

STATE OF NORTH DAKOTA
NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION

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

THIRD AMENDED 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 DOCR last completed a full inspection of the Lake Region Correctional Center ("LRCC") on October 11 and 12, 2022. The inspection was made in accordance with N.D.C.C. §§ 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.

LRCC is a grade one correctional facility under N.D.C.C. § 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 houses male and female inmates for up to one (1) year. The average length of stay is 24.6 days. One thousand fifteen (1015) male offenders and four hundred seventy-two (472) female offenders were processed during 2021. LRCC has an authorized staff consisting of; five (5) administrative staff, sixteen (16) security staff, and two (2) medical staff, and maintains staffing levels of three (3) staff to one hundred five (105) inmates.

VI.

Pursuant to an Amended Order of Noncompliance issued by DOCR Director Dave Krabbenhoft on March 3, 2022, LRCC currently is operating under a maximum capacity of 50 inmates.

VII.

DOCR Facility Inspectors completed monitoring and observation onsite at LRCC on May 11, 2022, to observe and help LRCC administration establish efficient practices to ensure compliance with the North Dakota Correctional Facility Standards. This inspection showed progress in filling leadership positions, including the Captain and Lieutenant positions, but other correctional officer staffing issues continued to be at a critical level. As such, work toward correcting previously identified non-compliant standards was found to be similar or slightly reduced from implementation of the amended order on March 3, 2022.

VIII.

DOCR Facility Inspectors completed monitoring and observation onsite at LRCC on August 29 and 30, 2022, to observe and help LRCC administration establish efficient practices to ensure compliance with the North Dakota Correctional Facility Standards. Since the previous visit, LRCC operations had been realigned to be under the responsibility of the sheriff. Additionally, the captain position was filled with a new person with previous experience at LRCC, and all correctional officer positions were filled. LRCC had maintained work toward correcting previously identified non-compliant standards, and there was a viable plan to continue to increase compliance with standards.

IX.

On October 11 and 12, 2022, DOCR Facility Inspectors completed an annual inspection of LRCC. This inspection identified LRCC continues to have substantial coverage within correctional officer positions and has developed a stronger administrative structure, including the recent addition of two lieutenants and a sergeant on each shift. At time of the inspection and within the corrective action period, LRCC was found to be in compliant with all but four standards. LRCC developed feasible corrective action plans for the remaining four standards.

X.

DOCR Facility Inspectors completed monitoring and observation onsite at LRCC on January 18 and 19, 2023, to observe and help LRCC administration establish efficient practices to ensure compliance with the North Dakota Correctional Facility Standards. This inspection found the LRCC continued to have stable correctional officer staffing and administrative support. Further, LRCC had implemented the Guardian Inmate Management System to address operational challenges. This system increases accountability and management of facility operations, including rounds and counts. Inspectors found increased compliance with applicable standards.

XI.

LRCC submitted a request on January 20, 2023, to increase its maximum capacity to eighty (80) inmates.

XII.

DOCR facility inspectors completed additional monitoring visits since this time and an annual inspection on May 21 and 22, 2024. This inspection found continued improvement in practices at LRCC. Staffing levels have been consistent, and training is being completed for staff. The Guardian Inmate Management system continues to be used to help with round management, counts, and documentation.

XIII.

LRCC submitted a request on July 25, 2024, to lift the population cap of eighty (80) inmates.

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. § 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. § 12-44.1-24 and has appointed a DOCR 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 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 has made substantial progress working towards compliance with North Dakota Correctional Facility Standards.

VI.

ORDER OF NONCOMPLIANCE

Based on the above Findings of Fact and Conclusions of Law, the DOCR issues this Order of Noncompliance to amend the order issued by DOCR Director Colby Braun on August 1, 2024.

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

1. LRCC's maximum capacity limit eighty (80) has been removed and restored back to a maximum capacity to one hundred and five (105) inmates.
2. 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 Order of Noncompliance for a period of not less than six months (6) months from the date of this amended 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, amend or modify conditions and requirements the DOCR determines 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 Standards 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 LRCC be reclassified or closed.

Dated this 22nd day of August, 2024

Colby Braun Digitally signed by Colby Braun
Date: 2024.08.22 09:51:01 -05'00'

Colby Braun, Director
North Dakota Department of Corrections and
Rehabilitation

Joseph Charvat Digitally signed by Joseph Charvat
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Joseph Charvat, Office of Inspections
North Dakota Department of Corrections and
Rehabilitation