

1 Department of Corrections

2

3 Adopted Permanent Rules Relating to Municipal Jail Facilities

4

5 Rules as Adopted

6

CHAPTER 2945

7

DEPARTMENT OF CORRECTIONS

8

MUNICIPAL JAIL FACILITIES

9 2945.0100 DEFINITIONS.

10 Subpart 1. **Scope.** For the purpose of this chapter, the
11 following terms have the meanings given them.

12 Subp. 2. **Administrative segregation.** "Administrative
13 segregation" means the physical separation of prisoners prone to
14 escape, prone to assault staff or other prisoners, likely to
15 need protection from other prisoners or themselves, or
16 determined to be mentally deficient and in need of special care.

17 Subp. 3. **Approved capacity.** "Approved capacity" means the
18 maximum number of prisoners that any cell, room, unit, building,
19 facility, or combination of them is approved for in compliance
20 with the standards.

21 Subp. 4. **Average daily population.** "Average daily
22 population" means the average number of prisoners residing daily
23 during the last calendar year. Prisoners on furlough or
24 hospitalized are excluded.

25 Subp. 5. **Class I municipal holding facility.** "Class I
26 municipal holding facility" means an adult detention facility
27 operated by a municipal government used to confine prisoners for
28 more than 48 hours.

29 Subp. 6. **Class II municipal holding facility.** "Class II
30 municipal holding facility" means an adult detention facility
31 operated by a municipal government used to confine prisoners for
32 up to 48 hours excluding weekends and holidays.

33 Subp. 7. **Class III municipal holding facility.** "Class III
34 municipal holding facility" means an adult detention facility
35 operated by a municipal government used to confine prisoners for

1 up to 16 hours.

2 Subp. 8. **Class IV municipal holding facility.** "Class IV
3 municipal holding facility" means an adult detention facility
4 operated by a municipal government used to confine prisoners for
5 up to four hours.

6 Subp. 9. **Commissioner.** "Commissioner" means the
7 commissioner of the Minnesota Department of Corrections.

8 Subp. 10. **Communicable disease.** "Communicable disease"
9 means a disease or condition that causes serious illness,
10 serious disability, or death, the infectious agent of which may
11 pass or be carried, directly or indirectly, from the body of one
12 person to the body of another.

13 Subp. 11. **Contraband.** "Contraband" means those items
14 designated by the municipal jail facility as prohibited on the
15 physical premises of the facility.

16 Subp. 12. **Controlled substance.** "Controlled substance"
17 means a drug, substance, or immediate precursor in Schedules I
18 to V of Minnesota Statutes, section 152.02. The term does not
19 include distilled spirits, wine, malt beverages, intoxicating
20 liquor, or tobacco.

21 Subp. 13. **Court holding facilities.** "Court holding
22 facilities" means those areas where persons are held in
23 conjunction with a court appearance. Court holding facilities
24 may be secure but are nonresidential in design, and persons are
25 not normally held there beyond four hours.

26 Subp. 14. **Custody personnel.** "Custody personnel" means
27 those staff members or employees who are responsible for the
28 custody and supervision of prisoners.

29 Subp. 15. **Department of Corrections; department.**
30 "Department of Corrections" or "department" means the Minnesota
31 Department of Corrections.

32 Subp. 16. **Directory.** "Directory" means any provision in
33 this part which is not designated as mandatory according to
34 subpart 25.

35 Subp. 17. **Emergency.** "Emergency" means a significant
36 incident or disruption of normal facility procedures, policies,

1 routines, or activities arising from fire, riot, natural
2 disaster, suicide, assault, or medical emergency.

3 Subp. 18. **Existing facility.** "Existing facility" means a
4 facility used for detention and confinement of prisoners before
5 the effective date of this chapter.

6 Subp. 19. **Facility administrator.** "Facility administrator"
7 means the individual who has been delegated the responsibility
8 and authority for the administration and operation of a local
9 facility.

10 Subp. 20. **Holding cell.** "Holding cell" means a cell or
11 room in a holding facility used to hold one or more persons
12 temporarily while awaiting release, booking, court appearance,
13 transportation, or interrogation.

14 Subp. 21. **Inspection.** "Inspection" means an on-site
15 assessment of existing conditions made to determine the
16 facility's compliance with this chapter.

17 Subp. 22. **Jail.** "Jail" means a secure adult detention
18 facility used to confine sentenced prisoners for a time not to
19 exceed one full year per conviction, confine adult pretrial and
20 presentenced detainees indefinitely, and confine juveniles up to
21 limits prescribed by Minnesota statute and commissioner approval.

22 Subp. 23. **Legend drug.** "Legend drug" means a drug
23 required by federal law to bear the following statement:
24 "Caution: Federal law prohibits dispensing without
25 prescription."

26 Subp. 24. **Local facility.** "Local facility" means any
27 city, county, city and county, or multiple county corrections
28 facility.

29 Subp. 25. **Mandatory.** "Mandatory" means the standard must
30 be met by the facility in order for the facility to be
31 licensed. Mandatory standards are identified with the
32 designation (mandatory). In the case of entire parts or
33 subparts, the word mandatory appears in the part or subpart
34 headnote. Notwithstanding Minnesota Statutes, section 645.49,
35 the word mandatory is to be construed as part of the law when
36 used in headnotes in this chapter. In the case of items, the

1 word mandatory appears in the text. When used at the item
2 level, the word mandatory governs all subitems.

3 Subp. 26. **Maximum security areas.** "Maximum security areas"
4 means areas that provide the greatest degree of physical
5 security for the control and separation of prisoners.

6 Subp. 27. **Medicine.** "Medicine" means a remedial agent
7 that has the property of curing, preventing, treating, or
8 mitigating diseases, or that is used for that purpose. For the
9 purpose of this chapter, medicine includes legend and nonlegend
10 drugs.

11 Subp. 28. **Mentally ill person.** "Mentally ill person"
12 means any person who has an organic disorder of the brain or a
13 substantial psychiatric disorder of thought, mood, perception,
14 orientation, or memory which grossly impairs judgment, behavior,
15 capacity to recognize reality, or to reason or understand, which:

16 A. is manifested by instances of grossly disturbed
17 behavior of faulty perceptions; and

18 B. poses a substantial likelihood of physical harm to
19 self or others as demonstrated by:

20 (1) failure to obtain necessary food, clothing,
21 shelter, or medical care as a result of the impairment; or

22 (2) a recent attempt or threat to physically harm
23 self or others.

24 Mentally ill person does not include persons with epilepsy,
25 persons with mental retardation, persons subject to brief
26 periods of intoxication caused by alcohol or drugs, or persons
27 dependent on or addicted to alcohol or drugs.

28 Subp. 29. **Minimum security areas.** "Minimum security areas"
29 means areas that provide functional living accommodations with a
30 nominal reliance on physical security for the control and
31 management of prisoners.

32 Subp. 30. **Municipal police facilities.** "Municipal police
33 facilities" means police facilities including an administrative
34 processing area used to temporarily detain persons for up to six
35 hours. Municipal police facilities are specifically designed to
36 be nonresidential in nature, have either audio or visual

1 capability, would normally not be locked except for routine
2 security reasons, and would be used only long enough for
3 identification, investigation, transfer arrangements, or release
4 to a responsible person.

5 Subp. 31. **Nonresidential.** "Nonresidential" means that the
6 holding area or room is not designed to be lived in.
7 Nonresidential space would not typically include a bed, toilet,
8 and wash basin.

9 Subp. 32. **Policy.** "Policy" means a statement declaring
10 mission, purpose, and ideological position.

11 Subp. 33. **Prisoner.** "Prisoner" means an individual, adult
12 or juvenile, detained or confined in a local facility.

13 Subp. 34. **Procedure.** "Procedure" means a written
14 statement establishing the action plan to implement policy.

15 Subp. 35. **Rule.** "Rule" means that which is defined by
16 Minnesota Statutes, section 14.02, subdivision 4.

17 Subp. 36. **Substantially conform.** "Substantially conform"
18 means comply with 100 percent of the items in this chapter
19 identified as mandatory and with 70 percent of all items
20 identified as directory in this chapter which are applicable to
21 the facility's classification. To calculate compliance one
22 point will be assigned to each standard and/or each subpart of a
23 standard.

24 Subp. 37. **Undue hardship.** "Undue hardship" means the
25 financial costs are not warranted when weighed against the
26 benefits derived.

27 Subp. 38. **Variance.** "Variance" means the waiver of a
28 specific rule for a specified period of time.

29 2945.0110 INTRODUCTION.

30 Minnesota Statutes, section 642.09, provides that the
31 sheriff of a county in which a municipality maintains a lockup
32 shall inspect the lockup once a year, with reference to its
33 security and administration, and make a written report to the
34 commissioner on forms furnished by the commissioner and deliver
35 a copy of the report to the governing body of the municipality

1 maintaining the lockup.

2 Minnesota Statutes, section 241.021, subdivision 1,
3 provides that the commissioner shall adopt rules establishing
4 minimum standards for all correctional facilities throughout the
5 state, whether public or private, established and operated for
6 the detention and confinement of persons detained or confined in
7 them, according to law except to the extent that they are
8 inspected or licensed by other state regulating agencies. The
9 rules that follow are minimum standards for municipal lockup
10 facilities.

11 2945.0120 INTENDED USE; NONCONFORMANCE; LIMITATIONS OF RULES.

12 Subpart 1. **Intended use.** A facility should be used only
13 for classifications for which it is intended. This chapter does
14 not regulate municipal police facilities or court holding rooms.

15 A. Class I municipal holding facilities must meet the
16 standards of chapter 2910.

17 B. Class II municipal holding facilities must meet
18 all parts, subparts, items, and subitems which are designated as
19 mandatory standards in this chapter and 70 percent of all parts,
20 subparts, items, and subitems in this chapter which are
21 directory standards.

22 C. Class III municipal holding facilities must meet
23 all parts, subparts, items, and subitems which are designated as
24 mandatory standards in this chapter and 70 percent of all parts,
25 subparts, items, and subitems in this chapter which are
26 directory standards and which are applicable to Class III
27 municipal holding facilities.

28 D. Class IV municipal holding facilities must meet
29 all parts, subparts, items, and subitems which are designated as
30 mandatory standards in this chapter and 70 percent of all parts,
31 subparts, items, and subitems in this chapter which are
32 directory standards and which are applicable to Class IV
33 municipal holding facilities.

34 E. When "shall" or "must" are used in conjunction
35 with a directory standard, the mandatory implications of those

1 terms are limited to the extent part 2945.0100, subpart 36,
2 defines the requirement of 70 percent directory standard
3 compliance as a prerequisite for facility licensing.

4 Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal**
5 **conditions.** When conditions do not substantially conform to
6 this chapter or where specific conditions endanger the health,
7 welfare, or safety of prisoners or staff, the commissioner shall
8 find the facility in nonconformance and condemn it by written
9 order that it shall not be further used while the order is in
10 force according to Minnesota Statutes, section 642.10.

11 2945.0130 VARIANCES.

12 Subpart 1. **Variances; general.** The granting of a variance
13 under this part does not constitute a precedent for any other
14 adult detention facility. The granting and denial of all
15 variances shall be in writing and made within 30 days of the
16 request for a variance. The variance will be granted by the
17 commissioner if, in the licensing procedure or enforcement of
18 the standards in this chapter:

19 A. requirements for an adult detention facility to
20 strictly comply with one or more of the provisions will result
21 in undue hardship or jeopardize the health, safety, security,
22 detention, or well-being of the residents or facility staff;

23 B. the adult detention facility is otherwise in
24 substantial conformity with the standards contained in this
25 chapter or making satisfactory progress toward substantial
26 conformity;

27 C. granting of the variance will not preclude the
28 facility from making satisfactory progress toward substantial
29 conformity with this chapter;

30 D. the granting of the variance will not leave the
31 interests and well-being of the residents unprotected; and

32 E. the facility will take action to comply with the
33 general purpose of the standards to the fullest extent possible.

34 Subp. 2. **Emergencies.** The facility administration may
35 declare a state of emergency suspending those rules affected by

1 the emergency if to not suspend the rules would adversely affect
2 the health, security, safety, or well-being of the persons
3 confined or the facility staff.

4 Subp. 3. **Notification of emergencies (mandatory).** The
5 facility administrator shall immediately notify the sheriff of
6 the county and the Department of Corrections of an emergency
7 that results in the suspension of a rule. A formal written
8 report must follow within 72 hours.

9 Subp. 4. **Extension of emergency.** No suspension of rules
10 because of an emergency declared by a facility administrator may
11 exceed seven days unless the administrator obtains the approval
12 of the commissioner for a variance to the rules and the variance
13 is necessary for the protection of the health, security, safety,
14 or well-being of the staff or the persons detained or confined
15 in the institution where the emergency exists.

16 **PERSONNEL STANDARDS**

17 **2945.0500 MEDICAL EXAMINATIONS.**

18 Employees who work in a facility must have a medical
19 examination on record.

20 **2945.0510 STAFF RECRUITMENT.**

21 Subpart 1. **Discrimination prohibited (mandatory).** There
22 must not be discrimination on the grounds of race, color,
23 religion, sex, or national origin.

24 Subp. 2. **Staff selection.** The selection, appointment, and
25 promotion of facility personnel must be based on assessed
26 ability. Custody personnel must be a minimum of 18 years old.
27 Recruitment standards must set forth the basic requirements of
28 ability, preparatory experience, physical condition, and
29 character, as well as those qualities that may disqualify.

30 **2945.0520 EXTRA DUTY.**

31 No employee may be scheduled for duty for two consecutive
32 work periods except where unusual circumstances require
33 reasonable and prudent exception.

34 **2945.0530 STAFFING REQUIREMENTS.**

1 Subpart 1. **Staffing plan.** The facility administrator
2 shall prepare and retain a staffing plan indicating the
3 personnel assigned to the facility and their duties. For the
4 purposes of this part, a work day is considered an eight-hour
5 shift.

6 Subp. 2. **Staff person in charge (mandatory).** There must
7 be a designated staff person in charge of the facility. In the
8 absence of the regular facility supervisor, a staff person must
9 be designated in charge.

10 Subp. 3. **Condition of staff person on duty (mandatory).**
11 No person may be detained without a staff person on duty,
12 present in the facility, awake and alert at all times, and
13 capable of responding to the reasonable needs of the prisoner.

14 Subp. 4. **Opposite sex policy (mandatory).** There must be a
15 policy consistent with state statute that provides procedures to
16 be followed by staff with regards to the types of supervision
17 provided to prisoners of the opposite sex.

18 Subp. 5. **Assistance for dispatcher/custody staff person**
19 **(mandatory).** In facilities that use the dispatcher/custody
20 position as sole supervision, the dispatcher/custody staff
21 person must be assisted on duty by another custody staff person
22 when the jail population exceeds 15. This requirement applies
23 only during shifts when prisoners are not in lockup status.

24 Subp. 6. **Reporting incidents and responding to emergencies.**
25 **(mandatory).** A combination of staff and physical plant
26 resources shall provide the capability of responding to
27 emergencies and the completion of incident reports on all
28 special occurrences.

29 Subp. 7. **Ancillary functions.** Personnel must be provided
30 to perform ancillary functions such as transportation or court
31 functions such as transportation or court escort to the extent
32 necessary to ensure security and supervision of prisoners.

33 **STAFF TRAINING**

34 2945.1000 **STAFF TRAINING PLAN.**

35 Subpart 1. **Orientation and in-service training plan.** Each

1 facility administrator shall develop and implement a training
2 plan for the orientation of new employees and volunteers and
3 provide for continuing in-service training programs for all
4 employees and volunteers. The training plans must be documented
5 and describe curriculum, methods of instruction, and
6 objectives. In-service training plans should be prepared
7 annually, and orientation training plans must be reviewed and
8 revised to changing conditions.

9 Subp. 2. **First aid and CPR training (mandatory).** Each
10 facility shall establish, in cooperation with a responsible
11 health authority, a training program to provide instruction on
12 the administration of first aid and cardiopulmonary
13 resuscitation (CPR).

14 Subp. 3. **Other health and safety training (mandatory).**
15 Each facility shall develop, in cooperation with a responsible
16 health authority, a training program which provides instruction
17 in the following areas:

18 A. procedures for responding to health-threatening
19 situations within four minutes;

20 B. recognition of signs and symptoms, and knowledge
21 of action required in potential emergency situations;

22 C. methods of obtaining assistance;

23 D. recognition of signs and symptoms of mental
24 illness, retardation, emotional disturbance, and chemical
25 dependency;

26 E. procedures for patient transfers to appropriate
27 medical facilities or health care providers; and

28 F. prevention of communicable diseases.

29 2945.1010 PART-TIME AND RELIEF STAFF.

30 Part-time and relief staff shall complete orientation
31 training appropriate to the facility's classification.

32 STAFF DEPLOYMENT, JOB DESCRIPTIONS, WORK ASSIGNMENTS,

33 POST ORDERS, POLICIES AND PROCEDURES

34 2945.1600 GUIDELINES AND RESPONSIBILITIES.

35 Each facility supervisor shall develop written guidelines

1 that define responsibilities, duties, and qualifications of the
2 persons working in the detention facility.

3 2945.1610 POLICY AND PROCEDURE MANUALS.

4 Policies and procedures concerning the facility's operation
5 must be made available to employees at the time of employment
6 and as revised after that time.

7 RECORDS AND REPORTS

8 2945.2100 MAINTENANCE OF RECORDS AND REPORTS.

9 Subpart 1. **Mandatory records.** The following records,
10 reports, and statistics must be maintained (mandatory):

- 11 A. admission and release records;
- 12 B. special occurrence records; and
- 13 C. registers.

14 Subp. 2. **Directory records.** The following records,
15 reports, and statistics must be maintained:

- 16 A. prisoner personal property records;
- 17 B. clothing, linen, and laundry records (not
18 applicable to Class III and IV municipal holding facilities);
- 19 C. records of budget requests and work orders (not
20 applicable to Class III and IV municipal holding facilities);
- 21 D. records of policies and procedures;
- 22 E. employee personnel records;
- 23 F. records of staff training;
- 24 G. accounting records (not applicable to Class III
25 and IV municipal holding facilities);
- 26 H. food service records;
- 27 I. daily logs;
- 28 J. medical and dental records; and
- 29 K. disciplinary records.

30 The department shall make available on request sample
31 approved forms of items A to K.

32 2945.2110 STORAGE AND PRESERVATION OF RECORDS (MANDATORY).

33 Space must be provided for the safe storage of records.

34 2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.

1 Prisoner booking records must be maintained.

2 2945.2130 ACCESS TO PRISONER RECORDS (MANDATORY).

3 Access to prisoner records shall be provided in conformity
4 with state data privacy law.

5 PRISONER WELFARE

6 2945.2500 SEPARATION OF PRISONERS (MANDATORY).

7 Subpart 1. **General.** A combination of separate living
8 spaces, sanitation facilities, activity spaces, cell units, and
9 detention rooms shall be provided to properly segregate
10 prisoners under Minnesota Statutes, section 641.14.

11 Subp. 2. **Prisoners to be housed separately.** The following
12 prisoners must be housed separately:

- 13 A. female prisoners from male prisoners;
14 B. juvenile prisoners from adult prisoners; and
15 C. mentally ill prisoners from all other prisoners.

16 Subp. 3. **Separation by sight and sound.** Juvenile
17 prisoners must be separated from adult prisoners by sight and
18 sound.

19 2945.2510 INFORMATION TO PRISONERS.

20 Subpart 1. **Information to prisoners.** Minimal rules for
21 prisoner behavior must be posted in a conspicuous place or
22 provided to the prisoner.

23 Subp. 2. **Official charge, legal basis for detention**
24 **(mandatory).** Every prisoner admitted to a facility must be
25 advised of the official charge or legal basis for detention and
26 confinement, information gathered, and to whom disseminated.

27 Subp. 3. **Limitations on disciplinary actions.** The
28 decision to deprive a prisoner of articles of clothing and
29 bedding as a result of the prisoner's destruction of those items
30 must be reviewed by the officer in charge during each eight-hour
31 period, and the review must be documented.

32 The delegation of authority to a prisoner or group of
33 prisoners to exercise the right of punishment over another
34 prisoner or group of prisoners shall be prohibited.

1 No prisoner may be deprived of the use of materials
2 necessary to maintain an acceptable level of personal hygiene.
3 Items such as toilet paper and soap and water must be made
4 available and provided upon request.

5 Subp. 4. Instruments of restraint. Instruments of
6 restraint, such as handcuffs, chains, irons, and straitjackets
7 must not be used as punishment.

8 A. Instruments of restraint must not be used except
9 in the following circumstances:

10 (1) as a precaution against escape during a
11 transfer;

12 (2) on medical grounds by direction of a
13 consulting or attending physician or licensed psychologist; or

14 (3) by order of the facility administrator or
15 person in charge in order to prevent a prisoner from injuring
16 himself or herself, others, or from damaging property.

17 B. The facility administrator shall develop written
18 policies and procedures to govern the use of restraints.

19 C. Instruments of restraint must not be applied for
20 any longer time than is strictly necessary.

21 D. Each incident involving the use of restraints
22 consistent with item A, subitem (2) or (3), must be documented
23 and on file.

24 Subp. 5. Disciplinary records. Disciplinary records must
25 be maintained on all documented disciplinary infractions and
26 punishment administered.

27 2945.2520 PRISONER VISITATION.

28 Subpart 1. Initial visits for juveniles (mandatory). The
29 initial visit for parents, guardians, and attorneys must be
30 permitted at any time.

31 Subp. 2. Visiting plan. Each facility administrator shall
32 develop and implement a prisoner visiting policy. The policy
33 shall be in writing and shall provide at a minimum:

34 A. That prisoners be allowed nonmonitored visits with
35 the prisoner's attorney.

1 B. A schedule that specifies days and times for
2 visits (not applicable to Class III and IV municipal holding
3 facilities.)

4 C. A uniform number of permissible visits and the
5 number of visitors permitted per visit (not applicable to Class
6 III and IV municipal holding facilities).

7 D. For adult prisoners, an initial visit with a
8 member or members of their immediate family at the next
9 regularly scheduled visiting period (not applicable to Class III
10 and IV municipal holding facilities).

11 E. That when a visit to a prisoner is denied on the
12 belief that the visit might endanger the security of the
13 facility, the action and reasons for denial be documented.

14 F. That visitors must register, giving name, address,
15 relationship to prisoner, and nature of business.

16 G. That visiting must not be audio monitored.

17 H. That visits by parents, guardians, and attorneys
18 with juvenile prisoners be as unrestricted as is
19 administratively possible.

20 I. That prisoners be allowed private meetings for
21 family problems with clergy, nuns, seminarians, and laypersons
22 active in community church affairs, who provide appropriate
23 credentials, to the extent that such visits do not compromise
24 the facility's security (not applicable to Class IV).

25 2945.2530 CORRESPONDENCE.

26 Subpart 1. **Plan for prisoner mail.** A facility
27 administrator shall develop a plan for prisoner mail consistent
28 with established legal rights of prisoners and facility rules
29 which are reasonable and necessary to protect the facility's
30 security (not applicable to Class III and Class IV municipal
31 holding facilities).

32 Subp. 2. **Unrestricted volume of mail.** The volume of
33 written mail to or from a prisoner must not be restricted (not
34 applicable to Class III and Class IV municipal holding
35 facilities).

1 Subp. 3. **Inspection and censorship (mandatory).** Mail must
2 not be read or censored if it is between a prisoner and an
3 elected official, officials of the department, the ombudsman for
4 corrections, attorneys, or other officers of the court.

5 Inspection of incoming mail from this group is permitted in the
6 presence of the prisoner. This subpart is not applicable to
7 Class III and Class IV municipal holding facilities.

8 Subp. 4. **Money.** Cash, checks, or money orders should be
9 removed from incoming mail and credited to a prisoner's account
10 (not applicable to Class III and Class IV municipal holding
11 facilities).

12 Subp. 5. **Contraband.** If contraband is discovered in
13 either incoming or outgoing mail, it must be removed (not
14 applicable to Class III and Class IV municipal holding
15 facilities).

16 Subp. 6. **Sacred books (mandatory).** A prisoner must be
17 provided a copy of the Bible or sacred book of another religion
18 at the expense of the appointing authority.

19 2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.

20 Subpart 1. **Bedding.** Upon request, or after eight hours,
21 each prisoner shall be issued clean, sanitary, and
22 fire-retardant bedding (not applicable to Class IV municipal
23 facilities).

24 Subp. 2. **Laundry (mandatory).** Sheets must be laundered
25 and blankets cleaned before reissuing them to another prisoner.

26 Subp. 3. **Removing clothing and bedding.** The facility
27 administrator shall develop a policy and procedure for dealing
28 with incidents in which prisoners misuse clothing or bedding.
29 Clothing and bedding should be removed from a prisoner only when
30 the prisoner's behavior threatens the health, safety, or
31 security of self, others, or property. Clothing and bedding
32 must be returned to the prisoner as soon as it is reasonable to
33 believe that the behavior that caused the action will not
34 continue.

35 2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.

1 Subpart 1. **Emergency plan (mandatory).** The facility
2 administrator shall develop a written emergency plan. The plan
3 must include:

- 4 A. location of alarms and fire fighting equipment;
- 5 B. emergency drill policy;
- 6 C. specific assignments and tasks for personnel;
- 7 D. persons and emergency departments to be notified;
- 8 E. a procedure for evacuation of prisoners; and
- 9 F. arrangements for temporary confinement of
10 prisoners.

11 Subp. 2. **Review of emergency procedures.** There must be a
12 documented quarterly review of emergency procedures by the
13 person in charge of the facility that includes:

- 14 A. assignment of persons to specific tasks in case of
15 emergency situations;
- 16 B. instructions in the use of alarm systems and
17 signals;
- 18 C. systems for notification of appropriate persons
19 outside the facility;
- 20 D. information on the location and use of emergency
21 equipment in the facility; and
- 22 E. specification of evacuation routes and procedures.

23 Subp. 3. **Reporting of special incidents.** Incidents or
24 special occurrences which endanger the lives or safety of staff
25 or prisoners or the physical plant of the facility must be
26 reported. Reports must include the names of staff members and
27 prisoners involved, the nature of the special occurrence,
28 actions taken, and the date and time of the occurrence. Special
29 occurrences include, but are not limited to:

- 30 A. attempted suicide;
- 31 B. suicide;
- 32 C. homicide;
- 33 D. death other than suicide or homicide;
- 34 E. serious injury or illness incurred after
35 detention;
- 36 F. escape or runaway;

- 1 G. fire causing serious damage;
2 H. riot;
3 I. assaults requiring medical care;
4 J. other serious disturbances; or
5 K. occurrences of infectious diseases and disposition
6 of the occurrences.

7 Special occurrences must be reported on forms provided by
8 the department or comparable forms used by the facility.

9 In the event of an emergency such as serious illness,
10 accident, imminent death, or death, the prisoner's family or
11 others who maintain a close relationship must be notified.

12 Subp. 4. **Prisoner death (mandatory)**. When a prisoner's
13 death occurs:

14 A. the date, time, and circumstances of the
15 prisoner's death must be recorded in the prisoner's record;

16 B. if the prisoner dies in the facility, the coroner,
17 medical examiner, or sheriff must be notified immediately;

18 C. personal belongings must be handled in a
19 responsible and legal manner;

20 D. records of a deceased prisoner must be retained
21 for a period of time in accordance with law; and

22 E. the facility administrator shall observe all
23 pertinent laws and allow appropriate investigating authorities
24 full access to all facts surrounding the death.

25 **FOOD SERVICE**

26 2945.3400 **FOOD HANDLING PRACTICES (MANDATORY)**.

27 Food service shall be provided according to parts 4625.2401
28 to 4625.4701.

29 2945.3410 **FREQUENCY OF MEALS**.

30 There must be no more than 14 hours between a substantial
31 evening meal and breakfast. Where prisoners are not routinely
32 absent from the facility for work or other purposes, at least
33 three meals must be made available at regular times during each
34 24-hour period (not applicable to Class IV municipal holding
35 facilities).

1 2945.3420 THERAPEUTIC DIETS (MANDATORY).

2 A facility housing prisoners in need of medically
3 prescribed therapeutic diets must document that the diets are
4 provided as ordered by the attending physician (not applicable
5 to Class IV municipal holding facilities).

6 2945.3430 USE OF FOOD IN DISCIPLINE (MANDATORY).

7 Food must not be withheld as punishment (not applicable to
8 Class IV municipal holding facilities).

9 2945.3440 SUPERVISION OF MEAL SERVING.

10 All meals must be served under the direct supervision of
11 staff (not applicable for Class IV municipal holding facilities).

12 2945.3450 HOT MEAL MINIMUM.

13 A minimum of one hot meal must be provided for each 24
14 hours of confinement (not applicable to Class III and Class IV
15 municipal holding facilities).

16 SECURITY

17 2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.

18 Subpart 1. Security policies and procedures (mandatory).

19 Each facility must have and adhere to written security policies
20 and procedures which provide for at a minimum the following:

- 21 A. the control and recovery of contraband;
22 B. the prohibition on firearms in prisoner areas; and
23 C. that all prisoners are personally observed by an
24 employee at least every 30 minutes, but on an irregular
25 schedule; more frequent observation is required for those
26 prisoners who are violent, suicidal, mentally disordered, or who
27 demonstrate unusual or bizarre behavior.

28 Subp. 2. Additional security policies and procedures.

29 Written security policies and procedures must also include the
30 following:

- 31 A. visitor and visit control;
32 B. search and shakedown schedules and procedures;
33 C. escort of prisoners outside security areas;

- 1 D. escape prevention and action plans;
2 E. tool, medication, key, and weapon control
3 procedures;
4 F. count procedure;
5 G. classification of prisoners; and
6 H. riot prevention and control procedures.

7 This subpart is not applicable to Class III and IV
8 municipal holding facilities.

9 2945.4710 ADMISSIONS.

10 Subpart 1. **Admission policies.** Admission policies and
11 procedures must include the following:

12 A. a thorough search of all admissions and prisoners
13 on release status returning to the facility;

14 B. showering and delousing facilities (Class III and
15 IV municipal holding facilities must have some type of
16 facilities for prisoners to wash up if showers are not
17 available);

18 C. an assessment of health status;

19 D. security classification (not applicable to Class
20 III and IV municipal holding facilities);

21 E. inventory of prisoner's property;

22 F. fingerprinting and photographing, if appropriate;

23 and

24 G. completion of admission form.

25 Subp. 2. **Identification (mandatory).** No prisoners may be
26 received or released by the staff of a facility until the
27 arresting or escorting officer has produced proper credentials
28 or until the proper documents have been completed, identifying
29 the purpose for detention or release.

30 Subp. 3. **Privacy.** All intake procedures must be conducted
31 in a manner and location that assures the personal privacy of
32 the prisoner and the confidentiality of the transaction.

33 2945.4720 RELEASES.

34 Subpart 1. **Return of prisoner property.** Upon release of a
35 prisoner, the property of that prisoner, unless held for

1 authorized investigation or litigation, must be returned with a
2 receipt for the prisoner to sign or for the transporting officer
3 to sign.

4 Subp. 2. **Transportation.** Prisoners must be permitted to
5 make arrangements for transportation before release.

6 Subp. 3. **No release in intemperate weather.** No prisoner
7 may be released in intemperate weather without proper clothing
8 to ensure the prisoner's health and comfort.

9 2945.4730 SEARCHES AND SHAKEDOWNS.

10 Subpart 1. **Visitor searches.** Searches of visitors and
11 their personal belongings brought into the facility must be done
12 in accordance with the facility's written policy and legal
13 procedures.

14 Subp. 2. **Regular inspection of facility.** The facility
15 must be regularly inspected for contraband, evidence of breaches
16 in security, and inoperable security equipment. Facility
17 inspections must be documented.

18 Subp. 3. **Inspection of materials.** All materials delivered
19 to or transported from the facility must be inspected for
20 contraband before distribution and the inspection shall be
21 documented.

22 2945.4740 LOCKS AND KEYS.

23 Subpart 1. **General (mandatory).** All keys to security
24 locks must be properly tagged and stored in a secure cabinet
25 within a secure area, and out of reach of the prisoners or the
26 public. At least one complete set of facility keys must be kept
27 on hand for replacement purposes. Keys that serve a critical
28 security purpose must be easily identifiable and never issued to
29 facility staff except upon order of the facility administrator
30 or person in charge, and in accordance with established
31 procedure. No security keys may be made available to prisoners
32 regardless of status. All electronic locking systems must have
33 a manual override.

34 Subp. 2. **Regular inspection.** Locks to security doors or
35 gates must be inspected regularly by facility staff to ensure

1 efficient operation.

2 Subp. 3. **Inoperable locks (mandatory).** No lock to a
3 security door or gate may be permitted to be inoperable or left
4 in an unsuitable condition. No prisoner shall be placed in a
5 cell or area that has inoperable locks.

6 2945.4750 DANGEROUS MATERIALS (MANDATORY).

7 Materials dangerous to either security or safety shall be
8 properly secured.

9 2945.4760 COUNT PROCEDURE.

10 Each facility must have a written policy describing the
11 system of counting prisoners. Formal counts must be completed
12 with an official entry made in the daily log after each mass
13 movement and at least once each eight hours.

14 ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION

15 2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES
16 (MANDATORY).

17 Subpart 1. **Availability of resources.** Each facility must
18 have a licensed physician or medical resource such as a hospital
19 or clinic designated for the medical supervision and treatment
20 of prisoners. Resources must insure service 24 hours a day.

21 Subp. 2. **Emergency dental care.** Each facility must have
22 emergency dental care available to prisoners.

23 Subp. 3. **Ambulance service.** Ambulance services must be
24 available 24 hours a day.

25 Subp. 4. **Examination of prisoner where medical attention**
26 **is necessary.** A prisoner must be examined by trained medical
27 personnel if the prisoner is visibly ill, chronically ill, or
28 when it is suspected that medical attention is necessary.

29 2945.5410 POSTING OF AVAILABLE RESOURCES (MANDATORY).

30 A listing of telephone numbers of the medical, dental, and
31 ambulance services available must be posted at each staff
32 station along with the schedule of availability.

33 2945.5420 HOSPITALIZATION OF A PRISONER.

1 Subpart 1. **Agreement between facility and hospital.** Each
2 facility must have an agreement with a hospital in the same or
3 nearby community permitting admission of a prisoner on the
4 recommendation of the attending physician.

5 Subp. 2. **Guarding of prisoner.** When a prisoner requires
6 hospitalization, the prisoner must be guarded 24 hours a day
7 unless the prisoner is not in need of supervision or the
8 prisoner is medically incapacitated in the opinion of the
9 attending physician.

10 2945.5430 FIRST AID.

11 Subpart 1. **Training of personnel (mandatory).** Custody
12 personnel responsible for the supervision, safety, and
13 well-being of prisoners must be trained in emergency first aid.

14 Subp. 2. **First aid kit.** Facilities must have a minimum of
15 one first aid kit located at the facility's control center or
16 primary staff station.

17 Subp. 3. **Records of illness and injury.** A facility must
18 record all complaints of illness or injury and actions taken.

19 Subp. 4. **Medical or dental records (mandatory).** Records
20 must be maintained on prisoners under medical or dental care.
21 The records must include at a minimum:

- 22 A. the limitations and disabilities of the prisoner;
- 23 B. instructions for prisoner care;
- 24 C. orders for medication, including stop date;
- 25 D. any special treatment or diet;
- 26 E. activity restriction; and
- 27 F. times and dates when the prisoner was seen by
28 medical personnel.

29 2945.5440 PREVENTIVE HEALTH SERVICES.

30 Subpart 1. **Written plan for personal hygiene.** The
31 facility administrator shall develop and implement a written
32 plan for personal hygiene practices of all prisoners with
33 special assistance for those prisoners who are unable to care
34 for themselves (not applicable for Class III and Class IV
35 municipal holding facilities).

1 Subp. 2. **Delousing materials.** Delousing materials and
2 procedures must be approved through consultation with trained
3 medical personnel.

4 Subp. 3. **Bathing.** A prisoner must be permitted daily
5 washing (not applicable to Class IV municipal holding
6 facilities).

7 Subp. 4. **Indigent prisoners (mandatory).** Indigent
8 prisoners shall receive reasonable personal hygiene items upon
9 request.

10 2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

11 Subpart 1. **Legend drugs (mandatory).** Facility policy
12 shall prohibit stock supplies of legend drugs.

13 Subp. 2. **Delivery by unlicensed staff.** The delivery of
14 legend drugs by unlicensed staff must be under the direction of
15 a consulting physician.

16 Subp. 3. **Policy for storage, delivery, and control of**
17 **medicine.** A facility administrator, in consultation with a
18 licensed physician or physician trained paramedic, shall develop
19 procedures for the secure storage of medicine. The policy must
20 include at a minimum the following storage requirements:

21 A. medicine be stored in a locked area;

22 B. the storage area be kept locked at all times;

23 C. medicine requiring refrigeration be refrigerated
24 and secured;

25 D. prisoners not be permitted in the medicine storage
26 area;

27 E. only staff authorized to deliver medicine may have
28 access to keys for the medicine storage area;

29 F. prescribed medicine be kept in its original
30 container, bearing the original label; and

31 G. poisons and medicine intended for external use be
32 clearly marked and stored separately from medicine intended for
33 internal use.

34 Subp. 4. **Procedures for delivery of medicine.** Each
35 facility must adopt procedures for the delivery of medicine.

1 A. The procedures must include the following
2 (mandatory):

3 (1) Requirements that medicine administered by
4 injection must be administered by a physician, registered nurse,
5 or licensed practical nurse. Diabetics under physician order
6 and direct staff supervision must be permitted to
7 self-administer insulin.

8 (2) Requirements that no prisoner while receiving
9 legend drugs may receive any nonlegend drug without the approval
10 of the attending physician.

11 (3) Procedures for reporting to the physician any
12 adverse reactions to drugs. Any reports shall be included in
13 the prisoner's file.

14 (4) Procedures for reporting the attending
15 physician a prisoner's refusal of prescribed medicine, and an
16 explanation made in the prisoner's record.

17 (5) Procedures for ensuring that no prisoner is
18 deprived of medicine as prescribed because of penalty or staff
19 retaliation.

20 (6) Procedures that prohibit the delivery of
21 medicine by prisoners.

22 (7) Procedures requiring that a physician be
23 contacted for instructions before the next prescribed medicine
24 dosage time for all newly admitted prisoners who are either in
25 possession of prescribed medicine or indicate a need for
26 prescribed medicine.

27 B. Procedures must also include at a minimum the
28 following:

29 (1) medicine delivered to a prisoner is to be
30 self-administered under staff supervision;

31 (2) there is to be a means for the positive
32 identification of the recipient of medicine;

33 (3) procedures and records to assure that
34 medicine is delivered in accordance with physician instructions,
35 and by whom; and

36 (4) procedures for confirming that medicine

1 delivered for oral ingestion has been ingested.

2 Subp. 5. **Records of receipt; disposition of drugs.**

3 Records of receipt, the quantity of the drugs, and the
4 disposition of legend drugs must be maintained in sufficient
5 detail to enable an accurate accounting.

6 Subp. 6. **Medicine given to prisoner upon release.**

7 Prescription medicine belonging to a prisoner must be given to
8 the prisoner or to the appropriate authority upon transfer or
9 release and shall be recorded in the prisoner's file.

10 Subp. 7. **Destruction of unused prescribed medicine.**

11 Unused prescribed medicine should be destroyed by incineration
12 or by flushing into the sewer system. A notation of the
13 destruction made in the prisoner's record and a statement of
14 what was destroyed, who destroyed it, and how it was destroyed.

15 2945.5460 **REPORTING SUSPECTED COMMUNICABLE DISEASE (MANDATORY).**

16 It is the responsibility of the facility administrator or
17 person in charge in consultation with the attending physician to
18 report to the Minnesota Department of Health any known or
19 suspected communicable disease.

20 2945.5470 **SEPARATION OF PRISONERS SUSPECTED OF HAVING A
21 COMMUNICABLE DISEASE (MANDATORY).**

22 Prisoners suspected of having a communicable disease must
23 be separated from other prisoners.

24 2945.5480 **MENTALLY ILL PRISONERS.**

25 A policy must be developed for the management of mentally
26 ill prisoners and include a procedure for managing prisoners who
27 are suspected of being mentally ill and considered to be a
28 danger to self or others.

29 2945.5490 **HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.**

30 Subpart 1. **General.** The facility must be kept in good
31 repair to protect the health, comfort, safety, and well-being of
32 prisoners and staff.

33 Subp. 2. **Maintenance plan.** The person responsible for
34 plant maintenance, housekeeping, and sanitation must develop a

1 written maintenance plan.

2 Subp. 3. **Compliance with rules (mandatory).** Housekeeping,
3 sanitation, water supplies, plumbing, sewage disposal, solid
4 waste disposal, and plant maintenance conditions must comply
5 with rules required by the Minnesota State Building Code, the
6 Minnesota Fire Marshal's Office, the Minnesota Department of
7 Health, the Minnesota Department of Labor and Industry
8 (O.S.H.A.), and other departmental rules having the force of law.

9 Subp. 4. **Plan for daily inspection.** The facility
10 administrator must establish a plan for the daily inspection of
11 housekeeping, sanitation, and plant maintenance when the
12 facility is occupied.

13 Subp. 5. **Policies and procedures to detect deterioration**
14 **of building and equipment.** The facility administrator must
15 develop policies and procedures designed to detect building and
16 equipment deterioration, safety hazards, and unsanitary
17 conditions.

18 Subp. 6. **Reporting of unsanitary and unsafe conditions**
19 **(mandatory).** Facility staff must report to the facility
20 administrator any unsanitary and unsafe conditions as well as
21 physical plant and equipment repairs or replacement needs.

22 Subp. 7. **Priority of work requests.** The facility must
23 have a process for prioritizing work requests and reporting to
24 the governing body in an expedient manner.

25 Subp. 8. **Records of repair.** The facility must have a
26 records system for review of budget and work requests,
27 expenditures, dates and actions pursuant to detection of need,
28 submission of work orders, and completion of requests.

29 Subp. 9. **Elimination of conditions conducive to vermin**
30 **(mandatory).** A condition in the facility conducive to harborage
31 or breeding of insects, rodents, or other vermin must be
32 eliminated immediately.

33 Subp. 10. **Fire inspection (mandatory).** Fire inspections
34 of the facility must be conducted on an annual basis by a state
35 fire marshal or local fire official. Documentation of the
36 inspection and any resulting orders must be maintained and

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1 available for inspection by the regulatory authority. Failure
2 to comply with fire safety requirements will result in a denial
3 of approval to continue facility operations.