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1 Department of Corrections

2 *Proposed*

3 ~~Adopted~~ Permanent Rules Relating to Municipal Jail Facilities

4 *Proposed (all new material)*

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

13 Subp. 11. **Court holding facilities.** "Court holding
14 facilities" means those areas where persons are held in
15 conjunction with a court appearance. Court holding facilities
16 may be secure but are nonresidential in design and persons are
17 not normally held beyond four hours.

18 Subp. 12. **Custody personnel.** "Custody personnel" means
19 those staff members or employees who are responsible for the
20 custody and supervision of prisoners.

21 Subp. 13. **Department of Corrections; department.**
22 "Department of Corrections" or "department" means the Minnesota
23 Department of Corrections.

24 Subp. 14. **Emergency.** "Emergency" means a significant
25 incident or disruption of normal facility procedures, policies,
26 routines, or activities arising from fire, riot, natural
27 disaster, suicide, assault, or medical emergency.

28 Subp. 15. **Existing facility.** "Existing facility" means a
29 facility used for detention and confinement of prisoners before
30 the effective date of this chapter.

31 Subp. 16. **Facility administrator.** "Facility administrator"
32 means the individual who has been delegated the responsibility
33 and authority for the administration and operation of a local
34 facility.

35 Subp. 17. **Holding cell.** "Holding cell" means a cell or
36 room in a holding facility used to hold one or more persons

1 temporarily while awaiting release, booking, court appearance,
2 transportation, or interrogation.

3 Subp. 18. **Inspection.** "Inspection" means an on-site
4 assessment or existing conditions made to determine the
5 facility's compliance with this chapter.

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

11 Subp. 20. **Legend drug.** "Legend drug" means a drug
12 required by federal law to bear the following statement:
13 "Caution: Federal law prohibits dispensing without
14 prescription."

15 Subp. 21. **Local facility.** "Local facility" means any
16 city, county, city and county, or multiple county corrections
17 facility.

18 Subp. 22. **Mandatory.** "Mandatory" means the rule must be
19 met by the facility in order for the facility to be licensed.

20 Subp. 23. **Maximum security areas.** "Maximum security areas"
21 means areas that provide the greatest degree of physical
22 security for the control and separation of prisoners.

23 Subp. 24. **Medicine.** "Medicine" means a remedial agent
24 that has the property of curing, preventing, treating, or
25 mitigating diseases, or that is used for that purpose. For the
26 purpose of this chapter, medicine includes legend and nonlegend
27 drugs.

28 Subp. 25. **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. 26. **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. 27. **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. 28. **Policy.** "Policy" means a statement declaring
10 mission, purpose, and ideological position.

11 Subp. 29. **Prisoner.** "Prisoner" means an individual, adult
12 or juvenile, detained or confined in a local facility.

13 Subp. 30. **Procedure.** "Procedure" means a written
14 statement establishing the action plan to implement policy.

15 Subp. 31. **Rule.** "Rule" means that which is defined by
16 Minnesota Statutes, section 14.02, subdivision 4.

17 Subp. 32. **Substantially conform.** "Substantially conform"
18 means a compliance rating of 100 percent on items labeled
19 mandatory and a rating of 70 percent compliance on all other
20 items in this chapter.

21 Subp. 33. **Undue hardship.** "Undue hardship" means the
22 financial costs are not warranted when weighed against the
23 benefits derived.

24 Subp. 34. **Variance.** "Variance" means the waiver of a
25 specific rule for a specified period of time.

26 2945.0110 INTRODUCTION.

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

34 Minnesota Statutes, section 241.021, subdivision 1,
35 provides that the commissioner adopt rules establishing minimum

1 standards for all correctional facilities throughout the state,
2 whether public or private, established and operated for the
3 detention and confinement of persons detained or confined in
4 them according to law except to the extent that they are
5 inspected or licensed by other state regulating agencies. The
6 rules that follow are minimum standards for municipal lockup
7 facilities. Facilities that house males and females must
8 provide comparable care for each group. Facilities housing
9 juveniles must meet the special criteria established for that
10 group. All inspections made by the sheriff must be according to
11 the standards in this chapter and must compare the care level
12 for male and female groups.

13 2945.0120 INTENDED USE NONCONFORMANCE; LIMITATIONS OF RULES.

14 Subpart 1. **Intended use.** A facility must be used only for
15 classifications for which it is intended. These rules do not
16 regulate municipal police facilities or court holding rooms.

17 A. Class I municipal holding facilities must meet the
18 standards of chapter 2910.

19 B. Class II municipal holding facilities must meet
20 all standards in chapter 2945.

21 C. Class III municipal holding facilities must meet
22 all standards except those waived as Class III municipal holding
23 facilities.

24 D. Class IV municipal holding facilities must meet
25 all standards except those waived as Class IV municipal holding
26 facilities.

27 Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal**
28 **conditions.** When conditions do not substantially conform to
29 this chapter or where specific conditions endanger the health,
30 welfare, or safety of prisoners or staff, the commissioner shall
31 condemn the holding facility by written order and it shall not
32 be further used while the order is in force according to
33 Minnesota Statutes, section 642.10.

34 2945.0130 VARIANCES.

35 Subpart 1. **Variances; general.** The granting of a variance

1 under this part does not constitute a precedent for any other
2 adult detention facility. The granting and denial of all
3 variances shall be in writing and made within 30 days of the
4 request for a variance. The variance will be granted by the
5 commissioner if, in the licensing procedure or enforcement of
6 the standards in this chapter:

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

11 B. the adult detention facility is otherwise in
12 substantial conformity with the standards contained in this
13 chapter or making satisfactory progress toward substantial
14 conformity;

15 C. granting of the variance will not preclude the
16 facility from making satisfactory progress toward substantial
17 conformity with this chapter;

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

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

22 Subp. 2. **Emergencies.** The facility administration may
23 declare a state of emergency suspending those rules affected by
24 the emergency if to not suspend the rules would adversely affect
25 the health, security, safety, or well-being of the persons
26 confined or the facility staff.

27 The facility administrator shall immediately notify the
28 sheriff of the county and the Department of Corrections of an
29 emergency that results in the suspension of a rule. A formal
30 written report must follow within 72 hours.

31 No suspension of rules because of an emergency declared by
32 a facility administrator may exceed seven days unless the
33 administrator obtains the approval of the commissioner for a
34 variance to the rules and the variance is necessary for the
35 protection of the health, security, safety, or well-being of the
36 staff or the persons detained or confined in the institution

1 where the emergency exists.

2 PERSONNEL STANDARDS

3 2945.0500 MEDICAL EXAMINATIONS.

4 Employees who work in a facility must have a medical
5 examination on record.

6 2945.0510 STAFF RECRUITMENT.

7 The selection, appointment, and promotion of facility
8 personnel must be based on assessed ability. There must not be
9 discrimination on the grounds of race, color, religion, sex, or
10 national origin (mandatory). Custody personnel must be a
11 minimum of 18 years old. Recruitment standards must set forth
12 the basic requirements of ability, preparatory experience,
13 physical condition, and character, as well as those qualities
14 that may disqualify.

15 2945.0520 EXTRA DUTY.

16 No employee may be scheduled for duty for two consecutive
17 work periods except where unusual circumstances require
18 reasonable and prudent exception.

19 2945.0530 STAFFING REQUIREMENTS.

20 Subpart 1. Staffing plan. The facility administrator
21 shall prepare and retain a staffing plan indicating the
22 personnel assigned to the facility and their duties. For the
23 purposes of this rule, a work day is considered an eight-hour
24 shift.

25 Subp. 2. Staff person in charge (mandatory). There must
26 be a designated staff person in charge of the facility. In the
27 absence of the regular facility supervisor, a staff person must
28 be designated in charge.

29 Subp. 3. Condition of staff person on duty (mandatory).
30 No person may be detained without a staff person on duty,
31 present in the facility, awake and alert at all times, and
32 capable of responding to the reasonable needs of the prisoner.

33 Subp. 4. Opposite sex policy (mandatory). There must be a
34 policy consistent with state statute that provides procedures to

1 be followed by staff supervising prisoners of the opposite sex.

2 Subp. 5. Assistance for dispatcher/custody staff person
3 (mandatory). In facilities that use the dispatcher/custody
4 position as sole supervision, the dispatcher/custody staff
5 person must be assisted on duty by another custody staff person
6 when the jail population exceeds 15. This requirement applies
7 only during shifts when prisoners are not in lockup status.

8 Subp. 6. Reporting incidents and responding to emergencies.
9 (mandatory). A combination of staff and physical plant
10 resources shall provide the capability of reporting incidents
11 and responding to emergencies.

12 Subp. 7. Ancillary functions. Personnel must be provided
13 to perform ancillary functions such as transportation or court
14 escort to the extent necessary to ensure security and
15 supervision of prisoners.

16 STAFF TRAINING

17 2945.1000 STAFF TRAINING PLAN.

18 Each facility administrator shall develop and implement a
19 training plan for the orientation of new employees and
20 volunteers and provide for continuing in-service training
21 programs for all employees and volunteers. The training plans
22 must be documented and describe curriculum, methods of
23 instruction, and objectives. In-service training plans must be
24 prepared annually, and orientation training plans shall be
25 reviewed and revised to changing conditions.

26 A training program must be established in cooperation with
27 a responsible health authority and with the facility
28 administrator to provide instruction in the following areas:

29 A. the ability to respond to health-related
30 situations within four minutes;

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

33 C. administration of first aid and cardiopulmonary
34 resuscitation (CPR);

35 D. methods of obtaining assistance;

1 E. recognition of signs and symptoms of mental
2 illness, retardation, emotional disturbance, and chemical
3 dependency;

4 F. procedures for patient transfers to appropriate
5 medical facilities or health care providers; and

6 G. prevention of communicable diseases.

7 2945.1010 PART-TIME AND RELIEF STAFF.

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

10 STAFF DEPLOYMENT, JOB DESCRIPTIONS, WORK ASSIGNMENTS,
11 POST ORDERS, POLICIES AND PROCEDURES

12 2945.1600 GUIDELINES AND RESPONSIBILITIES.

13 Each facility supervisor shall develop written guidelines
14 that define responsibilities, duties, and qualifications of the
15 persons working in the detention facility.

16 2945.1610 POLICY AND PROCEDURE MANUALS.

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

20 RECORDS AND REPORTS

21 2945.2100 MAINTENANCE OF RECORDS AND REPORTS.

22 The following records, reports, and statistics shall be
23 maintained:

24 A. admission and release records (mandatory);

25 B. prisoner personal property records;

26 C. clothing, linen, and laundry records (not
27 applicable to Class III and IV municipal holding facilities);

28 D. records of budget requests and work orders (not
29 applicable to Class III and IV municipal holding facilities);

30 E. special occurrence records (mandatory);

31 F. records of policies and procedures;

32 G. employee personnel records;

33 H. records of staff training;

34 I. accounting records (not applicable to Class III

1 and IV municipal holding facilities);

2 J. registers (mandatory);

3 K. food service records;

4 L. daily logs;

5 M. medical and dental records; and

6 N. disciplinary records.

7 The department must make available sample approved forms
8 upon request on items A to N.

9 2945.2110 STORAGE AND PRESERVATION OF RECORDS (MANDATORY).

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

11 2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.

12 Prisoner booking records shall be maintained.

13 2945.2130 CONFIDENTIALITY OF AND ACCESS TO PRISONER RECORDS
14 (MANDATORY).

15 Confidentiality of prisoner records and prisoner access to
16 factual (nonconfidential) data in their personal files must be
17 provided in conformity with state law.

18 PRISONER WELFARE

19 2945.2500 SEPARATION OF PRISONERS.

20 Subpart 1. **General (mandatory).** A combination of separate
21 living spaces, sanitation facilities, activity spaces, cell
22 units, and detention rooms must be provided to properly
23 segregate prisoners under Minnesota Statutes, section 641.14.

24 Subp. 2. **Prisoners to be housed separately.** The following
25 prisoners must be housed separately:

26 A. female prisoners from male prisoners;

27 B. juvenile prisoners from adult prisoners; and

28 C. insane prisoners from all other prisoners.

29 Juvenile prisoners must be separated from adult prisoners
30 by sight and sound.

31 2945.2510 INFORMATION TO PRISONERS.

32 Subpart 1. **Information to prisoners.** Minimal rules for
33 inmate behavior must be posted in a conspicuous place or

1 provided to the inmate.

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

6 Subp. 3. Limitations on disciplinary actions. The
7 decision to deprive a prisoner of articles of clothing and
8 bedding as a result of the prisoner's destruction of those items
9 must be reviewed by the officer in charge during each eight-hour
10 period, and the review must be documented.

11 The delegation of authority to a prisoner or group of
12 prisoners to exercise the right of punishment over another
13 prisoner or group of prisoners is prohibited.

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

18 Subp. 4. Instruments of restraint. Instruments of
19 restraint, such as handcuffs, chains, irons, and straitjackets
20 must not be used as punishment.

21 A. Instruments of restraint must not be used except
22 in the following circumstances:

23 (1) as a precaution against escape during a
24 transfer;

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

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

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

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

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

1 Subp. 5. Disciplinary records. Disciplinary records must
2 be maintained on all documented disciplinary infractions and
3 punishment administered.

4 2945.2520 PRISONER VISITATION.

5 Each facility administrator shall develop and implement a
6 prisoner visiting policy. The policy shall be in writing and
7 include the requirements in items A to I.

8 A. Nonmonitored visits between the prisoner and the
9 prisoner's attorney must be permitted.

10 B. A schedule of visits that specifies days and times
11 must be included (not applicable to Class III and IV municipal
12 holding facilities).

13 C. A uniform number of permissible visits and the
14 number of visitors permitted per visit must be established (not
15 applicable to Class III and IV municipal holding facilities).

16 D. Adult prisoners must be permitted an initial visit
17 with a member or members of their immediate family at the next
18 regularly scheduled visiting period (not applicable to Class III
19 and IV municipal holding facilities).

20 E. When a visit to a prisoner is denied for
21 reasonable grounds on the belief that the visit might endanger
22 the security of the facility, the action and reasons for denial
23 must be documented.

24 F. Visitors must register, giving name, address,
25 relationship to prisoner, and nature of business.

26 G. Visiting must not be audio monitored.

27 H. Policies for parents, guardians, and attorneys
28 visiting juvenile prisoners must be as unrestrictive as is
29 administratively possible. The initial visit for parents,
30 guardians, and attorneys must be permitted at any time
31 (mandatory).

32 I. Prisoners requesting private interviews for family
33 problems with accredited clergy, nuns, seminarians, and
34 laypersons active in community church affairs, must be afforded
35 this opportunity within such policies as are reasonable and

1 necessary to protect the facility's security (not applicable to
2 Class IV).

3 2945.2530 CORRESPONDENCE.

4 Subpart 1. **Plan for prisoner mail.** A facility
5 administrator shall develop a plan for prisoner mail consistent
6 with established legal rights of prisoners and reasonable and
7 necessary facility rules to protect the facility's security (not
8 applicable to Class III and Class IV municipal holding
9 facilities).

10 Subp. 2. **Unrestricted volume of mail.** The volume of
11 written mail to or from a prisoner must not be restricted (not
12 applicable to Class III and Class IV municipal holding
13 facilities).

14 Subp. 3. **Inspection and censorship.** Mail must not be read
15 or censored if it is between a prisoner and an elected official,
16 officials of the department, the ombudsman for corrections,
17 attorneys, or other officers of the court. Inspection of
18 incoming mail from this group is permitted in the presence of
19 the prisoner (mandatory; not applicable to Class III and Class
20 IV municipal holding facilities).

21 Subp. 4. **Money.** Cash, checks, or money orders must be
22 removed from incoming mail and credited to a prisoner's account
23 (not applicable to Class III and Class IV municipal holding
24 facilities).

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

29 Subp. 6. **Sacred books.** A prisoner desiring to read the
30 Bible or sacred book of another religion must be provided a copy
31 at the expense of the appointing authority (mandatory).

32 2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.

33 Subpart 1. **Bedding.** Upon request, or after eight hours,
34 each detainee shall be issued clean, sanitary, and
35 fire-retardant bedding (not applicable to Class IV municipal

1 facilities).

2 Subp. 2. Laundry. Sheets must be laundered and blankets
3 cleaned before reissuing them to another prisoner.

4 Subp. 3. Removing clothing and bedding. The facility
5 administrator shall develop a policy and procedure for ~~removing~~
6 ~~clothing-and-bedding-from-a-prisoner~~ dealing with incidents in
7 which inmates misuse clothing or bedding. Clothing and bedding
8 must be removed from a prisoner only when the prisoner's
9 behavior threatens the health, safety, or security of
10 self, ~~other-persons~~ others, or property. Clothing and bedding
11 must be returned to the prisoner as soon as it is reasonable to
12 believe that the behavior that caused the action will not
13 continue.

14 2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.

15 Subpart 1. Emergency plan (mandatory). The facility
16 administrator shall develop a written disaster plan. The plan
17 must include:

- 18 A. location of alarms and fire fighting equipment;
- 19 B. emergency drill policy;
- 20 C. specific assignments and tasks for personnel;
- 21 D. persons and emergency departments to be notified;
- 22 E. a procedure for evacuation of prisoners; and
- 23 F. arrangements for temporary confinement of
24 prisoners.

25 Subp. 2. Review of emergency procedures. There must be a
26 documented quarterly review of emergency procedures by the
27 person in charge of the facility that includes:

- 28 A. assignment of persons to specific tasks in case of
29 emergency situations;
- 30 B. instructions in the use of alarm systems and
31 signals;
- 32 C. systems for notification of appropriate persons
33 outside the facility;
- 34 D. information on the location and use of emergency
35 equipment in the facility; and

1 E. specification of evacuation routes and procedures.

2 Subp. 3. Reporting of special incidents. Incidents of a
3 special or serious nature that endanger the lives of staff or
4 prisoners or the physical plant must be reported in writing
5 within ten days to the county sheriff and the department. The
6 reports must include the names of staff members and prisoners
7 involved, the nature of the special occurrence, actions taken,
8 and the date and time of the occurrence. Special occurrences
9 include:

- 10 A. attempted suicide;
11 B. suicide;
12 C. homicide;
13 D. death other than suicide or homicide;
14 E. serious injury or illness incurred after
15 detention;
16 F. escape or runaway;
17 G. fire causing serious damage;
18 H. riot;
19 I. assaults requiring medical care;
20 J. other serious disturbances; or
21 K. occurrences of infectious diseases and disposition
22 of the occurrences.

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

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

28 Subp. 4. Prisoner death. When a prisoner's death occurs:

- 29 A. the date, time, and circumstances of the
30 prisoner's death must be recorded in the prisoner's record;
31 B. if the prisoner dies in the facility, the coroner,
32 medical examiner, or sheriff must be notified immediately;
33 C. personal belongings must be handled in a
34 responsible and legal manner;
35 D. records of a deceased prisoner must be retained
36 for a period of time in accordance with law; and

1 E. the facility administrator shall observe all
2 pertinent laws and allow appropriate investigating authorities
3 full access to all facts surrounding the death.

4 FOOD SERVICE

5 2945.3400 GENERAL REQUIREMENTS FOR FOOD SERVICE.

6 The goal of food service in each facility is to provide
7 prisoners with food and beverages that are nutritionally
8 adequate, palatable, produced in a manner to prevent foodborne
9 illness, of adequate quantity and variety, served at appropriate
10 temperatures, and prepared by methods that conserve nutritional
11 value.

12 2945.3410 FOOD HANDLING PRACTICES (MANDATORY).

13 Food service shall be provided according to parts 4625.2500
14 to 4625.5000.

15 2945.3420 FREQUENCY OF MEALS.

16 There must be no more than 14 hours between a substantial
17 evening meal and breakfast. Where prisoners are not routinely
18 absent from the facility for work or other purposes, at least
19 three meals must be made available at regular times during each
20 24-hour period (not applicable to Class IV municipal holding
21 facilities).

22 2945.3430 THERAPEUTIC DIETS (MANDATORY).

23 A facility housing prisoners in need of medically
24 prescribed therapeutic diets must have documentary evidence that
25 the diets are provided as ordered by the attending physician
26 (not applicable to Class IV municipal holding facilities).

27 2945.3440 USE OF FOOD IN DISCIPLINE (MANDATORY).

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

30 2945.3450 SUPERVISION OF MEAL SERVING.

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

1 2945.3460 HOT MEAL MINIMUM.

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

5 SECURITY

6 2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.

7 Security policies and procedures must be written,
8 operational, and include the following:

- 9 A. control and recovery of contraband (mandatory);
10 B. visitor and visit control;
11 C. prohibition on firearms in prisoner areas
12 (mandatory);
13 D. search and shakedown schedules and procedures;
14 E. escort of prisoners outside security areas;
15 F. the requirement that all inmates are personally
16 observed by an employee at least every 30 minutes, but on an
17 irregular schedule; more frequent observation is required for
18 those inmates who are violent, suicidal, mentally disordered, or
19 who demonstrate unusual or bizarre behavior (mandatory);
20 I. escape prevention and action plans;
21 J. tool, medication, key, and weapon control
22 procedures;
23 K. count procedure;
24 L. classification of prisoners; and
25 M. riot prevention and control procedures (not
26 applicable to Class III and IV municipal holding facilities).

27 2945.4710 ADMISSIONS.

28 Subpart 1. Admission policies. Admission policies and
29 procedures must include the following:

- 30 A. a thorough search of all admissions and prisoners
31 on release status returning to the facility;
32 B. showering and delousing facilities (Class III and
33 IV municipal holding facilities must have some type of
34 facilities for inmates to wash up if showers are not available);
35 C. an assessment of health status;

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

3 E. inventory of prisoner's property;

4 F. fingerprinting and photographing, if appropriate;

5 and

6 G. completion of admission form.

7 Subp. 2. Identification (mandatory). No prisoners may be
8 received or released by the staff of a facility until the
9 arresting or escorting officer has produced proper credentials
10 or until the proper documents have been completed, identifying
11 the purpose for detention or release.

12 Subp. 3. Privacy. All intake procedures shall be
13 conducted in a manner and location that assures the personal
14 privacy of the prisoner and the confidentiality of the
15 transaction.

16 2945.4720 RELEASES.

17 Subpart 1. Return of prisoner property. Upon release of a
18 prisoner, the property of that prisoner, unless held for
19 authorized investigation or litigation, must be returned with a
20 receipt for the prisoner to sign or for the transporting officer
21 to sign.

22 Subp. 2. Transportation. Prisoners must be permitted to
23 make arrangements for transportation before release.

24 Subp. 3. No release in intemperate weather. No prisoner
25 must be released in intemperate weather without proper clothing
26 to ensure the prisoner's health and comfort.

27 2945.4730 SEARCHES AND SHAKEDOWNS.

28 Subpart 1. Visitor searches. Searches and shakedowns of
29 visitors must be done in accordance with the facility's written
30 policy and legal procedures.

31 Subp. 2. Regular inspection of facility. The facility
32 must be regularly inspected for contraband, evidence of breaches
33 in security, and inoperable security equipment. Inspections
34 must be documented.

35 Subp. 3. Inspection of materials delivered to or

1 transported from the detention facility. All materials
2 delivered to or transported from the facility must be inspected
3 for contraband before distribution. Inspections must be
4 documented.

5 2945.4740 LOCKS AND KEYS.

6 Subpart 1. **General.** All keys to security locks must be
7 properly tagged and stored in a secure cabinet within a secure
8 area, and out of reach of the prisoners or the public
9 (mandatory). At least one complete set of facility keys must be
10 kept on hand for replacement purposes. Keys that serve a
11 critical security purpose must be easily identifiable and never
12 issued to facility staff except upon order of the facility
13 administrator or person in charge, and in accordance with
14 established procedure. No security keys may be made available
15 to prisoners regardless of status. All electronic locking
16 systems must have a manual override.

17 Subp. 2. **Regular inspection.** Locks to security doors or
18 gates must be inspected regularly by facility staff to ensure
19 efficient operation.

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

24 2945.4750 DANGEROUS MATERIALS (MANDATORY).

25 Materials dangerous to either security or safety shall be
26 properly secured.

27 2945.4760 COUNT PROCEDURE.

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

32 ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION

33 2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES
34 (MANDATORY).

1 Subpart 1. **Availability of resources, general.** Each
2 facility must have a licensed physician or medical resource such
3 as a hospital or clinic designated for the medical supervision
4 and treatment of prisoners. Resources must ensure 24-hour-a-day
5 service.

6 Subp. 2. **Emergency dental care.** Each facility must have
7 emergency dental care available to prisoners.

8 Subp. 3. **Ambulance service.** Ambulance services must be
9 available on a 24-hour-a-day basis.

10 Subp. 4. **Examination of prisoner where medical attention**
11 **is necessary.** A prisoner must be examined by trained medical
12 personnel if the prisoner is visibly ill, chronically ill, or
13 when it is suspected that medical attention is necessary.

14 2945.5410 POSTING OF AVAILABLE RESOURCES.

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

18 2945.5420 HOSPITALIZATION OF A PRISONER.

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

23 Subp. 2. **Guarding of prisoner.** When a prisoner requires
24 hospitalization, the prisoner must be guarded on a
25 24-hour-per-day basis unless one of the following conditions has
26 been satisfied: the prisoner is not in need of custody
27 supervision; or the prisoner is medically incapacitated in the
28 opinion of the attending physician.

29 2945.5430 FIRST AID.

30 Subpart 1. **Training of personnel.** Custody personnel
31 responsible for the supervision, safety, and well-being of
32 prisoners must be trained in emergency first aid.

33 Subp. 2. **First aid kit.** Facilities must have a minimum of
34 one first aid kit located at the facility's control center or

1 primary staff station.

2 Subp. 3. **Medical and dental records.** A facility must
3 record all complaints of illness or injury and actions taken.

4 Medical or dental records must be maintained on prisoners
5 under medical or dental care (mandatory). The records must
6 include:

7 A. the limitations and disabilities of the prisoner;

8 B. instructions for prisoner care;

9 C. orders for medication, including stop date;

10 D. any special treatment or diet;

11 E. activity restriction; and

12 F. times and dates when the prisoner was seen by

13 medical personnel.

14 2945.5440 PREVENTIVE HEALTH SERVICES.

15 Subpart 1. **Written plan for personal hygiene.** The
16 facility administrator shall develop and implement a written
17 plan for personal hygiene practices of all prisoners with
18 special assistance for those prisoners who are unable to care
19 for themselves (not applicable for Class III and Class IV
20 municipal holding facilities).

21 Subp. 2. **Delousing materials.** Delousing materials and
22 procedures must be approved through consultation with trained
23 medical personnel.

24 Subp. 3. **Bathing.** A prisoner shall be permitted daily
25 washing (not applicable to Class IV municipal holding
26 facilities).

27 Subp. 4. **Indigent prisoners (mandatory).** Indigent
28 prisoners shall receive reasonable personal hygiene items upon
29 request.

30 2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

31 Subpart 1. **Delivery by unlicensed staff.** The delivery of
32 legend drugs by unlicensed staff must be under the direction of
33 a consulting physician.

34 Subp. 2. **Plan for storage, delivery, and control of**
35 **medicine.** A facility administrator, in consultation with a

1 licensed physician or physician trained paramedic, shall develop
2 a plan and procedure for the secure storage, delivery, and
3 control of medicine.

4 A. The plan must include the following storage
5 requirements:

6 (1) medicine must be stored in a locked area;

7 (2) the storage area must be kept locked at all
8 times;

9 (3) medicine requiring refrigeration must be
10 refrigerated and secured;

11 (4) prisoners must not be permitted in the
12 medicine storage area;

13 (5) only staff authorized to deliver medicine may
14 have access to keys for the medicine storage area;

15 (6) stock supplies of legend, prescription-type
16 drugs must not be maintained (mandatory);

17 (7) prescribed medicine must be kept in its
18 original container, bearing the original label; and

19 (8) poisons and medicine intended for external
20 use must be clearly marked and stored separately from medicine
21 intended for internal use.

22 B. Policy must dictate the delivery of medicine and
23 must include the following:

24 (1) Medicine administered by injection must be
25 administered by a physician, registered nurse, or licensed
26 practical nurse. Diabetics under physician order and direct
27 staff supervision must be permitted to self-administer insulin
28 (mandatory).

29 (2) Medicine delivered to a prisoner must be
30 self-administered under staff supervision.

31 (3) There must be a means for the positive
32 identification of the recipient of medicine.

33 (4) Policy must include procedures and records to
34 assure that medicine is delivered in accordance with physician
35 instructions, and by whom.

36 (5) No prisoner while receiving legend drugs may

1 receive any nonlegend drug without the approval of the attending
2 physician (mandatory).

3 (6) Policy must include procedures for confirming
4 that medicine delivered for oral ingestion has been ingested.

5 (7) Policy must include procedures for reporting
6 to the physician any adverse reactions to drugs. Any reports
7 shall be included in the prisoner's file (mandatory).

8 (8) Policy must include procedures for reporting
9 to the attending physician a prisoner's refusal of prescribed
10 medicine, and an explanation made in the prisoner's record
11 (mandatory).

12 (9) Policy must include procedures for ensuring
13 that no prisoner is deprived of medicine as prescribed because
14 of penalty or staff retaliation (mandatory).

15 (10) Policy must include procedures that prohibit
16 the delivery of medicine by prisoners (mandatory).

17 (11) Policy must include procedures requiring
18 that a physician be contacted for instructions before the next
19 prescribed medicine dosage time for all newly admitted prisoners
20 who are either in possession of prescribed medicine or indicate
21 a need for prescribed medicine (mandatory).

22 C. Records of receipt, the quantity of the drugs, and
23 the disposition of legend drugs shall be maintained in
24 sufficient detail to enable an accurate accounting.

25 Subp. 4. **Medicine given to prisoner upon release.**

26 Prescribed medication belonging to a prisoner must be given to
27 the prisoner or to the appropriate authority upon transfer or
28 release. This shall be recorded in the prisoner's file.

29 Subp. 5. **Destruction of unused prescribed medicine.**

30 Unused prescribed medicine must be destroyed by incineration or
31 by flushing into the sewer system. A notation of the
32 destruction must be made in the prisoner's record and must
33 include a statement of what was destroyed, who destroyed it, and
34 how it was destroyed.

35 2945.5460 REPORTING SUSPECTED CONTAGIOUS DISEASE (MANDATORY).

1 It is the responsibility of the facility administrator or
2 person in charge to report to the Minnesota Department of Health
3 any known or suspected contagious disease.

4 2945.5470 SEPARATION OF PRISONERS SUSPECTED OF HAVING A
5 CONTAGIOUS DISEASE.

6 Prisoners suspected of having a contagious disease must be
7 separated from other prisoners (mandatory).

8 2945.5480 MENTALLY ILL PRISONERS.

9 A policy must be developed for the management of mentally
10 ill prisoners and must include a procedure for managing
11 prisoners who are suspected of being mentally ill and considered
12 to be a danger to self or others.

13 2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

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

17 Subp. 2. **Maintenance plan.** The person responsible for
18 plant maintenance, housekeeping, and sanitation must develop a
19 written maintenance plan.

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

27 Subp. 4. **Plan for daily inspection.** The facility
28 administrator shall establish a plan for the daily inspection of
29 housekeeping, sanitation, and plant maintenance when the
30 facility is occupied.

31 Subp. 5. **Policies and procedures to detect deterioration**
32 **of building and equipment.** The facility administrator shall
33 develop policies and procedures designed to detect building and
34 equipment deterioration, safety hazards, and unsanitary

1 conditions. Policies and procedures must include:

2 A. a requirement that facility staff report
3 unsanitary and unsafe conditions as well as physical plant and
4 equipment repairs and replacement needs (mandatory);

5 B. a process for prioritizing work requests and
6 reporting to the governing body in an expedient manner; and

7 C. a records system for review of budget and work
8 requests, expenditures, dates and actions pursuant to detection
9 of need, submission of work orders, and completion of requests.

10 **Subp. 6. Elimination of conditions conducive to vermin**
11 **(mandatory).** A condition in the facility conducive to harborage
12 or breeding of insects, rodents, or other vermin must be
13 eliminated immediately.

14 **Subp. 7. Fire inspection (mandatory).** Fire inspections of
15 the facility must be conducted on an annual basis by a state
16 fire marshal or local fire official. Documentation of the
17 inspection and any resulting orders must be maintained and
18 available for inspection by the regulatory authority. Failure
19 to comply with fire safety requirements will result in a denial
20 of approval to continue facility operations.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to Municipal Jail Facilities

AGENCY: Department of Corrections

MINNESOTA RULES: Chapter 2945

The attached rules are approved for filing with
the Secretary of State

Robert P. Kittel
Assistant Deputy Revisor