

STATE OF NORTH DAKOTA
DEPARTMENT OF CORRECTIONS AND REHABILITATION

In the Matter of the Rolette County Law Enforcement Center, Rolla, North
Dakota

ORDER OF NONCOMPLIANCE

This order is issued in accordance with N.D.C.C. § 12-44.1-25.

The North Dakota Department of Corrections and Rehabilitation ("DOCR") makes the following:

FINDINGS OF FACT

I.

The Rolette County Law Enforcement Center (RCLEC) is a county correctional facility in Rolla, Rolette County, North Dakota. On June 2, 2026, DOCR correctional facility inspector Steve Hall inspected RCLEC in accordance with N.D.C.C. § 12-44.1-24 and 12-44.1-25 and current North Dakota Correctional Facility Standards. DOCR facility inspectors previously inspected the RCLEC on August 20 and 21, 2025.

II.

RCLEC is classified as a grade one (1) correctional facility under N.D.C.C. § 12-44.1-06; the jail is located at 16 1st St. SW, Rolla, North Dakota. RCLEC is operated under the authority of Rolette County Sheriff Nathan A. Gustafson and Jail Administrator Christina Allard. RCLEC is under the governing authority of the Rolette County Commission.

III.

RCLEC is in one (1) building and consists of one-level that includes county sheriff offices, 911/dispatch center, and a 48-bed correctional center.

IV.

RCLEC has a maximum capacity of forty-eight (48) inmates housed within four (4) units.

V.

The housing units are similarly situated with an upper and lower tier. Stairs in the dayrooms access the upper tier cells. Each cell is double-bunked and has a washbasin and a toilet. Each unit has large, heat-treated, double-sided, tempered glass windows. These windows restrict visibility from the inside of the housing unit and give the control room a direct view into some of the units.

VI.

There are two (2) observation/safety cells in booking and a dayroom adjacent to the observation/safety cells. The two (2) observation/safety cells in the booking area are double-bunked and have a washbasin and toilet in each cell. The observation/safety cells are located near the booking officer station. The observation/safety unit has a dayroom with windows, which gives the booking officer a direct view into the dayroom. The booking officer does not have direct visual observation into the cells from the booking station.

VII.

Each unit has basic furnishings: television, kiosks, phones, and multi-purpose areas. All housing units have adequate and appropriate seating for the number of inmates that make use of each unit. All housing units have access to natural lighting and illumination sufficient for comfortable reading in the living areas. The furnishings are appropriate to the custody level of inmates assigned in each housing unit. The dayrooms allow inmates to congregate, watch television, use the telephone system, and have access to a kiosk system for visitation, ordering of commissary, inmate handbook, and the law library.

VIII.

RCLEC has an authorized staff consisting of Jail Administrator Christina Allard, fourteen (14) full-time security staff and maintain staffing levels of one (1) employee to three (3) inmates. The average length of stay for inmates is thirty-four (34) days. Four hundred fifty-three (453) inmates were booked into RCLEC in 2025. Three hundred twenty-seven (327) of those inmates were male and one hundred forty-nine (149) were female.

IX.

RCLEC is staffed with two (2) officers in the jail and one (1) in the 911 dispatch center. The dispatch center is located in the facility with no direct line of sight in the housing units.

X.

On the evening of May 30 and 31, 2026 RCLEC was staffed with one (1) person assigned to dispatch, one (1) certified correctional officer, and one (1) trainee. One (1) additional officer was on duty until 21:00 on May 30, 2026.

XI.

Thomas Badmoccasin Cree was booked in to RCLEC on May 29, 2026 on charges of domestic assault-bodily injury and felony terrorizing. Prior to being brought to jail, Cree was taken to the Quentin N. Burdick Memorial Hospital to be medically cleared prior to booking due to being under the influence. Cree was noted to have a lengthy history of medical issues. At the Quentin N. Burdick Memorial Hospital, Cree was given an injection

of 10 mg Haloperidol (Haldol) and an injection of 2 mg Lorazepam (Ativan). Cree was noted to have elevated blood pressure.

XII.

Cree was housed in a holding cell and placed on special watch with increased checks due to medications administered at the hospital and due to being under the influence. The intake process was not completed at the time of arrival and Cree was not provided with an intake telephone call.

XIII.

Special watch was removed from Cree at 11:58 hours on May 30, 2026. No rationale for this was identified on the special watch log. For the duration of the special watch six (6) checks exceeded the fifteen (15) minute requirement with the longest span being thirty-one (31) minutes.

XIV.

On May 30, 2026 RCLEC staff transported Cree to the Quentin N. Burdick Memorial Hospital after an elevated blood pressure check at RCLEC. Cree was examined by emergency room medical staff where Cree was provided medications and cleared to return to RCLEC.

XV.

Cree was provided with the medications obtained at the hospital at 21:13. There is no documentation as to the type or amount of medications provided. No Medication Administration Record (MAR) was created.

XVI.

Cree was housed alone in holding cell 142. He slept on the bottom bunk. His last movement on camera was at 22:26. Cree was found unresponsive at 01:55 by RCLEC staff.

XVII.

Medical care was provided by RCLEC staff until ambulance personnel arrived and assumed care of Cree. Video review identified a twenty-two (22) second gap in CPR.

Based on the above Findings of Fact, the North Dakota Department of Corrections and Rehabilitation ("DOCR") makes the following:

CONCLUSIONS OF LAW.

I.

The Rolette County Law Enforcement Center is a county correctional facility subject to N.D.C.C. ch.12-44.1.

II.

In accordance with N.D.C.C. § 11-15-03 the Sheriff of Rolette County is in charge of the Rolette County Law Enforcement Center.

III.

N.D.C.C. § 12-44.1-24 requires the DOCR to prescribe rules establishing minimum standards for the construction, operation, and maintenance of county correctional facilities, prescribe rules for the care and treatment of inmates, cause the rules and regulations be made available to inmates, and to appoint a correctional facility inspector qualified by special experience, education, or training to inspect correctional facilities. Inspection must include health and safety, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined, and personnel training.

IV.

The DOCR has promulgated rules in accordance with Section 12-44.1-24 and has appointed a correctional facility inspector in accordance with the requirements of N.D.C.C. § 12-44.1-24.

V.

N.D.C.C. § 12.44.1-25 authorizes the Director of the DOCR to issue a report of non-compliance if a correctional facility is in violation of any required minimum standards, applicable state or federal law, or DOCR rules for correctional facilities.

VI.

When the DOCR determines that the nature and extent of deficiencies in a correctional facility subject to N.D.C.C. ch.12-44.1 are such that an immediate order of full, partial, or temporary closure is necessary to protect the health and safety of the inmates, correctional facility staff, law enforcement, visitors, or the public, §12-44.1-25 authorizes the Director of the DOCR to issue an order of full, partial, or temporary closure.

VII.

N.D.C.C. § 12-44.1-01(10) defines "Trained correctional facility staff" to mean correctional personnel who have completed a course of training approved by the Peace Officer Standards and Training Board.

VIII.

N.D.C.C. § 12-44.1-13(1) requires inmates be supervised on a twenty-four hour basis by trained correctional facility staff.

IX.

N.D.C.C. § 12-44.1-13(4) requires each correctional facility to maintain sufficient law enforcement officers with correctional training or trained correctional facility staff to perform all functions relating to the intake and booking, security, control, custody, and supervision of inmates.

X.

- a) Standard 21 of the North Dakota Correctional Facility Standards requires RCLEC to have a written policy and procedure that includes a written record of relevant information needed for the booking process.
- b) RCLEC is in violation of Standard 21 of the North Dakota Correctional Facility Standards because the intake booking process was not completed and there was no documentation to indicate why this could not be completed upon arrival.

XI.

- a) Standard 26 of the North Dakota Correctional Facility Standards requires RCLEC to provide a newly admitted inmate the opportunity to attempt at least one (1) telephone call. Correctional facilities shall maintain documentation of the telephone calls and, when applicable, the inmate's refusal to make a telephone call.
- b) RCLEC is in violation of Standard 26 of the North Dakota Correctional Facility Standards because a phone call was not provided nor was there documentation indicating why the call could not be completed.

XII.

- a) Standard 30 of the North Dakota Correctional Facility Standards requires RCLEC to maintain facility staffing with at least two correctional officers who have completed the training required under North Dakota Correctional Facility Standard 103 or are acting under the supervision of trained correctional facility staff on duty capable of responding to the reasonable needs of the inmate, and having completed North Dakota Correctional Officer Basic Certification, Correctional Medical Training I and II, and when females are housed in a correctional facility, at least one female correctional officer must be on duty at all times in the correctional facility.

- b) RCLEC is in violation of Standard 30 of the North Dakota Correctional Facility Standards because RCLEC did not have adequate staffing. The trainee was not completed with her training to allow independent assignment. The officer in dispatch cannot be counted towards this requirement.

XII.

- a) Standard 32 of the North Dakota Correctional Facility Standards requires RCLEC to have a written policy and procedure for conducting rounds and for placing inmates into and removing inmates from close observation. Trained staff shall conduct rounds to personally observe each inmate located within the facility and all spaces accessible by inmates during each hourly period on an irregular basis.
- b) RCLEC is in violation of Standard 32 of the North Dakota Correctional Facility Standards because the policy required fifteen (15) minute checks while on special watch. This was exceeded on six (6) occasions. Removal from special watch was not documented correctly nor were the proper steps of re-evaluating Cree's mental status to ensure Cree is at reduced risk to reduce the monitoring level.

XIII.

- a) Standard 33 of the North Dakota Correctional Facility Standards requires RCLEC to have daily written record requirements.
- b) RCLEC is in violation of Standard 33 of the North Dakota Correctional Facility Standards because a review of facility logs found incomplete documentation to include documenting personnel on duty on May 30, 2026, medical documentation, and logs of intake telephone call.

XIV.

- a) Standard 49 of the North Dakota Correctional Facility Standards requires RCLEC to ensure all inmates have access to daily and ongoing necessary medical care to include administration of medication.
- b) RCLEC is in violation of Standard 49 of the North Dakota Correctional Facility Standards because RCLEC staff did not create a Medication Administration Record and did not document the medications given to Cree.

XV.

- a) Standard 52 of the North Dakota Correctional Facility Standards requires health care training of staff to include response to emergency health related situations and administration of cardiopulmonary resuscitation.

- b) RCLEC is in violation of Standard 52 of the North Dakota Correctional Facility Standards because CPR was interrupted for twenty-two (22) seconds without a valid reason.

XVI.

Rolette County Law Enforcement Center would remain subject to the Order of Noncompliance until vacated by the DOCR.

ORDER OF NON-COMPLIANCE

Based on the above Findings of Fact and Conclusions of Law, the DOCR issues this Order of Noncompliance.

IT IS HEREBY ORDERED, in accordance with N.D.C.C. § 12-44.1-25, that RCLEC comply with the following requirements:

1. RCLEC shall be subject to regular inspections and monitoring by DOCR Correctional Facility Inspectors. RCLEC shall pay to the DOCR the reasonable and actual costs incurred by the DOCR for additional inspections and monitoring which occur due to this order.

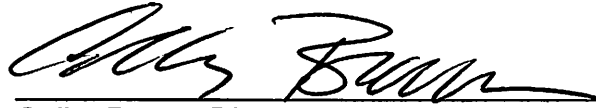
IT IS FURTHER ORDERED RCLEC shall remain subject to this Order of Noncompliance until the RCLEC can provide evidence to support resources are available to at least two trained correctional officers who have completed North Dakota Correctional Officer Basic Certification and Correctional Medical Training I and II, have completed the training required under Standard 103, or are acting under the supervision of trained correctional facility staff on duty capable of responding to the reasonable needs of the inmate.

IT IS FURTHER ORDERED RCLEC shall remain subject to this Order of Noncompliance until the RCLEC can provide evidence to support resources are available to conduct training needed to address the issues identified in the inspection report.

IT IS FURTHER ORDERED this order shall remain subject to the DOCR's continuing jurisdiction and authority under N.D.C.C. Chapter 12-44.1 to continue to inspect RCLEC and establish and amend or modify conditions and requirements the DOCR may determine are necessary for the safety of the inmates, staff, visitors, and the public based upon its inspections.

IT IS FURTHER ORDERED if RCLEC fails to comply with any of the requirements of this order, any of the requirements of the DOCR, or any of the requirements of the North Dakota Correctional Facility Rules and N.D.C.C. Chapter 12-44.1, the DOCR may exercise its authority under N.D.C.C. § 12-44.1-25 and order RCLEC be reclassified or closed.

Dated this 13th day of October, 2026.

A handwritten signature in black ink, appearing to read "Colby Braun", written over a horizontal line.

Colby Braun, Director
North Dakota Department of Corrections and
Rehabilitation

A handwritten signature in black ink, appearing to read "J Charvat", written over a horizontal line.

Joseph Charvat, Chief of Facility Inspections
North Dakota Department of Corrections and
Rehabilitation

ADMISSION OF SERVICE

I hereby accept service of the North Dakota Department of Corrections and Rehabilitation,
Rolette County Law Enforcement Center Order of noncompliance issued on October 13, 2026.

Name: Heather A. Alward Date: 10/20/26 Location: RC50

Name: Br. Wally Date: 10/20/26 Location: RC50

Name: Kambles Date: 10-20-26 Location: R.C.S.O

Served by: J. Chant Date: 10-20-26

This order is issued in accordance with N.D.C.C. § 12-44.1-25

