

2911.3100 INMATE ACTIVITIES AND PROGRAMS.

Subpart 1. **Written plan.** A facility administrator or designee shall have and implement a written plan for the constructive scheduling of inmate time. The plan shall:

- A. identify programs offered in the facility and when the programs are offered;
- B. identify persons conducting the program and whether or not the persons are facility staff, external community resources under contract, or volunteers;
- C. be consistent with established legal rights of inmates, type and status of inmates detained in the facility, and rule requirements associated with the facility's classification;
- D. provide inmates with the option to refuse to participate in facility programs, except work assignments and programs required by statute or court order;
- E. when males and females are housed in the same facility, provide comparable opportunities for participation in programs and services; and
- F. require documentation of programs offered and inmates participating in programs.

Subp. 2. **Practice of religion.** A facility shall have written policy and procedures that grant an inmate the right to practice that inmate's religion.

Subp. 2a. **Arrangements for religious services and counseling.** A facility shall have either a chaplain with the minimum qualifications of clinical pastoral education or equivalent specialized training and endorsement by the appropriate religious certifying body or a community clergy consultant meeting the qualifications to assist the facility administrator in arranging for religious services and counseling as requested.

No inmate shall be required to attend religious services. Religious services shall be held in a location that the inmates who do not wish to participate are not exposed to the service.

Attendance or lack of attendance at religious services shall not be considered a criterion for rights or privileges within the facility.

The facility administrator or designee in cooperation with the chaplain or community religious resource, plans, directs, and advises on aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented by the inmate population.

When a religious leader of an inmate's faith is not represented through chaplaincy staff, community religious resources, or volunteers, the chaplains or community religious resource shall assist the inmate in contacting such a person. That person shall have the appropriate credentials from that faith judicatory and may minister to the inmate with the approval of the chaplain or community religious resource.

An inmate requesting private interviews or counseling in a setting not capable of being audio monitored with chaplaincy staff, community religious resources, or volunteers, or persons with the approval of the chaplain or community religious resource shall be given the opportunity within the policies as are reasonable and necessary to protect the facility's security.

Bibles or sacred books of another religion may be made available to inmates by the facility, through local library or other community resources and limited to the inmate's period of confinement.

Subp. 3. **Library service.** The facility administrator or designee shall develop a library service including access to current leisure reading material such as books, magazines, and newspapers.

Legal books and references requested by inmates shall be made available to the extent resources permit. The facility shall not be responsible for the purchase of legal books and references used by inmates.

The facility shall have a designated staff person who coordinates and supervises library services.

Subp. 4. **Education.** A facility shall have a written policy and procedure that provides for inmate access to educational programs, vocational counseling, and when available, vocational training. When possible, a facility shall arrange to have these educational programs delivered in a classroom specifically designed and equipped for educational or vocational programming.

Class I facilities are exempt from this requirement with the exception of those approved by the commissioner to house inmates serving alternative sentences.

Text books necessary to complete a course of study, to the extent that local resources permit, shall be made available to inmates. The facility shall not be responsible for the purchase of text books to complete a course of study.

Subp. 5. **Substance abuse programs.** A facility shall have a written plan for providing services for inmate chemical dependency issues.

Subp. 6. **Work assignments for adults.** Class II to Class VI facilities shall have a written inmate work assignment plan that provides for inmate work, subject to the number of work opportunities available and the maintenance of facility security. Work assignments must provide:

A. that adults not under sentence may volunteer to work but shall not be compelled to participate in work beyond maintaining the immediate living area;

B. eligibility criteria for work activities;

C. that sentenced inmates shall not be compelled to work more than ten hours per day;

D. that work shall not be required of an inmate that cannot be done by the inmate due to physical limitations;

E. work opportunities for disabled inmates; and

F. inmate working conditions that comply with all applicable federal, state, or local work safety laws, rules, and regulations.

Subp. 7. **Recreation plan.** The facility administrator or designee shall have a plan providing opportunities for physical exercise and recreational activities for all inmates consistent with the facility's classification and design. Class I facilities are exempt from this requirement.

The plan shall include policies and procedures necessary to protect the facility's security and the welfare of inmates.

Policy and procedure shall provide:

A. inmates with access to recreational opportunities and equipment, including seven hours of physical exercise or recreation outside the cell and adjacent dayroom areas per week;

B. recreational opportunities a minimum of five days per week;

C. indoor space and equipment for active recreational activities in all Class II to Class VI facilities;

D. outdoor recreational space and equipment for outdoor recreational programming in all Class VI facilities. The space and equipment shall be provided in a manner consistent with the facility's security classification;

E. passive and active recreation needs and equipment for a variety of inmates consistent with the facility's classification and offenders served. As an example, activity needs of geriatric, disabled, or geriatric and disabled offenders shall be addressed;

F. inmates in segregation with a minimum of one hour a day, seven days a week, of exercise outside the inmates' cells, unless security or safety considerations dictate otherwise; and

G. discretionary access by inmates on segregation status to the same recreational facilities as other inmates unless security or safety considerations dictate otherwise. When inmates on segregation status are excluded from use of regular recreation facilities, the alternative area for exercise used shall be documented.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; L 2005 c 56 s 2; 38 SR 523*

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