

**STATE OF NORTH DAKOTA
DEPARTMENT OF CORRECTIONS AND REHABILITATION**

In the Matter of the Walsh County Correctional Center, Grafton, 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.

Walsh County Correctional Center (WCCC) is a grade two (2) correctional facility under N.D.C.C. §.12-44.1-06; the facility is located at 638 Cooper Avenue, Grafton, North Dakota. WCCC is operated under the authority of the Walsh County Sheriff Ron Jurgens and the governing authority of the Walsh County Commission.

II.

WCCC is a sixteen bed, grade two (2) facility located in Grafton, ND. The DOCR last inspected WCCC on May 21 and 22, 2025. After completion of this inspection and corrective action period, the DOCR found WCCC compliant with NDCFS.

III.

WCCC was constructed in 1975. The WCCC and Sheriff’s office are in a one-level building with a basement. The physical plant consists of a small vehicle sally port/unloading supply area, booking area, one (1) office for the staff, one (1) administration office for the chief correctional officer, observation cells, kitchen, laundry area, property storage room, booking area, library/attorney/visiting room, medical treatment area, and janitor/chemical/restroom.

IV.

WCCC's operational concept is to receive unclassified individuals, hold pretrial and convicted persons up to ninety (90) days, and allow for processing, classifying, and releasing individuals. WCCC facility has a maximum capacity of sixteen (16). The facility contains four (4) housing units; three (3) units contain two (2) individual cells with one (1) bunk per cell. These three (3) units are identified as A-Cell, B-Cell, and C-Cell. The fourth unit is identified as the Ward Unit and houses up to ten (10) men in an open dorm-style housing area.

V.

All cells have a washbasin and toilet in the immediate sleeping areas. The units have a small dayroom located in front of the housing unit. A desk/writing surface and a chair/stool are inside the immediate sleeping areas of the three (3) units containing cells. A private shower is located in each of the housing units and the dorm. The design of each shower unit allows the inmates to have privacy for showering. Each unit and dorm are equipped with an intercom that allows inmates to communicate with staff.

VI.

WCCC has two (2) individual holding/administrative segregation or observation/safety cells. A washbasin and a toilet are included in each of these cells. The observation/safety cell is used temporarily for inmates who are under the influence of alcohol or drugs, display violent behavior, self-harm, or have an inability to exercise self-control. The observation/safety cell is located near the booking officer duty station and the officer's duty office. The observation/safety cells are within the booking area and have a camera and intercom. Personal visual observation is accomplished face to face through observation rounds. In addition, observation is further supported by electronic camera(s), which are monitored in the control room for safety and security.

VII.

WCCC has an authorized staff consisting of a Chief Correctional Officer, eight (8) full-time security staff and one (1) administration staff. WCCC maintains staffing levels of two (2) employees to eight (8) inmates. The average length of stay for inmates in 2024 was fifteen (15) days. Additionally, in 2024 two hundred ninety-seven (297) male inmates were processed.

VIII.

On October 5, 2025, the North Dakota Department of Corrections and Rehabilitation (DOCR) was notified of an in-custody death by the administration of the WCCC. Patrick Aune (Aune), a 39-year-old male, housed at WCCC had a medical emergency and was pronounced dead within housing unit B. DOCR correctional facility inspectors initiated an administrative inspection in accordance with N.D.C.C. §§ 12-44.1-24 and 12-44.1-25 and current North Dakota Correctional Facility Standards (NDCFS).

IX.

Aune, a 39-year-old male, arrived at WCCC on October 4, 2025, at 22:10, facing charges for arson, reckless endangerment with extreme indifference, preventing arrest, and contact by bodily fluids. Aune was treated for lacerations on his head and right forearm at First Care Emergency Room prior to arriving at WCCC. Aune was medically cleared for

housing at WCCC with after-care instructions for the lacerations on his head and right forearm.

X.

Aune arrived at WCCC at 22:10 and was booked in by Corporal Bronson Pugh (Pugh). Aune participated in the booking process and was described as being calm and respectful.

XI.

Aune was pat searched, provided jail issued clothing, and at 22:19 placed in a recovery cell at the direction of Sheriff Ron Jurgens due to Aune's prior disruptive history at WCCC. An unclothed search was not conducted.

XII.

Aune is allowed to sleep and provided breakfast at 04:52 before being moved to B unit at 05:35. Facility daily activity log shows six (6) safety checks between the hours of 00:49 and 04:52 as being completed. Video review does not support the documented daily activity log of in person visual observations of Aune.

XIII.

Aune is observed on video walking under his own power to B unit and allowed to shower.

XIV.

Officer Misti Thomas observed Aune on camera as "sweating and shaking" at 08:48. Thomas inquires through the intercom about his status and Aune responds that he is nervous. Thomas contacted facility nurse Kelsey Byron at 08:48 to report this behavior.

XV.

From 08:48 to 10:28 Aune spread water on the floor throughout the cell, displayed erratic behavior and is observed naked sliding around on the floor with involuntary movements, and instability.

XVI.

At 09:51 Officer Jayden Lee, who is in the cell cleaning water, observes a white crystalline substance in a plastic bag tied with a knot and confiscates the item from a chair outside the shower. This white crystalline substance later field tested positive for methamphetamine.

XVII.

Aune is unresponsive as of 10:33 and Officers Thomas, Lee, and Martinez begin life saving measures. EMS is contacted. The ambulance from Valley Ambulance and Rescue Service arrived at 10:43 and begin care.

XVIII.

Life saving measures are discontinued at 11:00 after consulting by phone with Physician's Assistant Jessica Whichman. Aune is pronounced dead.

XIX.

On October 15, 2025, Sheriff Ron Jurgens requested a voluntary reclassification from a grade 2 correctional facility to a grade 4 correctional facility to address staffing issues.

Correctional Facility Standards Violations

XIV.

WCCC did not comply with Standard 2 Applicable laws specifically NDCC §12-44.1-13 (4). WCCC did not maintain appropriate staffing to perform all functions relating to the intake and booking, security, control, custody, and supervision of inmates.

XV.

Standard 4 requires WCCC to have policies and procedures, and to demonstrate compliance with those policies. WCCC did not follow their admission, safety check, monitoring for signs of intoxication, and safety plant searches policies.

XVII.

Standard 21 requires intake screenings at the time of intake. The intake process was not completed as required by standard 21 and WCCC policy 502.5 Admission process and there was no documented reason why this could not be completed.

XIX.

Standard 23 identifies what is required in the intake file. The intake file was not fully completed with current information. Historical information was used to complete the documentation. Institutional practices were found to be inconsistent with WCCC policy 502.5 Admission process.

XX.

Standard 26 provides for the opportunity to attempt at least one telephone call. An intake telephone call was not offered to Aune as required in standard 26 and WCCC Policy 502.8 Inmate telephone calls.

XXI.

Standard 30 requires at least two trained correctional officers on duty. WCCC had only one officer on duty during the night shift. Administrator Adam Trahan reported that he was aware that the other scheduled officer was off shift in advance.

XXII.

Standard 32 requires a trained staff to personally observe each inmate in the facility during each hourly period and provide close observation of inmates who are intoxicated or have specialized medical problems. Safety checks were not completed hourly during the overnight hours as required by standard 32 and WCCC policy 504 safety checks. Policy 502.6.1 Monitoring for Signs of Intoxication and Withdrawal was not followed by staff failing to recognize the obvious change in Aune's status and failing to respond appropriately.

XXIII.

Standard 33 requires a daily written record, including the date and time and name of the staff member who completed the record. This record shall contain shift activities and time and results of rounds. WCCC daily log records contain false documentation where Pugh claimed safety checks had been completed. Pugh was observed on video walking by the Recovery cell without doing a safety check on Aune.

XIX.

Standard 35 requires searches of the facility and grounds. Only two documented searches were provided in 2025. WCCC policy 513.8 Physical plant searches requires searches before and after a person occupies a holding cell.

XX.

Standard 36 requires a policy and procedure for searches of inmates. Policy 513 contains the required information. An unclothed search was not conducted on Aune prior to placement in the recovery cell or general housing. Aune was allowed to change into jail issued clothes, but he was not required to remove his underwear, socks, or submit to a visual inspection.

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

Conclusions of Law.

I.

The Walsh County Correctional Center is a county correctional facility subject to N.D.C.C. ch.12-44.1.

II.

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.

III.

The DOCR has promulgated rules in accordance with N.D.C.C. § 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.

IV.

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.

V.

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.

VI.

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.

VII.

- a) Standard 2 of the North Dakota Correctional Facility Standards requires WCCC to comply with all applicable laws.
- b) WCCC is in violation of Standard 2 of the North Dakota Correctional Facility Standards because WCCC failed to maintain appropriate staffing during the overnight hours.

VIII.

- a) Standard 4 of the North Dakota Correctional Facility Standards requires policies and procedures and demonstrated compliance with those policies.
- b) WCCC is in violation of standard 4 of the North Dakota Correctional Facility Standards because WCCC did not follow policies 502.5 Admission Process, 502.8 Admission Process, 502.6.1 Monitoring for Signs of Intoxication and Withdrawal, 504.3 Safety Checks, 513.8 Physical Plant Searches.

IX.

- a) Standard 21 of the North Dakota Correctional Facility Standards requires intake screenings at the time of intake.
- b) WCCC is in violation of standard 21 of the North Dakota Correctional Facility Standards because the screening was not completed at the time of admission.

X.

- a) Standard 23 of the North Dakota Correctional Facility Standards requires WCCC to establish individual files at intake. At a minimum certain identification data and information must be recorded for each inmate in correctional facilities.
- b) WCCC is in violation of Standard 23 of the North Dakota Correctional Facility Standards because the intake file was not completed and current information was not utilized. Historical information was used to complete the documentation.

XI.

- a) Standard 26 of the North Dakota Correctional Facility Standards requires correctional facilities to allow a phone call upon intake.
- b) WCCC is in violation of standard 26 of the North Dakota Correctional Facility Standards because WCCC did not offer or complete a telephone call upon intake.

XII.

- a) Standard 30 of the North Dakota Correctional Facility Standards requires WCCC to have at least two trained correctional officers on duty.
- b) WCCC is in violation of standard 30 of the North Dakota Correctional Facility Standards because WCCC had only one officer on duty during the night shift.

XIII.

- a) Standard 32 of the North Dakota Correctional Facility Standards requires trained staff to personally observe each inmate in the facility during each hourly period and provide close observation of inmates who are intoxicated or have specialized medical problems.
- b) WCCC is in violation of Standard 32 of the North Dakota Correctional Facility Standards because WCCC staff did not complete the safety checks during the overnight hours as required and because staff did not respond to the change in condition and obtain proper care.

XIV.

- a) Standard 33 of the North Dakota Correctional Facility Standards requires a daily written record, including the date and time and name of staff member who completed the record.
- b) WCCC is in violation of Standard 33 of the North Dakota Correctional Facility Standards because WCCC daily log records contain false documentation where Pugh claimed safety checks had been completed when they had not.

XV.

- a) Standard 35 of the North Dakota Correctional Facility Standards requires searches of the facility and grounds.
- b) WCCC is in violation of Standard 35 of the North Dakota Correctional Facility Standards because searches of the inmate cell were not completed. Only two documented searches were provided for the past year.

XVI.

- a) Standard 36 of the North Dakota Correctional Facility Standards requires searches of inmates.
- b) WCCC is in violation of Standard 36 of the North Dakota Correctional Facility Standards because an unclothed search of Aune was not completed.

XVII.

Sheriff Ron Jurgens requested that the Walsh County Correctional Center be temporarily changed in classification to a Grade 4 facility. WCCC will remain so until further action 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 WCCC be temporarily closed effective October 21, 2025. **IT IS FURTHER ORDERED** that the Order of Temporary Closure shall be suspended so long as the WCCC complies with the following requirements:

1. The WCCC will remain as a grade 4 correctional facility in accordance with N.D.C.C. Section 12-44.1-06.(d) which is an adult lockup or court holding facility in which individuals may not be detained overnight.
2. WCCC shall be subject to regular inspections and monitoring by DOCR Correctional Facility Inspectors. WCCC 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 WCCC shall remain subject to this Order of Noncompliance until the WCCC can provide evidence to support adequate staffing numbers to operate a correctional facility in accordance N.D.C.C. Section 12-44.1-13.

IT IS FURTHER ORDERED WCCC shall remain subject to this Order of Noncompliance until the WCCC can provide refresher training for all staff on the proper intake procedures and information required to be collected during intake. WCCC shall develop a plan to ensure refresher training is completed for staff.

IT IS FURTHER ORDERED WCCC shall remain subject to this Order of Noncompliance until the WCCC can provide refresher training for all staff on identifying intoxication and withdrawal symptoms. WCCC shall develop a plan to ensure refresher training is completed for staff.

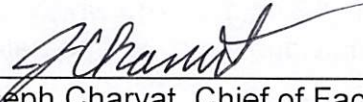
IT IS FURTHER ORDERED this order shall remain subject to the DOCR's continuing jurisdiction and authority under N.D.C.C. Chapter 12-44.1 to continue to inspect WCCC and establish and amend or modify conditions and requirements the DOCR may determine are necessary for the safety of the inmates, staff,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

IT IS FURTHER ORDERED if WCCC 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. Section 12-44.1-25 and order WCCC be reclassified or closed.

Dated this 16th day of March 2026.



Colby Braun, Director
North Dakota Department of Corrections and
Rehabilitation



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

ADMISSION OF SERVICE

I hereby accept service of the March 16, 2026, North Dakota Department of Corrections and Rehabilitation Walsh County Correctional Center Order of Non-compliance.

Name: [Signature] Date: 3-24-26 Location: Walsh County LEC

Name: Heather L Baker Date: 3-24-2026 Location: Walsh County LEC

Name: [Signature] Date: 3-24-26 Location: Walsh County

Served by: [Signature] Date: 03-24-26
Joseph Charvat

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

