



U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Professional Responsibility
ICE Inspections
Washington, DC 20536-5501

**Office of Detention Oversight
Unannounced Compliance Inspection
2023-004-062**

**Enforcement and Removal Operations
ERO Saint Paul Field Office**

**Sherburne County Jail
Elk River, Minnesota**

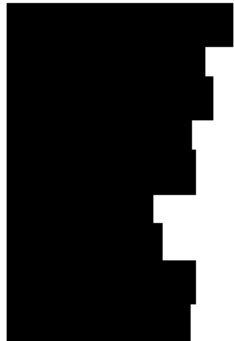
February 14-16, 2023

UNANNOUNCED COMPLIANCE INSPECTION
of the
SHERBURNE COUNTY JAIL
Elk River, Minnesota

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COMPLIANCE INSPECTION TEAM MEMBERS



Acting Team Lead	ODO
Inspections and Compliance Specialist	ODO
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Contractor	Creative Corrections
Contractor	Creative Corrections

FACILITY OVERVIEW

The U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) Office of Detention Oversight (ODO) conducted an unannounced compliance inspection of the Sherburne County Jail (SCJ) in Elk River, Minnesota, from February 14 to 16, 2023.¹ The facility opened in 1979 and is owned and operated by the Sherburne County Sheriff’s Office. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at SCJ in 1989 under the oversight of ERO’s Field Office Director in Saint Paul (ERO Saint Paul). The facility operates under the National Detention Standards (NDS) 2019.

ERO has assigned deportation officers to the facility. A jail commander handles daily facility operations and manages [REDACTED] support personnel. Summit Food Service provides food services, MEnD Correctional Care provides medical care, and Sherburne County provides commissary services at the facility. The facility was accredited by the American Correctional Association in August 2021 and the National Commission on Correctional Health Care in January 2022. In April 2022, SCJ was audited for the Department of Justice (DOJ) Prison Rape Elimination Act (PREA) and was DOJ PREA certified.

Capacity and Population Statistics	Quantity
ICE Bed Capacity ²	[REDACTED]
Average ICE Population ³	[REDACTED]
Adult Male Population (as of February 14, 2023)	[REDACTED]
Adult Female Population (as of February 14, 2023)	[REDACTED]

During its last full inspection, in Fiscal Year (FY) 2022, ODO found seven deficiencies in the following areas: Special Management Unit (1); Sexual Abuse and Assault Prevention and Intervention (1); Medical Care (3); Significant Self-Harm and Suicide Prevention and Intervention (1); and Correspondence and Other Mail (1).

¹ This facility holds both male and female detainees with low, medium-low, medium-high, and high security classification levels for periods greater than 72 hours.

² Data Source: ERO Facility List as of February 14, 2023.

³ *Ibid.*

UNANNOUNCED COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population (ADP) of 10 or more detainees, and where detainees are housed for over 72 hours, to assess compliance with ICE NDS. These inspections focus solely on facility compliance with detention standards that directly affect detainee life, health, safety, and/or well-being.⁴

ODO identifies violations of ICE detention standards, ICE policies, or operational procedures, as “deficiencies.” ODO highlights instances when the facility resolves deficiencies prior to completion of the ODO inspection. Where applicable, these corrective actions are annotated with “C” under the *Unannounced Compliance Inspection Findings* section of this report.

In fiscal year (FY) 2022, ODO began conducting special reviews of under 72-hour ICE detention facilities with an ADP of 1 or more detainees and over 72-hour ICE detention facilities with an ADP of 1 to 9 detainees. Additionally, ODO began conducting unannounced inspections of ICE detention facilities, regardless of ADP of detainees, as well as reviews of ICE special/emerging detention facilities/programs. As such, these facility inspections will result in an ODO Inspection Compliance Rating; however, for facilities that are not contractually obligated to an ICE NDS, those ratings will be for ERO’s informational purposes. ODO will conduct a complete review of several core standards, in accordance with the facility’s contractually required ICE NDS or in accordance with the ICE NDS listed in the current ERO Facility List Report for facilities that are not contractually obligated to an ICE NDS, which include but are not limited to Medical Care/Health Care, Medical Care (Women)/Health Care (Females), Suicide Prevention and Intervention, Hunger Strikes, Food Service, Environmental Health and Safety, Special Management Units (SMU) or Hold Rooms if the facility does not have an SMU, Use of Force and Restraints/Use of Physical Control Measures and Restraints, and Sexual Abuse and Assault Prevention and Intervention.

Upon completion of each special review or unannounced inspection, ODO conducts a closeout briefing with facility and local ERO officials to discuss preliminary findings. A summary of these findings is shared with ERO management officials. Thereafter, ODO provides ICE leadership with a final compliance inspection report to: (i) assist ERO in developing and initiating corrective action plans; and (ii) provide senior executives with an independent assessment of facility operations. ODO’s findings inform ICE executive management in its decision-making to better allocate resources across the agency’s entire detention inventory.

⁴ ODO reviews the facility’s compliance with selected standards in their entirety.

FINDINGS BY NATIONAL DETENTION STANDARDS 2019 MAJOR CATEGORIES

NDS 2019 Standards Inspected ^{5,6}	Deficiencies
Part 1 - Safety	
Environmental Health and Safety	0
Transportation by Land	1
Sub-Total	1
Part 2 - Security	
Admission and Release	0
Custody Classification System	0
Funds and Personal Property	0
Hold Rooms in Detention Facilities	0
Use of Force and Restraints	0
Special Management Unit	0
Sexual Abuse and Assault Prevention and Intervention	0
Sub-Total	0
Part 3 - Order	
Disciplinary System	0
Sub-Total	0
Part 4 - Care	
Food Service	0
Medical Care	0
Significant Self-Harm and Suicide Prevention and Intervention	0
Terminal Illness and Death	0
Disability Identification, Assessment, and Accommodation	0
Sub-Total	0
Part 5 - Activities	
Correspondence and Other Mail	0
Recreation	0
Visitation	0
Sub-Total	0
Part 6 - Justice	
Detainee Handbook	0
Sub-Total	0
Total Deficiencies	1

⁵ For greater detail on ODO's findings, see the *Unannounced Compliance Inspection Findings* section of this report.

⁶ Beginning in FY 2022, ODO instituted a process of rotating all standards on a 3-year basis. As a result, some standard components may not be present in all standards.

⁷ Special reviews and unannounced inspections are both focused reviews, and ODO will review a facility's compliance with at least 10 individual standards during each special review or unannounced inspection.

DETAINEE RELATIONS

ODO interviewed three detainees, who each voluntarily agreed to participate. None of the detainees made allegations of discrimination, mistreatment, or abuse. Most detainees reported satisfaction with facility services except for the concern listed below.

Food Service: One detainee stated he has yet to receive a response from facility food service (FS) after submitting an ICE request to change to a religious diet.

- Action Taken: ODO interviewed SCJ's program coordinator (PC), reviewed the detainee's file, and found no record of the detainee's request for a religious diet. On February 14, 2023, the PC met with the detainee to discuss justification for a religious diet and the detainee replied he refrains from eating pork. The PC informed the detainee that SCJ FS uses no pork for any of the meals served. The detainee then complained of small meal portions. ODO observed the FS program in its entirety and confirmed portions met standard nutritional requirements and found no pork in the facility. At the request of ODO, the PC educated the detainee on how to submit an ICE request for any issues involving facility services.

UNANNOUNCED COMPLIANCE INSPECTION FINDINGS

SAFETY

TRANSPORTATION BY LAND (TL)

ODO reviewed SCJ TBL policies and post orders, interviewed facility staff, observed transportation vehicles and equipment, and found no posted written guidelines for tracing procedures to locate an overdue vehicle (**Deficiency TL-29**⁷).

CONCLUSION

During this unannounced compliance inspection, ODO assessed the facility's compliance with 19 standards under NDS 2019 and found the facility in compliance with 18 of those standards. ODO found one deficiency in the remaining one standard. Since SCJ's last full inspection in November 2021, the facility has shown steady improvement. SCJ went from five deficient standards and seven deficiencies in November 2021 to one deficient standard and one deficiency during this most recent inspection. However, ODO did not inspect the Transportation by Land standard during the last full inspection in November 2021. The facility's improved performance resulted from completion of a uniform corrective action plan for ODO's follow-up inspection of SCJ in June 2022. ODO recommends ERO Saint Paul continue to work with the facility to resolve the

⁸ "Each office will develop and post written guidelines for locating an overdue vehicle. If the vehicle does not arrive within range of the ETA, the contact point shall set the tracing procedures in motion." See ICE NDS 2019, Standard, Transportation by Land, Section (II)(K).

remaining deficiencies in accordance with contractual obligations.

Compliance Inspection Results Compared	FY 2022 Full Inspection (NDS 2019)	FY 2023 Full Inspection (NDS 2019)
Standards Reviewed	19	19
Deficient Standards	5	1
Overall Number of Deficiencies	7	1
Priority Component Deficiencies	N/A	0
Repeat Deficiencies	1	0
Areas Of Concern	0	0
Corrective Actions	0	0
Facility Rating	Superior	Superior