STATE OF NORTH DAKOTA
NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION

In the Matter of the Lake Region Correctional Center,
Devils Lake, North Dakota

AMENDED 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 completed a full inspection of the Lake Region Correctional Center ("LRCC") on June 14 and 15, 2021. 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 2021, and with statutory requirements in N.D.C.C. Chapter 12-44.1.

II.

LRCC is a grade one correctional facility under N.D.C.C. Section 12-44.1-06. It is located at 222 West Walnut Street, Devils Lake, North Dakota. LRCC is operated under the authority of the Lake Region Law Enforcement Center ("LRLEC"). LRLEC is governed by a governing board, which is comprised of seven commissioners—two from the City of Devils Lake, two from Ramsey County, and one each from Nelson, Benson, and Eddy Counties—under a Joint Powers Agreement.

III.

The facility was constructed in 1973, with an addition that was added in 2003. LRCC is a one-story building.

IV.

LRCC is comprised of ten units and three dorms. Each unit has smaller pods within its structure. The north side of the facility is comprised of one unit, which is a dorm-style housing unit, consisting of seven double bunk beds. Individuals in this dorm have community washbasins, toilets, and shower units located off the dayroom. Three units (F-1, F-3, F-4) contain two pods that have one double bunk bed per room. One unit (F-2) contains four pods that have one double bunk bed. These units have a washbasin and toilet in the immediate sleeping area and private showers off the dayroom. The north side of the facility has an additional two units (Pod-1, Pod-2). They contain two single bunk beds, and a dayroom with washbasin and a toilet in each pod, and shower unit that is located off from the dayroom. The south side of the facility contains two dorms. One dorm (West Unit) contains nine double bunk beds, and the (South Unit) contains eighteen single bunks. The South side dorms contain community washbasins, toilets, multi-purpose area, and private shower. These are located off the multi-purpose area. Three units (MS-1, MS-2, MS-3) contain four pods per unit with a double bunk bed including a washbasin and a toilet in the immediate sleeping areas. These units include a dayroom and a private shower unit, which is located off from the dayroom. The high-security unit contains four pods, which are single-bunk pods, and
one double bunk bed in the day room. A washbasin and a toilet are located in each pod, and a private shower unit is located off of the dayroom. LRCC has four single-occupancy cells, which are used primarily for safety/observation. One safety/observation cell contains a washbasin, toilet, and bed in the cell. Two cells have a flushing floor toilet mounted within the floor. The last cell (H-4) has access to a toilet and washbasin upon request from staff. Area staff are always within hearing distance and accessible by intercom. The controls are located outside on the north wall. If these cells are occupied, the offenders in these single cells have to use a shower room outside of their cell. The observation and safety cells are used temporarily for offenders under the influence of alcohol or drugs or who display violent behavior, self-harm, or inability to exercise self-control. These safety/observation cells are located near the booking area. The observation/safety cells visual observation is conducted by correctional officers and supplemented by electronic camera(s) that are continuously monitored in the booking area for the safety of the inmates. All safety/observation cells within the booking area have cameras, and intercoms, which can be monitored by the booking officers and control staff. The safety/observation cells do not allow the booking officer personal visual observation of the entire safety cell. The control room officer does not have direct personal visual observation into cells from the control room.

V.

LRCC has an authorized staff consisting of five administrative staff, sixteen security staff, and two medical staff. LRCC maintains staffing levels of three security staff to one hundred five inmates. The average length of stay is twenty-three days. During 2020, 1,074 male offenders and 434 female offenders were processed at LRCC.

VI.

Pursuant to an Amended Order of Noncompliance issued by DOCR Director Dave Krabbenhohft on December 22, 2021, LRCC currently is operating under a maximum capacity of 65 inmates.

VII.

A DOCR Facility Inspector conducted a monitoring inspection on February 23, 2022. LRCC informed the inspector LRCC has made no further progress toward compliance with non-compliant standards. The DOCR Facility Inspector also found basic life safety tasks, including rounds and counts, were not consistently completed in compliance with North Dakota Correctional Facility Standards. Additionally, LRCC has been working through critical staffing shortfalls due to resignations and terminations. The LRCC currently has 11 of 16 correctional officer positions filled. Only 6 of those correctional officers have completed correctional officer basic training. To supplement these staffing shortfalls, the facility is receiving support from the Ramsey County Sheriff's Department and Devils Lake Police Department. Support staff are trained in accordance with standard 103 prior to working independently within the LRCC. LRCC provided corrective action plans for twenty-two standards. DOCR Facility Inspectors previously found LRCC made progress in several areas since its last full inspection in 2021 and its administration continues to recognize the need for long term fundamental changes to LRCC's operating procedures.
Conclusions of Law

I.
LRCC 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.
LRCC's violations of North Dakota Correctional Facility Standards continue to present a danger to the health and safety of inmates, staff, law enforcement, visitors, and the public.

ORDER OF NONCOMPLIANCE

Based on the above Findings of Fact and Conclusions of Law, the DOCR issues this Amended Order of Noncompliance to amend the Amended Order of Noncompliance issued by DOCR Director Dave Krabbenhoft on December 22, 2021.

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

1. LRCC shall continue to submit all revised and new correctional facility operations and management policies and procedures and post orders to the DOCR for review and recommendation during the period in which this order is in effect.

2. LRCC shall submit to the DOCR Office of Facility Inspections weekly reports of internal audits of rounds and counts. These reports shall inform the DOCR internal findings related to the frequency, documentation, and appropriateness of such practices.
3. LRCC's maximum capacity is decreased to fifty (50) inmates for a period of no less than 2 months. After 2 months, LRCC may request the DOCR increase maximum capacity to sixty-five (65) inmates. The DOCR may grant the request if LRCC has demonstrated satisfactory implementation of corrective actions. After (3) months, LRCC may request the DOCR increase maximum capacity to eighty (80) inmates. The DOCR may grant the request if LRCC has demonstrated satisfactory implementation of corrective actions. After at least 3 months of operating at a maximum capacity of eighty (80) inmates, the LRCC may petition to increase the maximum capacity to one hundred and five (105) inmates. The DOCR may grant the request if LRCC is in compliance with North Dakota Correctional Facility Standards.

4. LRCC shall be subject to regular inspections and monitoring by DOCR Correctional Facility Inspectors. LRCC 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 LRCC shall remain subject to this Amended Order of Noncompliance for a period of not less than twenty-four (24) months from the date of this order.

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 LRCC 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 LRCC 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 LRCC be reclassified or closed.

Dated this 3 day of March, 2022.

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 March 3, 2022 North Dakota Department of Corrections and Rehabilitation Lake Region Correctional Center Amended Order of Noncompliance.

Name: [Signature] Date: 3-3-22 Location: LEC

Name: [Signature] Date: 3/3/22 Location: LEC

Name: [Signature] Date: 3/3/22 Location: Ramsey Sheriff

Served by: [Signature] Date: 3/4/2022

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

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