

STATE OF NORTH DAKOTA
NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION

In the Matter of the Barnes County Correctional Center,
Valley City, North Dakota

ORDER OF NONCOMPLIANCE

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

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

Findings of Fact

I.

The DOCR last inspected the Barnes County Correctional Center ("BCCC") on November 28, 2022. The inspection was made in accordance with N.D.C.C. Sections 12-44.1-24 and 25, with the North Dakota Correctional Facility Standards effective January 2022, and with statutory requirements in N.D.C.C. Chapter 12-44.1.

II.

BCCC is a grade one correctional facility located at 2371 7th St SE, Valley City, North Dakota. BCCC is operated under the authority of the Correctional Administrator Jeremy Wolff and the Barnes County Sheriff Randy McClafin. Correctional Administrator Wolff is under the governing authority of the Barnes County Commissioners.

III.

BCCC is a two-story housing facility that is separated into multiple pods with one control center. Each pod has double-sided glass, which restricts visibility from inside the pod. Pod A is designated as a female unit, and pods B, C, and D are designated as male units. Pods A and D have four (4) cells each, two (2) of which are on the lower tier and two (2) of which are on the upper tier, for a total of eight (8) bunks. Lower tier cells, which are identified as cell one and cell two, have cameras within the cells for observation for special management. Pods B and C have three (3) lower-tier cells and three (3) upper-tier cells; each cell has a bunk bed for a total of twelve (12) bunks per pod. Lower tier cells identified as number two within units B and C have cameras within the cells for observation for special management. All pods have sub-dayrooms to separate the population. The housing units are all similarly situated with an upper and lower tier, an upper-tier mop room, and a lower-tier mop room. Stairs in the dayrooms provide access to the upper tier cells. In the lower tier, the dayroom located in the front of the housing unit. The design of each shower unit includes a shower curtain for inmates to have adequate privacy for showering. Each cell has a washbasin and a toilet in the immediate sleeping areas. Each cell is equipped with an intercom that allows offenders to communicate with staff. Pods have basic furnishings, including a television, multi-purpose kiosks, a visitation kiosk, and a phone. All housing units have seating for the number of inmates that use the unit. All housing units have access to natural lighting and illumination. The dayrooms allow inmates to congregate, watch television, use the telephone system, and have access to the kiosk system for visitation or ordering commissary. The booking area has two (2) pods (E and F). E pod has two (2) beds and F pod has four (4) beds for temporary housing with dayroom and one (1) safety cell. These cells are used as observation cells or holding

cells. The temporary holding cell has a washbasin and a toilet. The safety cell has a flushing floor toilet mounted in the floor. The controls are located outside on the east wall. The safety cell is used temporarily for inmates who are under the influence of alcohol or drugs, violent behavior, self-harm, or inability to exercise self-control. The safety cell is located near the officer's duty station. These cells were constructed to provide personal visual observation of the entire holding cell and safety cell. Visual observation can also be accomplished by electronic camera(s), which are continuously monitored in the officer's duty station. All housing pods and cells within the booking area have cameras, intercoms, and duress lights.

IV.

The average length of stay at BCCC is nine (9) days. Two hundred forty-five (245) males and fifty-four (54) female inmates were processed during 2021. BCCC has an authorized budget for seventeen (17) full time employees, four (4) administration positions, and thirteen (13) correctional officers. BCCC has three (3) phones located throughout the facility for inmate use and devices for texting available for each inmate's personal use. The jail lobby is monitored twenty-four hours per day from the control center. BCCC has two (2) handheld wands that are used for any person entering the front entrance and for cell searches. The front entrance provides an entry and exit for the public and has a vehicle sally port, which can provide entry for up to two (2) vehicles. BCCC maintains verbal agreements to house inmates from different jurisdictions, including Sargent, Ransom, Griggs, LaMoure, Dickey, Steele, and Foster Counties. In addition, BCCC provides services for the cities of Lisbon, LaMoure, and Valley City. BCCC also maintains intergovernmental service contracts with the DOCR.

VI.

DOCR Correctional Facility Inspectors reviewed facility rosters and staff schedules to determine BCCC does not have at least one female correctional officer on duty at all times when females are housed in the correctional facility. BCCC failed to inform the ND DOCR of the extreme hardship which resulted in the BCCC inability to comply with North Dakota Correctional Facilities.

Conclusions of Law

I.

BCCC is a county correctional center subject to N.D.C.C. Chapter 12-44.1.

II.

N.D.C.C. Section 12-44.1-24 requires the DOCR 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 Correctional Facility Standards in accordance with N.D.C.C. Section 12-44.1-24 and has appointed a DOCR Correctional Facility Inspector in accordance with the requirements of N.D.C.C. Section 12-44.1-24.

IV.

N.D.C.C. Section 12-44.1-25 authorizes the Director of the DOCR to issue a report of noncompliance if a correctional facility is in violation of any required minimum standards, applicable state or federal law, or DOCR rules for correctional facilities.

V.

Standard 30 of the North Dakota Correctional Facility Standards requires BCCC have at least one female on duty when females are housed at the BCCC. BCCC is in violation of Standard 30 of the North Dakota Correctional Facility Standards because BCCC does not have at least one female correctional officer on duty at all times when females are housed in the correctional facility.

XVIII.

BCCC's violations of North Dakota Correctional Facility Standards present a danger to the health and safety of female inmates. Therefore, they justify an order of noncompliance.

ORDER OF NONCOMPLIANCE

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. Section 12-44.1-25, that BCCC comply with the following requirements:

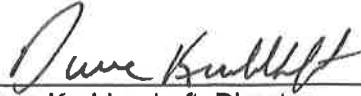
1. BCCC may not house female inmates within its facility.
2. BCCC shall be subject to regular inspections and monitoring by DOCR Correctional Facility Inspectors. BCCC shall pay to the DOCR the reasonable and actual costs incurred by the DOCR for additional inspections and monitoring which occur due to this order.

IT IS FURTHER ORDERED BCCC shall remain subject to this Order of Noncompliance until the BCCC can provide evidence to support resources are available to have at least one trained female officer on each shift while females are housed in its facility.

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 BCCC 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 BCCC 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 BCCC be reclassified or closed.

Dated this 24th day of January, 2023.



Dave Krabbenhoft, Director
North Dakota Department of Corrections and Rehabilitation



Lance Anderson, Deputy Director of Facility Inspections
North Dakota Department of Corrections and Rehabilitation

ADMISSION OF SERVICE

I hereby accept service of the January 24, 2023 North Dakota Department of Corrections and Rehabilitation Barnes County Correctional Center Order of Non Compliance.

Name: *Jerry Wolff* Date: 1/30/23 Location: BCCC
Name: *Sarah Miller* Date: 1/30/23 Location: BC Dispatch
Name: *Bill Coulblon* Date: 1-30-23 Location: Barnes County
Chamber

Served by: *Lance Anderson* Digitally signed by Lance Anderson
Date: 2023.02.06 14:04:49 -06'00' Date: _____

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

