however, according to facility staff, most legal representatives choose the virtual option. To mitigate the impact of the



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visitation suspension, each detainee is provided with two, twenty-minute free calls per week. The suspension of non-employee volunteers entering the facility has also impacted various programs.

Eleven detainees were interviewed individually by telephone. Two of the interviews were with detainees with limited English proficiency (LEP), one who spoke Karen and one Spanish speaker; a telephonic language line interpreter service was used to facilitate the interviews. One of the eleven interviews was with a detainee housed in the SMU.

Some of the detainees commented on the lack of recreational opportunities outside of the housing units. The concern was reviewed by the Environmental Health and Safety (EHS) SME who found that the Minnesota Department of Health has asked the facility, in writing, to not permit discretionary gatherings of large numbers of detainees to mitigate the spread of COVID-19. Detainees are permitted out of their cell several hours each day and have been provided a suggested exercise program designed to help them stay active while the curtailment of access to the gymnasium is in effect.

Another common complaint was regarding the quality and variety of food served at the facility. The EHS SME reviewed the facility's menu and confirmed that it had been approved by a registered dietician and met the recommended daily allowances and overall nutritional requirements.

Two detainees complained that the showers were not regularly cleaned. Photos of showers and cleaning schedules were reviewed. The detainees' comments regarding the lack or infrequency of shower cleaning could not be substantiated.

One female detainee complained she had developed a rash which she believed was caused by the underwear provided by the facility. Specifically, she was unhappy that when she turned her underwear in for cleaning, she did not receive the same pair back. Follow-up confirmed that the detainee had been seen on more than one occasion by the medical staff for this condition, most recently on January 15, 2021, at which time she was prescribed Fluconazole for vaginal itching. Additionally, when clothing articles are submitted for cleaning, the clothing is cleaned and re-issued to the detainee population by size. The pair of underwear a detainee submits for cleaning will likely not be the same pair returned to them after they are cleaned.

Another detainee complained that his medication had been discontinued. The Medical SME followed-up on this issue and found that the detainee is being followed by mental health providers for anxiety. Two of his medications were discontinued; he was not consistent in taking one of them and, per the mental health provider, and there is no indication for the other medicine to be continued.

The detainees interviewed did not state concerns regarding their physical safety at the facility although one male detainee housed in the SMU during the inspection stated he did not want to be housed with other non-ICE detainees in the general population. The classification sergeant was consulted regarding this issue. ICE detainees may be housed with other non-ICE detainees of compatible classification levels except for females who may be commingled with all classification levels.

Some grievances had been filed regarding the general complaints about the food, recreation, and showers. The detainees who discussed medical issues did not report filing a grievance. The detainees reportedly did not contact the OIG regarding these issues but stated they were aware of the process for contacting the OIG. Detainees were generally satisfied with access to medical services, mail, the law library, and telephones. Detainees understood that some services and programs were more limited than usual due to protocols implemented in response to the COVID-19 pandemic.



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The facility does not charge co-pays for medical, mental health, or dental care. Medical services are provided by MENd Correctional Care. Food services are provided by Summit Food Service. Detainee telephone services are provided via a contract with Securus Technologies. All other services are provided by Sherburne County.

Since this inspection was conducted remotely, the inspectors were not able to observe interactions between facility staff and detainees regarding translation services. However, staff interviewed were aware of the availability of language line and other web-based translation services. LEP detainees interviewed stated that translation services had been used for communications with them, especially in the medical department.

Forms used for various purposes and information distributed to detainees were found to be available in English and Spanish. According to the accreditation manager, staff use ELSA, a hands-free, mobile-live interpretation communication device compatible with several languages to speak to detainees who are LEP.

### **Areas of Concern/Significant Observation**

The inspection team did not identify any areas of concern or significant observations. The inspection was conducted remotely and inspectors were unable to personally observe practices and procedures within the facility. The inspection team relied upon a review of policies, procedures, logs, photographs, and/or videos to validate the observation of many standards. Additionally, interviews were conducted with multiple key staff members.

### **Recommended Rating and Justification**

The Lead Compliance Inspector recommends that the facility receive a rating of Meets Standards unless unobserved practices and conditions are contrary to what was reported to the inspection team. The facility complies with the ICE National Detention Standards (NDS 2019). No (0) standards were found Does Not Meet Standard and two (2) standards were Not Applicable (N/A). All remaining thirty-one (31) standards were found to Meet Standards.

### **LCI Assurance Statement**

The findings of compliance and non-compliance are accurately and completely documented on the G-324 Inspection Form and are supported by documentation in the inspection file. An out-brief was conducted by telephone conference call and in addition to the entire Nakamoto Group, Inc. Inspection Team, the following persons participated in the call:

- ICE Officials— [REDACTED]
- Facility Staff— [REDACTED]



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[Redacted], Lead Compliance Inspector

January 21, 2021

Printed Name of LCI

Date