



## 1/11/24- Jail Programming Committee – Meeting Minutes

**Project:** Beltrami County Jail  
**Date:** 1/11/24  
**Meeting Location:** County Commission Work Room  
**Start Time:** 1:00 PM

**MEETING ATTENDEES:** \* (Indicates attended remotely via conference call)

<u>Present</u>	<u>Name</u>	<u>Company</u>
*	Joe Gould	Beltrami County
X	Anthony Derby	Beltrami County
X	Edward Busta	Beltrami County
X	Jeffrey Lind	Beltrami County
X	David Hanson	Beltrami County
X	Trish Hansen	DOC
	Gino Anselmo	MCF – Togo
	Wendy Spry	DOC Tribal Liaison
	Jerry Loud	Red Lake Nation
	Jennifer Nelson	Public Defender
X	Duane Erickson	Citizen
	Amy Lindahl	Citizen
	Jennifer Greenleaf	Citizen
	Ashlea McMartin	Sanford Health
X	Ben Matson	Construction Engineers

### 1. Progress Updates

- A. Ben M updated the committee on progress that has occurred in the past months since this committee last met.
- B. The sales tax vote, which took place on November 7<sup>th</sup> passed with about 97% approval.
- C. The property to locate the jail was donated by Crown Properties and the County took ownership of the property on 12/22/23.

### 2. Design

- A. Klein McCarthy Architects has completed Schematic Design work as of late December. This is the second of multiple phases of the design and the County has not yet approved further design phases but may decide to move forward with further design at their meeting on 1/16/24.
- B. Ben M reviewed the floor plans/ elevations and other design elements that have been developed thus far with the Committee and specifically highlighted the spaces that are designated for programming to occur.
- C. The committee was updated on the due diligence that was done by taking a tour of the MCF- Moose Lake Men's medium-security prison facility to review their sweat lodge on 12/8/23. The 11 attendees had reported back to the Steering Committee in Mid-

December and their feedback was included in a memo that will be provided to the County Commission at the upcoming meeting on 1/16/24. (attached)

### **3. Programming Committee Comments on Current Design**

- A. Joe G commented that he was still in favor of providing a Sweat Lodge even if it might be challenging.
- B. David H inquired about Outdoor Recreation spaces. The fresh air and daylight being provided as part of indoor recreation were highlighted as what the Steering Committee had discussed and provided directions to KMA to provide.

### **4. Next Steps**

- A. David H noted that he felt that the work of this committee was likely done at this point, but that he and others should be consulted as the building moves toward occupancy for any other input that they might be able to provide. Ben M noted that there will likely be a Transition Team put in place to determine Policies and Procedures and other things and that he would relay the availability of this group to be a part of that team.

**Next Jail Programming Committee Meeting – Next Meeting is ???**

Attachment(s): Sweat Lodge Memo

1/16/24

*(Amended Memo from 10/2/23 with additional information following the 12/8/12 tour of the MCF - Moose Lake Sweat Lodge. Additional information found on page 6 and in attachment.)*

Tom Barry

Beltrami County Administrator

Jason Riggs

Beltrami County Sheriff

701 Minnesota Ave NW

Bemidji, MN 56601

RE: Beltrami County Jail - Sweat Lodge discussion at 9/20 Steering Meeting

Mr. Barry & Sheriff Riggs,

At the September 20, 2023, Beltrami County Jail Project Steering Committee Meeting discussion took place regarding a Sweat Lodge, as had been requested by members of the Programming Committee and others to be included in the design of the new Jail. The Steering Committee tasked members of the committee to investigate several items related to the inclusion of a Sweat Lodge and report back to Commissioners prior to their regularly scheduled meeting on 10/3. If there are regulatory barriers to the inclusion they need to be identified immediately as they might put an immediate stop to further discussions.

The Items requested by the Steering Committee to investigate generally fell into these categories: 1. Insurance/liability; 2. State/Department of Corrections Approval or Requirements; 3. Building Code and Size Requirements; 4. Building Costs; 5. Arranging a tour of a State Prison facility to see how they are constructed and operated.

Following is a summary of the information that has been gathered and/or is being worked on by committee members in the week and a half since the Steering Committee Meeting.

## 1. Insurance/Liability

Beltrami County HR Director Ann Schroeder was able to get this response from MCIT:

*Yes we can discuss potential plan feature if desired but I can share that there would be no underwriting exclusions for a sweat lodge associated with a new facility. I am under the assumption that this would be similar to a steam room or sauna.*

*Best practices for operation would have to be established to prevent user injury/liability such as pre use health screening and occupant time limits. Also design considerations to comply with DOC requirements would have to be established. This could include items for inmate safety, security and privacy such as viewing windows, steam timers with limits, camera placement as well features that would not allow for looping of towels for self-harm. Ideally a jail architect would be able to sort out several of these items in the planning stage. Items such as a dress code would also have to be established.*

Based on there being “no underwriting exclusion,” regulation of the space would be overseen by DOC as also noted in their response.

## 2. Department of Corrections Stance and requirements

Preliminary communications with members of the DOC noted that they don’t feel that there would be any objection to the inclusion as they are included in many of the State Prisons. They also noted that it would require a staff person to be present for the duration of the time that the area was in use. At this point there are no rules or regulations in place specific to this request as it is believed that there are currently no County Jails in MN that have a Sweat Lodge. County Staff has requested to get DOC’s official position sent to them in writing.

At this point we can assume that the use of the Sweat Lodge space would be to oversee operations no differently than other County programming that they are responsible to oversee. The wellbeing and care of all inmates is their responsibility, (not any outside vendors).

Considerations that have been brought up by staff that would need to be addressed in the design and operation of a Sweat Lodge include:

- a. Wellness checks by Jail Staff occur every 30 minutes. A traditional Sweat ceremony lasts 3-4 hours. How to respectively complete the checks.
- b. Suicide concerns (towels, rocks, lodge materials, fire)
- c. Assault concerns for staff, volunteers and inmates(rocks/fire)
- d. Overheating/health
- e. Dress Code – Jackets, hats, gloves, shoes – not currently in facility (more laundry, staff time, storage, time for everything)
- f. Visual requirements – As noted in MCIT response.

Without more interaction between DOC and Jail Staff to determine how these concerns would be handled there are no clear answers to all requirements. However, staff feels that each of these concerns will need to be addressed prior to design and implementation.

### 3. Building Code & Size Requirements

Danielle Reid of Klein McCarthy Architects was able to communicate with the State of MN related to building code requirements and the e-mail correspondence is attached. Notable in the responses are these items:

- a. Fire Code states that a religious ceremony with open fire would be defined as a recreational fire.
- b. A recreational fire would need to be at least 25 feet from a structure, be fully attended, have means of extinguishing and be extinguished after each use.
- c. The Lodge should be 50ft away from the building.
- d. ADA Accessibility compliance would require:
  - i. A route with a 1:20 max slope leading to a level landing at the opening that complies with the maneuvering clearances for door openings.
  - ii. If there is a threshold at the opening it would need to meet the ½" max vertical beveled change in level.
  - iii. A level landing on the inside of the opening that complies with the maneuvering clearances for door openings.
  - iv. Door/Openings to have 36" wide clearance, 80" of headroom and a 5'-0" turning radius inside and outside the opening.

Other items that must be taken into consideration when designing the space include:

- a. Traditional lodges have fire pits 30 to 40 feet east of the lodge opening.
- b. Windows required into "structure" but it's a natural shelter.
- c. Nothing synthetic, but cameras are needed inside the structure.
- d. We are currently not sure how much space would be needed surrounding the lodge.
- e. Fence/screen wall needs to be deep enough and/or paved to prevent digging underneath, walls and tall enough to prevent scaling.
- f. Drainage still needs to be investigated.
- g. Zoning. The GBAJPB appears to be moving towards requiring a Conditional Use Permit for the Jail. Would a Sweat Lodge be an allowable use? There have been concerns about the facility "looking like a prison" from neighbors.
- h. Maintenance would need access to mow grass/weed. (Assuming this is a grassy area) Snow removal in winter to make the area accessible and usable. There would need to be secure gates and locks to the area to perform maintenance.

### 4. Building Costs

With limited information available related to construction we can make some very broad assumptions on cost that we would anticipate related to the Sweat Lodge area based on the rough diagram and dimensions provided by KMA. These could vary greatly depending on the construction of the perimeter fence/foundation, which may be dictated by the Zoning and/or

desires of the Commission related to appearance. Chain link fencing w/ necessary security upgrades would be the least expensive type of enclosure for the space. Precast or masonry walls with concrete frost foundations would be the most expensive and most visually appealing. Costs need to be included for additional cameras and wiring/controls; added detention doors and controls to access the area from both the building and exterior (for maintenance); there may need to be some paved areas for accessibility; and the jail building itself may need some small added storage room for clothing and maintenance equipment. CEI estimates these costs to range from a low-end estimate of \$127,500 to a high-end estimate of \$450,000 or more based on the information we know today.

## **5. Tour of State Prison/Differences between Jail and Prison**

Trish Hansen reached out to Warden Brian Collins at MCF-Moose Lake who is more than willing to give us a personal tour of the outdoor sweat lodge area and to have one of his Captains attend with us to discuss any safety issues and protocols for managing this ceremony. She indicated to him that we would be discussing this further on 10/4 and would let him know what we decided.

Warden Collins indicated that “background checks would need to be completed prior to our arrival. This would not be a huge deal, it would simply mean everyone would have to complete a form and send it in to Moose Lake in advance of the trip and be approved.”

Related to the topic of State Prison, it is notable to point out a few key differences between a prison setting and the County Jail. One notable difference is the sheer size of a prison facility and the additional amenities included in these types of facilities. A quick review of the satellite imagery for the MCF Moose Lake facility noted above shows a fenced area of roughly 40 acres encompassing over 10 buildings, two baseball fields, many basketball courts, and other recreational facilities. This is a scale unlike anything considered by Beltrami County and with that sheer size and list of amenities they have a better opportunity to include areas for a Sweat Lodge or other ceremonial spaces.

Also, in contrasting State Prison facilities to the County jail a huge consideration is the Average Length of Stay (ALOS) within the facility and the privileges given to those in the facility. Referring to the Justice Planners Needs Assessment that was completed in 2022, it’s notable that the median ALOS for the Beltrami County Jail is 13.2 days. While consideration should be given to those who are staying in the facility longer than the ALOS it should also be noted that nobody other than those approved for group settings would be allowed to use the Sweat Lodge. In a scenario where a Sweat Lodge was only utilized once every two weeks anyone under the average may not be there long enough to utilize the space at all or at most one time. When we dive into the data provided by Justice Planners separating ALOS into what crime someone is charged with, we find some interesting results. Referring to the table below, if we highlight all ALOS categories that have values greater than 14 to coincide with a Sweat every two weeks, we find that prior to 2022 all of the ALOS’s greater than 14 were either

violent charges or more severe felony charges. Assuming that any violent offenses or more severe felony charges would not be allowed in a group setting and by striking out any data sets that would not be allowed we are left with just one set (Circled)of offenders (Misdemeanor Offenses vs. People) in one year (2022) where we find a group that would potentially utilize a Sweat Lodge multiple times.

In summation of this topic, based on the data we've analyzed related to classification we find that there is typically a very small percentage of the population that would qualify to utilize this space on any given day. That combined with the relatively short ALOS of stay for those that would qualify to utilize the space leads us to believe that most inmates would not benefit from a sweat lodge being located at the new Jail.

**TABLE 2. MEDIAN ALOS BY MOST SERIOUS CHARGE, 2016 – 2022**

	2016	2017	2018	2019	2020	2021	2022
<del>Sex Offense Felony</del>	13.1	4.9	13.0	8.8	16.5	23.4	14.9
<del>Burglary Felony</del>	14.6	10.5	8.2	12.9	13.6	17.1	13.4
<del>Violent Felony</del>	10.8	16.7	14.7	11.6	12.8	15.5	15.0
Offenses vs People Misd	3.4	10.7	2.3	4.8	2.9	11.8	30.3
<del>Weapons Felony</del>	5.5	9.5	8.4	11.6	13.5	11.6	10.5
<del>Offenses vs People Felony</del>	5.5	6.7	4.0	12.3	10.2	8.8	9.9
<del>Theft/Fraud Felony</del>	3.4	4.1	3.5	4.5	6.2	8.0	9.2
Drugs Felony	6.9	8.5	7.0	8.4	6.0	7.6	4.5
<del>Violent GMD</del>	9.6	15.6	6.6	6.4	1.7	5.9	13.1
<del>Offenses vs Government Felony</del>	3.1	4.2	2.3	4.6	4.7	4.1	1.8
DWI GMD	2.9	2.6	2.4	2.5	2.1	2.7	2.5
<del>Violent Misd</del>	1.7	2.3	1.9	2.1	1.3	2.0	3.0
DWI Felony	1.3	0.9	1.3	0.9	0.6	0.8	0.7

Finally, in addition to the items requested to be investigated at the Steering Committee meeting on 9/20, jail staff has been working to see if there are alternative measures that can be taken to allow inmates to attend Sweat Lodge or other ceremonies outside of the jail facility, whether a new facility or the current facility. The question has been posed - Could inmates be furloughed out of the jail for inmates to do their sweat outside the facility similar to work release for a day?

Staff is working on getting information regarding items that are offered currently throughout our community that involve smudging and/or sweats. These include getting a schedule, sites, and a process together, attempting to figure out the logistics of what that looks like and if we could continue to accommodate this in a new facility. The goal is to offer this as soon as details are worked out to inmates that would be approved by the judges to be released to treatment/HUBER type of matters. Other treatments have been allowed, but there has never been a volunteer or organization interested in helping inmates to and from these sessions. For this to happen it would need to be

approved by the judges. The inmate would need to make a request based on the sweat schedule. Staff are reaching out to NWICDC to see if they are willing to assist inmates that are in good order with care coordinators. What has been communicated is that this currently takes place once a month on the last Friday from 2:00 to 10:00 PM. The hope is that this might be a viable option to put in place as soon as possible when the details are worked out. Assuming this is a successful process then it could be carried forward at the new facility as well, potentially negating the need for an area at the new facility.

In summary, a lot of work has been done in a short period of time by several members of the Steering Committee and other County Staff to investigate many facets of this request. Hopefully this summary has been able to shed some light on the topic and provide the Commission with the necessary information they need.

### **1/16/24 Amendment**

A tour of the MCF - Moose Lake State Prison Facility and specifically their Sweat Lodge Area took place on 12/8/23. The tour was attended by members of multiple Jail Committees, County Staff as well as representatives from Klein McCarthy Architects. Notes that were taken on this tour by Danielle Reid of Klein McCarthy Architects are attached to this memo.

Following this tour, the Jail Steering Committee met on 12/13/23 and the following comments/observations were reported in the minutes of the Steering committee:

Jarrett Walton noted that the process is over 3 hours long and there are no wellness checks in that duration. There is a large, dedicated space just for this as there are spaces for other religions.

Tom Barry commented that this was an inmate led service and that the duration of the stay for people at the prison averages 7 years, so it's very different from County Jail.

Tim Sumner stated that he appreciated that the committee did the due diligence to tour the facility. These ceremonies are easier to perform in some settings and some things the County can't do.

Wendy Spry also noted that she appreciated the committee's time and effort to go tour to consider this, but that it probably doesn't work for the County. With the wellness checks that are required there are issues of cultural respect to be considered too. The furlough option that is being considered might be the better option.

Sincerely,

***Ben Matson***

Beltrami County Jail Project Manager

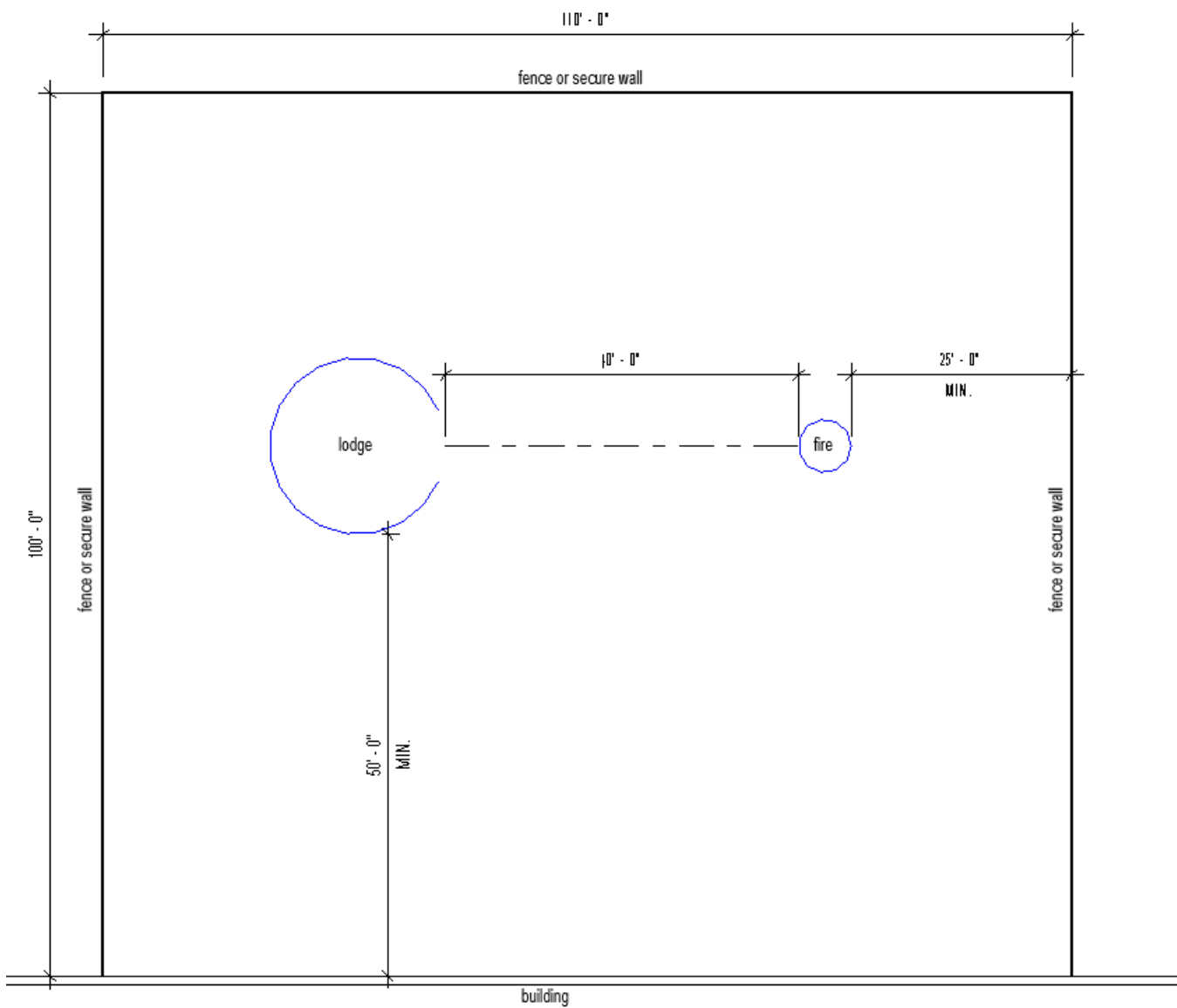
Attachments: Danielle Reid e-mail on Fire Code; 12/8/23 – MCF - Moose Lake Tour Notes



## Ben W. Matson

**From:** Danielle Reid <Danielle.Reid@kleinmccarthy.com>  
**Sent:** Thursday, September 28, 2023 4:00 PM  
**To:** calandra.allen@co.beltrami.mn.us; Ben W. Matson  
**Cc:** Scott Fettig  
**Subject:** FW: Sweat Lodge Fire Code

FYI – See below for a possible layout showing the required separations from the lodge to the building. Some online research notes that traditional lodges have the fire pit 30 to 40 feet east of the lodge opening so depending on the adjacency to the building, the secured area size would vary. Also, I am not sure how much space would be needed surrounding the lodge.





Danielle Reid | [KLEIN McCARTHY ARCHITECTS](#)

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**From:** Danielle Reid  
**Sent:** Thursday, September 28, 2023 3:33 PM  
**To:** Queen, Kerry (DPS) <[Kerry.Queen@state.mn.us](mailto:Kerry.Queen@state.mn.us)>  
**Cc:** [calandra.allen@co.beltrami.mn.us](mailto:calandra.allen@co.beltrami.mn.us)  
**Subject:** RE: Sweat Lodge Fire Code

Perfect, thank you



Danielle Reid | [KLEIN McCARTHY ARCHITECTS](#)

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**From:** Queen, Kerry (DPS) <[Kerry.Queen@state.mn.us](mailto:Kerry.Queen@state.mn.us)>  
**Sent:** Thursday, September 28, 2023 3:32 PM  
**To:** Danielle Reid <[Danielle.Reid@kleinmccarthy.com](mailto:Danielle.Reid@kleinmccarthy.com)>  
**Subject:** RE: Sweat Lodge Fire Code

Hi Danielle,

The requirements that I highlighted below are correct. If you're going to have the sweat lodge it should be 50ft away from the building. I hope that helps.

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**From:** Danielle Reid <[Danielle.Reid@kleinmccarthy.com](mailto:Danielle.Reid@kleinmccarthy.com)>  
**Sent:** Thursday, September 28, 2023 3:26 PM  
**To:** Queen, Kerry (DPS) <[Kerry.Queen@state.mn.us](mailto:Kerry.Queen@state.mn.us)>  
**Cc:** [calandra.allen@co.beltrami.mn.us](mailto:calandra.allen@co.beltrami.mn.us)  
**Subject:** Sweat Lodge Fire Code

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Hi Kerry,  
I'm reaching out to see if there are any additional fire codes regarding the native sweat lodge.

Beltrami County is in the early stages of designing a new jail facility and the inclusion of a sweat lodge is under review. Many prisons have them on their campuses, but they have plenty of open space within a secure fence. For a County jail facility, we assume we would need to include a secure outdoor space (likely 60ft by 100ft) with an open fire pit next to the sweat lodge. Fire Code states that a religious ceremony with open fire would be defined as a recreational fire.

A recreational fire would need to be at least 25 feet from a structure, be fully attended, have means of extinguishing and be extinguished after each use.

Can you let us know if there are any other requirements I'm missing?

Thank you for your time, it is much appreciated.



**Danielle Reid | KLEIN McCARTHY ARCHITECTS**

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**From:** [Danielle Reid](#)  
**To:** [Ben W. Matson](#)  
**Cc:** [Thomas H. Barry \(tom.barry@co.beltrami.mn.us\)](#)  
**Subject:** Beltrami County Jail Tour of MCF Moose Lake Sweat Lodge Notes  
**Date:** Sunday, December 17, 2023 3:05:22 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[Sketch of Layout.pdf](#)

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Ben,

Below are my notes from our tour of MCF Moose Lake Sweat Lodge. Below are two photos and attached is a sketch of the layout if needed. Wendy reviewed the photos and approved sharing with the committee.

1. Attendees:
  - a. Jason Riggs
  - b. Jarrett Walton
  - c. Calandra Allen
  - d. Anthony Derby
  - e. Tom Barry
  - f. Tim Sumner
  - g. John Carlson
  - h. Wendy Spry
  - i. Trish Hansen
  - j. Danielle Reid
  - k. Austin Rudin
2. Sweat Lodge Observations
  - a. Site located in open yard inside secure double fencing.
  - b. Secure fencing was fortified by numerous layers of razor wire.
  - c. Site sized at approximately 90 feet by 100 feet.
  - d. Site consisted of the uncovered lodge, open fire pit, perimeter flag poles, fenced changing area, porta-toilet, covered storage for stones/firewood and locked storage cabinet.
  - e. Storage for canvas is located in an indoor storage room.
  - f. Cameras located overhead.
3. Questions and Answers
  - a. How often is a sweat offered at the facility?
    - i. Every Saturday.
  - b. How long is a typical sweat?
    - i. 3 hours.
  - c. What other religions does the facility support?
    - i. Wicca, Norther European, Hebrew, Islam, Jehovah Witness, Satanic
  - d. What outdoor space accommodate religious ceremonies?
    - i. Three outdoor spaces, one for Wicca, one for smudging and one for sweat lodge.
  - e. Are indoor spaces dedicated to one religion?
    - i. No, multi-purpose spaces (similar to classrooms) are used for religious activities.
    - ii. Spaces are reserved with a minimum of 4 persons.
  - f. Is there a facility call to prayer?
    - i. No, but prayer schedules are published and available for any that request it.
  - g. Is call to prayer space provided?
    - i. Space is provided for night prayer.
    - ii. During the day, prayer must not impede any secure movement or job activity.
  - h. How many can fit inside the sweat lodge?
    - i. Up to 30 offenders can fit inside.
  - i. Can access to sweat be prohibited?
    - i. Yes, if there is a disciplinary action, if they are not paying attention or causing problems.
  - j. What other indoor space is provided for programming?
    - i. 3 meeting rooms.
    - ii. 1 gym with 2 full basketball courts and weight area.
    - iii. 1 Staff office.
    - iv. 2 storage rooms.
  - k. What other prisons have a sweat lodge?
    - i. All of them.
    - ii. Frequency of ceremony offerings differ depending on classification.
      1. Oak Park Heights ceremony is once a month.
3. Security Concerns Observed
  - a. Rocks available to prisoners.
    - i. Volleyball size rocks are selected for this reason.
    - ii. It is more difficult to bring larger rocks inside the prison.
  - b. Tobacco
    - i. Smuggling tobacco occurs but is monitored.

- c. Surveillance
  - i. No cameras located inside the lodge.
- 5. Differences Between Prison and Jail
  - a. There were several differences between a jail and a prison setting observed on the tour. The following outlines a summary of the main differences:
    - i. Classifications
      - 1. MCF Moose Lake houses one classification of male medium security.
      - 2. A jail facility houses multiple classifications as well as females.
        - a. Inmates are not allowed to mix in a jail.
    - ii. Well checks
      - 1. Jails are required to conduct well being checks every 15-30 minutes.
      - 2. Sweat is not disturbed by staff during the ceremony.
    - iii. Length of stay
      - 1. MCF Moose Lake average length of stay is 6-7 years. Some offenders have a life sentence.
      - 2. Beltrami County Jail's average length of stay is 13 days.
    - iv. Size
      - 1. MCF Moose Lake houses 1037 offenders.
      - 2. Beltrami County Jail is planned to house 242 maximum.
    - v. Facilitator
      - 1. MCF Moose Lake offender is the facilitator for smudging and sweats.
      - 2. Beltrami County Jail staff are not qualified to facilitate a ceremony.
- 5. Conclusions
  - a. A sweat lodge in a State prison facility does not easily compare with a County Jail facility.
  - b. Options may be considered to provide access without building a lodge on the County grounds.
    - i. Local sweat is available in the Bemidji area once a month on the last Friday of the month from 2pm to 10pm.





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