

October 28, 2021

TO: [REDACTED]  
Acting Assistant Director Custody Management

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

SUBJECT: **Annual 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 in Elk River, Minnesota during the period of October 26-28, 2021. 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	Inspector 06
Security	Inspector 42
Medical Care	Inspector 15
Medical Care	Inspector 19
Safety	Inspector 32

### **Type of Inspection**

This is an annual inspection which is performed to determine overall compliance with the ICE NDS for Over 72-hour facilities. The January 2021 inspection was rated Meets Standards.

### **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 January 2021 and October 2021 annual compliance inspections:

<i>January 2021 Annual Inspection</i>	
Meets Standard	31
Does Not Meet Standard	0
Repeat Finding	0
Not Applicable	2

<i>October 2021 Annual Inspection</i>	
Meets Standard	31
Does Not Meet Standard	0
Repeat Finding	0
Not Applicable	2

The inspection team identified five (5) deficient components in the following three (3) standards:

Admission and Release – 2

Custody Classification – 2, both of which are repeat deficiencies

Staff-Detainee Communication – 1, which is a repeat deficiency

### **Facility Snapshot/Description**

The Sherburne County Jail was constructed in [REDACTED] and functions as a regional detention facility operated by the Sherburne County Sheriff's Office. The facility is located in Elk River, Minnesota approximately 35 miles north of Minneapolis, St. Paul. This IGSA has an operational capacity of [REDACTED] beds and employs the direct and indirect model of supervision to all classification levels of male ICE detainees and medium-high to high custody level female ICE detainees, U.S. Marshal Service (USMS), Bureau of Indian Affairs, Anoka County and Sherburne County inmates. [REDACTED]

The facility is single-story structure which contains seven general population housing units and a special management unit (SMU). [REDACTED] Medium-high to high custody level detainees are housed with other jurisdictions of the same or similar custody classification levels, while medium-low to low custody level male ICE detainees are housed separate from all other jurisdictions. The facility has an agreement with ICE not to house medium-low to low female custody level detainees. There was one detainee housed in the SMU under disciplinary segregation status at the time of inspection. Onsite inspectors found the living units to be well lit with both natural and artificial light and observed adequate open space for detainees. The dayrooms are furnished with gaming style tables and chairs for detainees to participate in leisure time activities, socializing, playing board games, and playing cards. Televisions are available for detainees to view. Kiosks and computer tablets are available to detainees, but are not programmed to communicate with ICE via electronic mail. Group religious services have been suspended due to health concerns associated with the COVID-19 virus. Since the last inspection, free onsite video visitation has been added as a general visitation option by the virtual visit provider, NCIC Inmate Communications. Free video visitation sessions are thirty minutes long which meets the minimum requirement of the standard and currently serves as the replacement for non-contact general visitation. Legal visitation is offered via remote video communications or onsite through non-contact visiting booths. Other COVID-19 response operational changes include all newly received detainees have been quarantined upon admission to the facility. Detainees complaining of symptoms will be COVID-19 tested immediately. Indoor recreation is available to detainees one hour per day, seven days per week which aligns with the minimum requirement of the standard for facilities offering indoor recreation only. ICE detainees do not participate in the voluntary work program.

The facility is climate controlled, and the physical plant was found to be in good repair. All staff interviewed were well-versed in facility guidelines and operating procedures as well as the National Detention Standards. Officers and staff were professional during interviews and detainees that agreed to be interviewed spoke





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willingly and respectfully. A review of sanitation inspection reports, interviews with staff and detainees, and observation by onsite inspectors concluded that the sanitation level of the facility was adequate.

The inspection team interviewed or offered an interview to all thirteen detainees being housed at the facility during the inspection. Interviews were conducted in person by onsite inspectors. Interpreter assistance was not needed as all detainees were fluent in speaking English. There were no substantive concerns voiced when asked about personal safety, access to telephones, medical services, or treatment by staff. All detainees verified that memorandum, posters, and other type of key information are posted in English and Spanish throughout the facility which are the languages primarily spoken by detainees. While conducting formal interviews, four detainees complained of repetitive food items being served such as potatoes and rice. The safety SME reviewed the cycle menu and found a good rotation of food items. Menus are reviewed and approved by a registered dietician. One detainee complained that the legal computer program did not include immigration law forms that could be completed electronically and printed. This concern was brought to the attention of the OIC who stated that he was aware of the concern and had the jail programs coordinator and jail information technology staff working on a solution. One detainee stated to the security SME that the facility was not supportive of Muslim services for detainees to participate in and noted that he had filed several grievances sharing his concerns. An interview with the jail programs coordinator and review of grievances filed by the detainee found that his complaints were narrowed to religious diet requests. All grievances were responded to timely by staff and included reasonable/feasible solutions for a correctional setting. Several detainees commented positively of the facility's clothing issuance process and the ease of getting personal hygiene items replenished. Detainees were reminded of the proper procedures for filing grievances and the availability of the OIG hotline for submitting complaints.

Medical and mental health services are provided by MeND Correctional Care and food services is contracted with Summit. The OIC stated that Trinity Services Group was recently awarded the food service contract and are scheduled to take over the facility's food service operation on November 1, 2021. The facility does not charge co-pays for medical, mental health, or dental care. The detainee telephone, computer tablet, and kiosk systems are provided by NCIC Inmate Communications.

### **Areas of Concern/Significant Observations**

There were no areas of concern or significant observations from this hybrid inspection. Onsite inspection team members were provided all requested documentation and observed the practice and procedures of the facility. Remote inspectors relied upon photographs and/or videos to validate the observation of many standards.

### **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) for Over 72-hour facilities. No (0) standard was rated as 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-324A Inspection Form and are supported by documentation in the inspection file. An out brief was conducted onsite



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and telephonically with facility staff and ICE representatives. In addition to the entire Nakamoto Group, Inc. Inspection Team, the following were present:

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

[REDACTED] Lead Compliance Inspector	October 28, 2021
Printed Name of LCI	Date