

1.1 **Department of Corrections**1.2 **Proposed Permanent Rules Relating to County Jail Facilities**1.3 **2911.0100 INTRODUCTION.**

1.4 A. Minnesota Statutes, section 241.021,
 1.5 subdivision 1, provides that the commissioner
 1.6 of corrections adopt rules establishing This chapter provides minimum standards for all
 1.7 public and private correctional facilities throughout the state, ~~whether public or private,~~
 1.8 established and operated for the detention and confinement of persons detained or confined
 1.9 according to law except to the extent that they are inspected or licensed by other state
 1.10 regulating agencies. ~~This chapter provides minimum standards for Class I to Class VI~~
 1.11 facilities in Minnesota. Facilities may request technical assistance from the department in
determining whether they are eligible for a variance to a specific standard under this chapter.

1.12 B. Nothing in this chapter shall be construed to prevent the establishment of job
 1.13 descriptions, work assignments, channels of communication, or personnel policies with
 1.14 merit systems or collective bargaining agreements.

1.15 **2911.0200 DEFINITIONS.**

1.16 [For text of subp 1, see M.R.]

1.17 Subp. 2. **Administrative segregation.** "Administrative segregation" means the
 1.18 ~~physical separation~~ status of an inmate prone to escape, prone to assault staff or other
 1.19 inmates, or likely to need protection from other inmates or self, an inmate determined to
 1.20 be mentally ~~deficient~~ challenged who is in need of special care, or an inmate on medical
 1.21 isolation or infirmary status.

1.22 Subp. 3. ~~Administrative staff~~ **Assistant jail administrator.** "~~Administrative staff~~
 1.23 Assistant jail administrator" means an administrative officer appointed by the governing

1.24 ~~authority or designee to assist~~ who assists the facility administrator responsible for
1.25 managing and operating the facility.

2.1 [For text of subp 4, see M.R.]

2.2 Subp. 5. **Alternative sentence.** "Alternative sentence" includes, but is not limited to, a
2.3 sentence including court ordered sanctions ~~which~~ that allow one or more of the following:

2.4 A. work release;

2.5 B. intermittent sentences;

2.6 C. community service;

2.7 D. sentencing to service requirements;

2.8 ~~E. home detention;~~

2.9 ~~F. E.~~ E. educational release; or

2.10 ~~G. F.~~ F. electronic monitoring.

2.11 Subp. 6. **Average daily population.** "Average daily population" means the average
2.12 number of inmates residing daily during the last calendar year. An inmate on furlough
2.13 or hospitalized is excluded. Average daily population is calculated by dividing the total
2.14 number of inmate days served in the facility by the number of days in the calendar year.

2.15 The total number of inmate days includes computation of any time an inmate spends
2.16 in the community on alternative sentence when the inmate's primary residence for that
2.17 day is the correctional facility governed by this chapter.

2.18 An offender on ~~home detention~~, electronic monitoring, or other sentencing sanction
2.19 who reports to a sanction such as community or sentencing to service programs from a
2.20 residence is not to be considered in average daily population computation.

2.21 Subp. 7. **Booking.** "Booking" in a detention facility is a procedure for the ~~admission~~
2.22 processing of a person charged with or convicted of an offense, and includes procedures

2.23 such as searching, fingerprinting, photographing, medical screening, and collecting
2.24 personal history data. ~~Booking also includes the inventory and storage of the individual's~~
2.25 ~~personal property.~~

3.1 Subp. 8. [See repealer.]

3.2 Subp. 9. **Cell or detention room.** "Cell" or "detention room" means a ~~housing unit~~
3.3 sleeping space in a detention facility for the confinement of not more than two inmates.
3.4 ~~A cell or detention room shall be designed or used for single occupancy purposes~~
3.5 ~~unless designed or approved for double occupancy purposes, except as approved by the~~
3.6 Department of Corrections according to chapter 2900, requirements.

3.7 Subp. 10. **Cellblock or detention room cluster housing unit.** "Cellblock" or
3.8 ~~detention room cluster~~ "housing unit" means a group or cluster of single or multiple
3.9 ~~occupancy cells or detention rooms~~ immediately adjacent and directly accessible to a
3.10 dayroom. ~~In some facilities the cellblock consists of a row of cells fronted by a dayroom~~
3.11 ~~of corridor-like proportions.~~

3.12 Subp. 11. **Class I facility.** "Class I facility" means a secure adult detention facility
3.13 used to confine inmates for a time not to exceed 72 hours excluding holidays or weekends.
3.14 A Class I facility ~~shall also be~~ is known as a holding facility.

3.15 Subp. 12. **Class II facility.** "Class II facility" means a secure adult detention facility
3.16 used to confine inmates ~~prior to their~~ before an appearance in court and sentenced inmates
3.17 for a time not to exceed 90 days. A Class II facility ~~shall also be~~ is known as a lockup
3.18 facility.

3.19 Subp. 13. **Class III facility.** "Class III facility" means a secure detention facility
3.20 used to confine sentenced inmates for a time not to exceed any limits set by Minnesota
3.21 Statutes, adult pretrial and presentenced detainees indefinitely, and juveniles up to the
3.22 limits prescribed by Minnesota Statutes and commissioner approval. A Class III facility
3.23 ~~shall also be~~ is known as a jail facility.

3.24 Subp. 14. **Class IV facility.** "Class IV facility" means a minimum security adult
3.25 detention facility used to confine sentenced inmates for a time not to exceed any limits set
4.1 by Minnesota Statutes or adult pretrial or presentenced detainees indefinitely. A Class IV
4.2 facility ~~shall also be~~ is known as a jail annex.

4.3 Subp. 15. **Class V facility.** "Class V facility" means a secure adult detention facility
4.4 used to detain adult pretrial and presentenced detainees indefinitely. A Class V facility
4.5 ~~shall also be~~ is known as an adult detention center.

4.6 Subp. 16. **Class VI facility.** "Class VI facility" means a facility used to confine
4.7 presentenced and sentenced inmates for periods of time not to exceed any limits set by
4.8 Minnesota Statutes. A Class VI facility ~~shall also be~~ is known as an adult corrections
4.9 facility.

4.10 Subp. 17. **Classification.** "Classification" means a process for determining the needs
4.11 and security requirements of ~~those~~ inmates for whom confinement has been ordered and
4.12 for assigning ~~them~~ the inmates to housing units and programs according to their needs and
4.13 existing resources.

4.14 Subp. 18. [See repealer.]

4.15 [For text of subp 19, see M.R.]

4.16 Subp. 20. **Contraband.** "Contraband" means an item possessed by an inmate or found
4.17 within the facility that is prohibited by statute or ~~expressly prohibited by those lawfully~~
4.18 ~~charged with the administration and operation of the facility~~ facility policy. This includes
4.19 items that are authorized but in excess of allowable limits.

4.20 Subp. 21. [See repealer.]

4.21 Subp. 22. **Control center.** "Control center" means ~~the central point~~ a secure post
4.22 within a facility where security activities are monitored and controlled.

4.23 Subp. 23. **Controlled substance.** "Controlled substance" means a ~~drug~~ medication,
4.24 substance, or immediate precursor in Schedules I to V of Minnesota Statutes, section
5.1 152.02. ~~Controlled substance does not include distilled spirits, wine, malt beverages,~~
5.2 ~~intoxicating liquor, or tobacco.~~

5.3 Subp. 24. **Crowded facility.** "Crowded facility" means a ~~facility when its~~ condition
5.4 when the facility's operational capacity is exceeded.

5.5 Subp. 25. [Renumbered subp 56a]

5.6 [For text of subp 26, see M.R.]

5.7 Subp. 27. **Dayroom.** "Dayroom" means a room ~~which~~ that is adjacent to a cell or cells
5.8 or detention room ~~or cell or detention room cluster~~, and ~~which~~ that is used as a dining,
5.9 exercise, or other activity room for inmates.

5.10 Subp. 28. **Department of Corrections or department** DOC. "Department of
5.11 Corrections" or "~~department~~ DOC" means the Minnesota Department of Corrections.

5.12 Subp. 29. **Disciplinary segregation.** "Disciplinary segregation" means ~~that~~ the status
5.13 assigned an inmate following a hearing in which the inmate was found ~~guilty of violating~~
5.14 in violation of a facility rule or state or federal law or the status assigned an inmate
5.15 before a hearing when segregating the inmate is determined to be necessary in order
5.16 to reasonably ~~assure~~ ensure the security of the facility. ~~The status results in separating~~
5.17 ~~the inmate from the general population.~~

5.18 [For text of subps 30 to 32, see M.R.]

5.19 Subp. 33. [See repealer.]

5.20 Subp. 34. [See repealer.]

5.21 Subp. 35. **Facility.** "Facility" means a ~~city, county, city and county, multiple county, or~~
5.22 private corrections facility of a Class I to Class VI type ~~as defined in subparts 11 to 16.~~

5.23 [For text of subp 36, see M.R.]

5.24 Subp. 37. [See repealer.]

6.1 [For text of subp 38, see M.R.]

6.2 Subp. 38a. **General population.** "General population" means inmates who are
6.3 typically classified as medium-risk. This group may also include reclassified inmates from
6.4 special-management or minimum-security status. This group is most often the majority
6.5 of inmates in a facility.

6.6 Subp. 39. **Health authority.** "Health authority" means ~~the physician, health~~
6.7 ~~administrator, or agency responsible for the provision of health care services at the facility~~
6.8 an individual or agency licensed to practice medicine and provide health services to the
6.9 inmate population of the facility or the physician at an institution with final responsibility
6.10 for decisions related to medical judgments. ~~The responsible physician may be the health~~
6.11 ~~authority.~~

6.12 Subp. 40. **Health care personnel.** "Health care personnel" ~~is~~ means an individual
6.13 whose primary duty is to provide health services to inmates in keeping with the individuals
6.14 ~~respective levels of education, training, and experience~~ in accordance with their respective
6.15 license. The individual is ~~likely to~~ must be a RN, LPN, nurse practitioner, physician, or
6.16 physician assistant.

6.17 Subp. 41. **Health-trained staff person.** "Health-trained staff person" ~~is~~ means a
6.18 person who provides assistance to the responsible physician or health care personnel in
6.19 keeping with ~~their respective~~ the person's levels of education, training, and experience.

6.20 Subp. 42. **Holding cell area.** "Holding cell area" means a cell or room used to hold
6.21 one or more persons temporarily ~~while awaiting release, booking, court appearance,~~
6.22 ~~transportation, interview, or assignment to a housing unit.~~

6.23 Subp. 43. [See repealer.]

6.24 [For text of subp 44, see M.R.]

7.1 Subp. 45. **Individual with a disability.** "Individual with a disability" ~~is~~ means a
7.2 person who has a physical or mental impairment that substantially limits one or more
7.3 major life activities, a record of an impairment, or is regarded as having an impairment.

7.4 Subp. 46. **Inmate or detainee.** "Inmate" or "detainee" means an individual, adult, or
7.5 juvenile, detained or confined in a Class I to Class VI facility ~~as defined in this chapter.~~

7.6 Subp. 47. [See repealer.]

7.7 [For text of subp 48, see M.R.]

7.8 Subp. 49. **Inspection.** "Inspection" means
an ~~on-site~~ assessment of existing conditions
7.9 made to determine the facility's compliance with this chapter.

7.10 Subp. 49a. **Intermittent sentence.** "Intermittent sentence" means a court-ordered
7.11 sanction that requires a person to report to a Class I to Class VI facility on more than one
7.12 occasion under the same sanction.

7.13 Subp. 50. [Renumbered subp 58a]

7.14 Subp. 51. **Life safety code.** "Life safety code" means ~~a manual published and updated~~
7.15 ~~by the National Fire Protection Association specifying~~ minimum standards for fire safety
7.16 ~~necessary in the public interest~~ published and updated by the National Fire Protection
7.17 Association and other authorities having jurisdiction.

7.18 Subp. 52. **Limited use agreement.** "Limited use agreement" means a written
7.19 agreement between the Department of Corrections and local officials ~~which~~ that restricts a
7.20 facility's operation and establishes timelines for facility improvements.

7.21 Subp. 53. [See repealer.]

7.22 Subp. 54. [See repealer.]

7.23 Subp. 55. **Medicine Medication.** "Medicine Medication" means any remedial agent
7.24 that has the property of curing, preventing, treating, or mitigating diseases, or that is
8.1 used for that purpose. For the purposes of this chapter, ~~medicine shall include legend~~
8.2 medication includes prescription and ~~nonlegend drugs~~ nonprescription medications.

8.3 [For text of subp 56, see M.R.]

8.4 Subp. 56a. **Overcrowded facility.** "Overcrowded facility" means a condition when
8.5 the facility's approved bed capacity is exceeded.

8.6 Subp. 56b. **Override.**

8.7 A. "Override" means the assignment of a custody level other than the one
8.8 designated by scored custody and needs assessment and is based upon professional
8.9 judgment and factors that are not captured by the classification forms.

8.10 B. "Discretionary override" means a change in classification based upon the
8.11 professional judgment of the classification staff, and the inmate's crime, prior record, or
8.12 institutional adjustment.

8.13 C. "Nondiscretionary override" means
8.14 a formal policy to prohibit the placement of
certain inmates from the general population housing or minimum security housing.

8.15 [For text of subp 57, see M.R.]

8.16 Subp. 58. **Policy.** "Policy" means a written statement declaring mission; and purpose;
8.17 ~~and ideological position.~~

8.18 Subp. 58a. **Prescription medication.** "Prescription medication" means a medication
8.19 that is required by federal law to bear the following statement: "Caution: Federal law
8.20 prohibits dispensing without prescription."

8.21 [For text of subps 59 to 63, see M.R.]

8.22 Subp. 63a. **Security equipment.** "Security equipment" means an approved security
8.23 device used by staff as a response to or prevention of resistance.

8.24 [For text of subp 64, see M.R.]

9.1 Subp. 65. [See repealer.]

9.2 Subp. 65a. **Segregation area.** "Segregation area" means an area of the facility that
9.3 houses inmates requiring either prehearing detention, administrative segregation status,
9.4 or lockdown time for disciplinary violations. This area is separate from the general
9.5 population and houses inmates individually.

9.6 Subp. 65b. **Sexual misconduct.** "Sexual misconduct" means any sexual contact
9.7 or sexual acts between inmates or between inmates and staff that is either illegal or
9.8 maltreatment under Minnesota Statutes. Sexual misconduct includes consensual sexual
9.9 contact or acts between staff members and inmates.

9.10 Subp. 65c. **Special management area.**
"Special management area" means an area that
9.11 provides the greatest degree of physical security for the control and separation of inmates.

9.12 [For text of subps 66 and 67, see M.R.]

9.13 Subp. 68. [See repealer.]

9.14 Subp. 69. **Substantially conform.**

"Substantially conform" means a compliance rating
9.15 of 100 percent on rules ~~labeled mandatory~~ under part 2911.0300, subpart 5a, item B, and
9.16 ~~90 percent compliance on all other items in this chapter labeled essential~~ rules under part
9.17 2911.0300, subpart 5a, item C.

9.18 Subp. 70. [See repealer.]

9.19 Subp. 71. **Variance.** "Variance" means ~~the waiver of~~ an exception to a specific rule or
9.20 rules for a specified period of time.

9.21 Subp. 72. [See repealer.]

9.22 **2911.0300 INTENDED USE AND NONCONFORMANCE WITH RULES.**

9.23 Subpart 1. **Intended use.** A facility shall be used only ~~in accordance with the~~
 9.24 according to its classification, Class I to Class VI, ~~for which it has been~~ as approved by
 10.1 the Department of Corrections. A Class I facility may be approved by the commissioner
 10.2 to house inmates serving alternative sentences for a time not to exceed any limits set by
 10.3 Minnesota Statutes. A Class II facility may house inmates serving an alternative sentence
 10.4 for a time not to exceed any limits set by Minnesota Statutes. A facility must be in full
 10.5 compliance with a rule part ~~or~~ subpart, or item as designated ~~as mandatory~~ under this
 10.6 ~~chapter~~ subpart 5a in order to meet approval requirements for continued operation unless
 10.7 the commissioner waives the part ~~or~~ subpart, or item. ~~Each rule part or subpart designated~~
 10.8 ~~as mandatory shall be identified by placing the term mandatory adjacent to the rule part,~~
 10.9 ~~subpart, item, or sentence in parenthesis. Approval shall be~~ The commissioner shall assess
 10.10 a facility based on compliance with rules applicable to the facility's classification at the
 10.11 time of the facility's last inspection. ~~(Mandatory)~~

10.12 Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal conditions.** When
 10.13 conditions do not substantially conform or where specific conditions endanger the health,
 10.14 welfare, or safety of inmates or staff, the facility's use is restricted pursuant to Minnesota
 10.15 Statutes, section 241.021, subdivision 1, or legal proceedings to condemn the facility will
 10.16 be initiated pursuant to Minnesota Statutes, section 641.26 or 642.10. ~~(Mandatory)~~

10.17 Subp. 3. **Comparable care.** A facility that houses males and females shall provide
 10.18 comparable care for each group. ~~(Mandatory)~~

10.19 Subp. 4. **Correction of deficiencies.** Sanctions for violation of mandatory rules are:
 10.20 as follows.

10.21 [For text of item A, see M.R.]

10.22 B. For a level two sanction, the facility inspector shall issue a written compliance
10.23 order to the facility administrator and governing body ~~which~~ that requires submission of a
10.24 written plan of action inclusive of time lines for correction of any deficiency allowed more
10.25 than 180 days for correction. The ~~department~~ DOC shall grant or deny approval of the
10.26 action plan in writing within 30 days of receiving the action plan.

11.1 C. For a level three sanction, when compliance is not achieved within time lines
11.2 ordered or action plans are not implemented as approved by the ~~department~~ DOC, the
11.3 facility inspector shall submit to the facility administrator and governing body a limited
11.4 use agreement for review, signature, and return within a specified time.

11.5 D. For a level four sanction, when compliance with the rules under subpart 5a,
11.6 item B, cannot be achieved because of serious life-safety and physical plant deficiencies,
11.7 the commissioner shall specify a duration of time, known as the sunset authorization
11.8 period, after which the facility will no longer have the authority to operate.

11.9 ~~D~~ E. For a level ~~four~~ five sanction, when level one to level ~~three~~ four sanctions
11.10 have not resulted in correction of deficiencies, the commissioner shall exercise restricted
11.11 use or condemnation authority under subpart 2.

11.12 Subp. 5. [See repealer.]

11.13 Subp. 5a. **Rule compliance.**

11.14 A. A facility must meet the requirements of this subpart in order to be in
11.15 compliance with this chapter.

11.16 B. A facility must comply with 100 percent of the following rules unless
11.17 specifically excluded under that rule:

11.18 (1) 2911.0100, item B;

11.19 (2) 2911.0300

11.20 (3) 2911.0400, subparts 2 and 4;

- 11.21 (4) 2911.0800;
- 11.22 (5) 2911.0900, subparts 1, 2, 8, 9, 10, 11, 12, 18, 25, and 26;
- 11.23 (6) 2911.1000;
- 11.24 (7) 2911.1900;
- 12.1 (8) 2911.2100;
- 12.2 (9) 2911.2300;
- 12.3 (10) 2911.2500;
- 12.4 (11) 2911.2600, subpart 1;
- 12.5 (12) 2911.2700, subparts 3 and 4;
- 12.6 (13) 2911.2850, subparts 1 and 2;
- 12.7 (14) 2911.2900;
- 12.8 (15) 2911.3100, subpart 2;
- 12.9 (16) 2911.3200;
- 12.10 (17) 2911.3300, subparts 3, item C, and 5;
- 12.11 (18) 2911.3600, subpart 3;
- 12.12 (19) 2911.3700, subparts 1, 2, 3, and 5;
- 12.13 (20) 2911.3800;
- 12.14 (21) 2911.3900, subpart 1;
- 12.15 (22) 2911.4000;
- 12.16 (23) 2911.4100, subpart 1;
- 12.17 (24) 2911.4400;
- 12.18 (25) 2911.4500;

- 12.19 (26) 2911.4600;
- 12.20 (27) 2911.5100, subparts 1 and 2;
- 12.21 (28) 2911.5200, subpart 1;
- 12.22 (29) 2911.5300;
- 13.1 (30) 2911.5400;
- 13.2 (31) 2911.5500;
- 13.3 (32) 2911.5700;
- 13.4 (33) 2911.5800, subparts 1, 2, 3, 4, 6, 8, and 11;
- 13.5 (34) 2911.5900;
- 13.6 (35) 2911.6000, subparts 2 and 3;
- 13.7 (36) 2911.6100;
- 13.8 (37) 2911.6200, subparts 1, 2, and 6;
- 13.9 (38) 2911.6300;
- 13.10 (39) 2911.6400;
- 13.11 (40) 2911.6500;
- 13.12 (41) 2911.6600;
- 13.13 (42) 2911.6700;
- 13.14 (43) 2911.6800;
- 13.15 (44) 2911.6900;
- 13.16 (45) 2911.7000;
- 13.17 (46) 2911.7100, subparts 1 and 3;
- 13.18 (47) 2911.7200;

13.19 (48) 2911.7300, subpart 1;

13.20 (49) 2911.7500; and

13.21 (50) 2911.7600.

14.1 C. A facility must comply with at
least 90 percent of parts 2911.0330 to 2911.7600

14.2 that are not listed in item B.

14.3 [For text of subp 6, see M.R.]

14.4 **2911.0330 APPROVED CAPACITY.**

14.5 Subpart 1. [See repealer.]

14.6 Subp. 2. **Approved bed capacity.** ~~"Approved capacity" means the number of beds~~
 14.7 ~~determined by exclusion of holding cells and beds designed for disciplinary segregation~~
 14.8 ~~or administrative segregation purposes.~~ Approved bed capacity, excluding holding areas
 14.9 and beds designed for disciplinary or administrative segregation purposes, shall be based
 14.10 on the following criteria:

14.11 A. ~~single occupancy cells or detention rooms built or let for bids after May 15,~~
 14.12 ~~1978,~~ shall provide a minimum of 70 square feet of floor space per inmate~~;~~₂

14.13 B. single occupancy cells or detention rooms in facilities used for detention or
 14.14 confinement of inmates prior to May 15, 1978, shall provide a minimum of 50 square
 14.15 feet of floor space per inmate~~;~~₂

14.16 C. dormitories shall provide a minimum of 60 square feet of floor space per
 14.17 inmate~~;~~₂ and

14.18 D. double occupancy cells shall provide a minimum of 70 square feet of floor
 space.

14.19 E. ~~no beds in facilities condemned shall be considered as approved.~~

14.20 **2911.0340 DESIGN CAPACITY.**

14.21 Subpart 1. ~~Category I Design capacity.~~ The "design capacity category I" means of
14.22 a facility is determined by the number of beds in a the facility built or let for bids after
14.23 May 15, 1978, as calculated in the same manner noted as for approved bed capacity with
15.1 the addition of holding cells and those beds designed for disciplinary or administrative
15.2 segregation or special management purposes.

15.3 Subp. 2. [See repealer.]

15.4 **2911.0360 OPERATIONAL BED CAPACITY.**

15.5 ~~"Operational bed capacity" means the percentage of the approved bed capacity level~~
15.6 ~~which~~ The operational bed capacity of the facility should not exceed shall be a percentage
15.7 of the approved bed capacity level to accommodate peak population demands and
15.8 separation requirements, and partial closing for maintenance and housekeeping.

15.9 **2911.0370 VARIANCE BED CAPACITY.**

15.10 ~~"Variance bed capacity" means the bed capacity level~~ When a variance is authorized by
15.11 the Department of Corrections pursuant to part 2911.0400, subpart 1, items A to E, the
15.12 facility may exceed its bed capacity level.

15.13 **2911.0400 VARIANCES.**

15.14 Subpart 1. **Variances, generally.** The granting of a variance under this part for one
15.15 facility shall not constitute a precedent for any other facility. The granting and denial
15.16 of variances shall be in writing and made within 30 days of the request for a variance.
15.17 The variance will shall be granted by the commissioner if, in the licensing procedure or
15.18 enforcement of the rules in this chapter, all of the following are present:

15.19 A. requiring a particular facility to strictly comply with one or more of the
15.20 provisions will result in undue financial hardship or jeopardize the health, safety, security,
15.21 detention, or well-being of the inmates or facility staff;

15.22 B. the facility is otherwise in substantial conformity with this chapter or is making
15.23 satisfactory progress toward substantial conformity;

15.24 C. ~~granting of the variance will not preclude the facility from making satisfactory~~
15.25 ~~progress toward substantial conformity with the rules~~ this chapter;

16.1 D. ~~the granting of the variance will not leave the interests and well-being of the~~
16.2 inmates or facility staff unprotected; and

16.3 E. the facility will take substitute action
as is necessary or available to comply with
16.4 the general purpose of ~~the rules~~ this chapter to the fullest extent possible.

16.5 Subp. 2. ~~Emergencies~~ **Emergency notification.** When a facility administrator
16.6 declares an emergency ~~as defined in part 2911.0200, subpart 31,~~ the applicable rules
16.7 may be suspended during the duration of the emergency. The facility administrator or
16.8 designee shall notify the DOC in writing within 72 hours of an emergency that results in
16.9 the suspension of any rule under this chapter.

16.10 Subp. 3. [See repealer.]

16.11 Subp. 4. **Suspension limit.** ~~No~~ A suspension of rules because of an emergency
16.12 declared by a facility administrator ~~may~~ or a designee shall not exceed seven days unless
16.13 the administrator obtains the approval of the commissioner of corrections for a variance
16.14 to the rules and the variance is necessary:

16.15 A. for the protection of the health, security, safety, detention, or well-being of
16.16 the staff or the inmates detained or confined in the institution where the emergency
16.17 exists. ~~(Mandatory); or~~

16.18 B. when an emergency public safety issue has occurred.

16.19 Subp. 5. [Renumbered 2911.3700 subp 6]

16.20 Subp. 6. [Renumbered 2911.3700 subp 7]

16.21 Subp. 7. **Notification.** The facility administrator or a designee shall notify the
16.22 ~~Department of Corrections~~ DOC in writing of each instance of failure to maintain
16.23 population at or below the facility approved bed capacity for more than seven consecutive
16.24 days or ~~within~~ 15 days of any month in which the facility has had an average daily
16.25 population greater than its approved bed capacity.

17.1 Subp. 8. **Overcrowded facility plan.** Whenever an overcrowded facility condition
17.2 occurs and the conditions in subpart 7 exist, a facility shall ~~develop~~ have a written plan that
17.3 requires the use of available contract per diem bed space in ~~department~~ DOC-approved
17.4 facilities within a 125-mile radius. The plan shall require ~~that:~~ the following.

17.5 [For text of items A to C, see M.R.]

17.6 Subp. 9. **Intermittent sentence contingency plans.** A facility shall ~~develop~~ have
17.7 a written plan that governs space arrangements and procedures to be followed in the
17.8 event the number of inmates in the facility at 8:00 a.m. on any day and the number of
17.9 inmates serving intermittent sentences scheduled for admission into the facility that day
17.10 will exceed the facility's approved bed capacity.

17.11 **2911.0600 STAFF RECRUITMENT.**

17.12 ~~The selection, appointment, and promotion of facility personnel shall be based on~~
17.13 ~~assessed ability. There shall be no discrimination on the grounds of race, color, religion,~~
17.14 ~~sex, or national origin. (Mandatory) Custody personnel shall be a minimum of 18 years~~
17.15 ~~of age. Recruitment standards shall set forth the basic requirements as to age, ability,~~
17.16 ~~preparatory experience, physical condition, and character. They~~ Recruitment standards
17.17 shall also set forth establish factors which that may disqualify an applicant. Discrimination
17.18 shall be prohibited consistent with Minnesota Statutes, section 363A.08.

17.19 **2911.0700 EMPLOYEE EVALUATION.**

17.20 Consistent with Minnesota Statutes, an employee shall complete a probationary period
17.21 and be evaluated during the probationary period before being permanently appointed.

17.22 The evaluation shall be in writing, discussed with the employee, and made a part of the
17.23 employee's personnel record.

17.24 **2911.0800 EXTRA DUTY.**

17.25 ~~No~~ An employee shall be scheduled for no more than 12 hours consecutive work in any
17.26 24 hours except where unusual circumstances require reasonable and prudent exception.

18.1 Coverage for vacations, military leave, jury duty, scheduled training, and similar
18.2 activities is not to be considered as unusual circumstances requiring reasonable and
18.3 prudent exception. Each of these coverage needs is known to the facility administration
18.4 with sufficient lead time to allow proactive scheduling to maintain compliance with the
18.5 12-hour standard requirements. ~~(Mandatory)~~

18.6 **2911.0900 STAFFING REQUIREMENTS.**

18.7 Subpart 1. **Staffing plan and staffing analysis.** The facility administrator shall
18.8 prepare and retain a staffing plan. ~~(Mandatory)~~

18.9 The staffing plan shall identify:

18.10 A. jail personnel assignments; for:

18.11 (1) facility administration and supervision;

18.12 (2) facility programs including exercise and recreation;

18.13 (3) inmate admission, booking, supervision, and custody;

18.14 (4) support services including

medical, food service, maintenance, and clerical;

18.15 and

18.16 (5) other jail-relevant functions such as escort and transportation of inmates;

18.17 B. the days of the week that the assignments are filled; 2

18.18 C. the hours of the day that the assignments are covered; 2 and

18.19 D. any deviations from the plan with respect to weekends, holidays, or other
18.20 atypical situations must be considered.

18.21 The facility administrator or designee shall review the facility's staffing plan at least
18.22 once each year. The review shall be documented in written form sufficient to indicate that
18.23 staffing plans have been reviewed and revised as appropriate to the facility's needs or
18.24 referred to the facility's governing body for funding consideration.

19.1 A facility with a design capacity of more than 60 beds must have a staffing analysis and
19.2 staffing plan approved by the commissioner of corrections. This staffing analysis shall
19.3 include all posts, functions, net annual work hours appropriate to each post, and total
19.4 number of employees to fill the identified posts and functions.

19.5 Subp. 2. **Administrator.** There shall be a single administrator of each facility.
19.6 (~~Mandatory~~)

19.7 [For text of subp 3, see M.R.]

19.8 Subp. 4. **Class III facilities.** Class III facilities with average daily inmate populations
19.9 under 30 shall have a full-time staff person employed as facility administrator/program
19.10 coordinator. ~~The administrator/program coordinator of a Class III facility with an average~~
19.11 ~~daily population under 30~~ who shall not be classified as a custody person whose primary
19.12 duty is supervision of inmates.

19.13 [For text of subps 5 and 6, see M.R.]

19.14 Subp. 7. ~~Administrative staff~~ **Assistant jail administrator.** Where the average
19.15 ~~daily population~~ custodial responsibility of inmates exceeds 60, an ~~administrative staff~~
19.16 assistant jail administrator shall be required. ~~Administrative Assistant staff are~~ jail
19.17 administrators shall not to be classified as custody ~~persons~~ personnel whose primary
19.18 duties are supervision of inmates.

19.19 Subp. 8. **Staff person in charge.** ~~The staff person in the Facility must be designated~~
19.20 administration shall designate a staff person to be in charge at all times in the absence of
19.21 administrative staff from the facility. (~~Mandatory~~)

19.22 Subp. 9. **Condition of custody staff person on duty.** ~~No~~ An inmate shall not be
19.23 detained without custody staff on duty, present in the facility, awake and alert at all times,
19.24 and capable of responding to emergencies or the reasonable needs of inmates. (~~Mandatory~~)

20.1 Subp. 10. **Supervision of inmates of opposite ~~sex~~ gender.** Staff members shall not
20.2 be placed in positions of responsibility for the supervision and welfare of inmates of
20.3 the opposite ~~sex~~ gender in circumstances that can be described as invasion of privacy,
20.4 degrading, or humiliating to the inmates. When staff of one ~~sex~~ gender are used as
20.5 program resource personnel with inmates of the opposite ~~sex~~ gender, staff of the inmates'
20.6 ~~sex~~ gender must be on duty and in the facility. (~~Mandatory~~)

20.7 Subp. 11. **Maintenance personnel and custody staff; separation of duties.**
20.8 Maintenance personnel shall be employed to perform preventive, routine, and emergency
20.9 maintenance functions. Custody staff shall not be given physical plant maintenance
20.10 duties ~~which~~ that detract from their primary responsibilities for ongoing supervision
20.11 of inmates. (~~Mandatory~~)

20.12 Subp. 12. **Assistance for dispatcher or custody staff person.** In a facility that uses
20.13 the dispatcher or custody position as sole supervision, the dispatcher or custody staff
20.14 person must be assisted on duty by another custody staff person when the facility's inmate
20.15 population exceeds ~~15~~ five. (~~Mandatory~~)

20.16 Subp. 13. [See repealer.]

20.17 Subp. 14. **Backup resource assistance.** In facilities ~~which~~ that use the dispatcher or
20.18 custody position as sole supervision, policy and procedures shall be implemented ~~which~~
20.19 that assure a reasonable level of security and backup resource assistance for the dispatcher

20.20 or custody person in circumstances ~~which~~ that require emergency response assistance.

20.21 The ~~Department of Corrections~~ DOC shall review and approve the policy and procedures.

20.22 Subp. 15. **Ratio of custody staff to inmates, reporting incidents, and responding to**
20.23 **emergencies.**

20.24 A. A facility with a design capacity of 60 or fewer beds shall meet the ~~following~~
20.25 staffing ratios in this ~~subpart:~~ item. For inmate supervision, the overall ~~facility-wide~~
20.26 facilitywide minimum ratio of custody staff to inmates shall ~~not be less than~~ one custody
21.1 officer to 25 inmates. These staff must be in the facility and on duty at all times and not
21.2 involved in temporary duties outside of the facility. Included in this ratio are all staff who
21.3 are assigned and trained in the custody and supervision of inmates as their primary duty.
21.4 Staff not directly responsible for custody and supervision of inmates such as administrative,
21.5 supervisory, program, bailiff, or support staff shall not be included in this ratio.

21.6 B. A facility with a design capacity of 60 or more beds shall meet the staffing
21.7 ratios in this item. For inmate supervision, the overall facilitywide minimum ratio or
21.8 custody staff to inmates shall not be less than:

21.9 (1) 1 to 60 inmates for direct supervision housing units with lockdown
21.10 capability;

21.11 (2) 1 to 48 inmates for direct supervision dormitories;

21.12 (3) 1 to 40 for indirect or podular inmate supervision; and

21.13 (4) 1 to 25 inmates for linear housing areas.

21.14 C. A facility administrator may apply for a specific variance from the staffing
21.15 requirements in this ~~item~~ subpart from the ~~manager of the inspection and enforcement~~
21.16 ~~unit of the department~~ commissioner. Consideration of this variance shall require that
21.17 supervision of inmates is accomplished in an appropriate manner and that the safety and
21.18 security of the facility, staff, and inmates are not compromised.

21.19 Subp. 16. [See repealer.]

21.20 Subp. 17. **Escort, movement, or booking staff.** Class I to Class VI facilities' staff
21.21 ~~must~~ shall be provided as follows:

21.22 A. internal escort, rover, or movement officers ~~shall be provided~~ in sufficient
21.23 numbers as determined in the approved staffing plan under this subpart to ensure that
21.24 inmates have access to staff, programs, activities, and services, and that the safety and
21.25 security of the facility is not compromised;₂

22.1 B. sufficient staff ~~must be~~ present to provide for the booking of offenders without a
22.2 reduction in the safety or security of the facility and inmates;₂

22.3 C. in multifloor jails, custody staff ~~must be~~ posted on each floor occupied by
22.4 inmates;₂ and

22.5 D. sufficient numbers of staff to complete duties listed in post orders.

22.6 Class I to Class VI facility staff shall not be used for the external transportation of
22.7 inmates or court security if the level of inmate supervision, inmate admission, programs,
22.8 or internal inmate movement would be reduced below minimums afforded under the
22.9 facility's staffing plan.

22.10 Subp. 18. **Program staff requirements for Class II.** In a Class II facility a staff
22.11 person shall be designated to coordinate community services and volunteer programming.
22.12 ~~(Mandatory)~~

22.13 Subp. 19. **Class I exemptions.** Class I facilities are exempt from the requirement in
22.14 subpart 18, ~~with the exception of~~ except those facilities approved by the commissioner to
22.15 house inmates serving alternative sentences.

22.16 Subp. 20. **Coordination of programs.** In a Class III and Class VI facility, a staff
22.17 person shall be designated to coordinate educational and vocational programs, social

22.18 service programs, work release, and volunteer services programs. The following minimum
22.19 inmate to program staff ratio shall apply for the average daily population:

22.20 A. 30 or under, see program staffing needs comply with subpart 4;

22.21 B. 31 to 60, one full-time program staff person; and

22.22 C. over 60, program staffing needs ~~shall be~~ are addressed as part of the overall
22.23 facility staffing plan. ~~See subpart 16, requirements.~~

22.24 [For text of subps 21 and 22, see M.R.]

23.1 Subp. 23. **Custody staff override.** The ratio of custody staff to inmates may be
23.2 reduced proportionate to the facility's population decrease during those hours that inmates
23.3 are released from the facility for work release, educational release, community service, or
23.4 sentencing to service activities.

23.5 No override reduction is allowed in any facility using a custody staff person or
23.6 dispatcher as sole supervision or facilities using staffing patterns ~~which~~ that employ one
23.7 dispatcher and one custody staff person.

23.8 Facilities using the override allowed in this subpart must document the number of
23.9 inmates in the facility on an hourly basis and those under the facilities' jurisdiction that
23.10 are temporarily released from the facility for work, education, community service, or
23.11 sentencing to service programs. The facility shall also document the number of available
23.12 custody staff for the population housed in the facility on an hourly basis.

23.13 Subp. 24. **Program staff increase override.** The number of program staff required
23.14 shall be increased in facilities ~~which~~ that provide program oversight and supervision of
23.15 alternative to incarceration programs such as home detention, electronic monitoring, or
23.16 sentencing to service involving offenders who are not incarcerated or detained in the
23.17 facility a portion of each day.

23.18 Subp. 25. **Support staff requirements.** Support staff requirements are as follows:
23.19 clerical, maintenance, and food service staff shall be provided to meet operational
23.20 requirements applicable to the facility. ~~(Mandatory)~~

23.21 Subp. 26. **Ancillary functions.** Personnel shall be provided to perform ancillary
23.22 functions such as transportation or court escort to the extent necessary to ensure that
23.23 security, supervision of inmates, the administration of program activities, and the efficient
23.24 operation of the facility are not reduced or jeopardized by such activities. ~~(Mandatory)~~

24.1 **2911.1000 TRAINING PLAN.**

24.2 A facility administrator or designee shall develop and implement a training plan for
24.3 the orientation of new employees and volunteers and provide for continuing in-service
24.4 training programs for all employees and volunteers. Training plans shall be documented;
24.5 and describe curriculum, methods of instruction, and objectives. In-service training plans
24.6 shall be prepared annually and shall provide documentation indicating that training for
24.7 individual employees has taken into consideration their length of service, position within
24.8 the organization, and previous training completed.

24.9 **2911.1100** [Renumbered 2911.1200 subpart 1]

24.10 **2911.1200** CLERICAL AND SUPPORT EMPLOYEES WITH REGULAR OR
24.11 DAILY INMATE CONTACT; TRAINING.

24.12 Subpart 1. **Minimal inmate contact.** A facility shall have a written policy and
24.13 procedure that provides that all new clerical and support employees that have minimal
24.14 inmate contact receive 24 hours of orientation and training during their first year of
24.15 employment. Sixteen of these hours are completed before being independently assigned to
24.16 a particular job. Persons in this category are given an additional 16 hours of training each
24.17 subsequent year of employment.

24.18 Subp. 2. **Regular or daily inmate contact.** A facility shall have a written policy and
24.19 procedure that provides that all new clerical and support employees who have regular or

24.20 daily inmate contact receive 40 hours of orientation and training during their first year of
24.21 employment. These hours are to be completed ~~prior to~~ before being independently assigned
24.22 to a particular job. The employees are given an additional 16 hours of training each
24.23 subsequent year of employment. At a minimum, this training covers the following areas:

- 24.24 A. security procedures and regulations;
- 24.25 B. rights and responsibilities of inmates;
- 24.26 C. all applicable emergency procedures;
- 25.1 D. interpersonal relations and communication skills; and
- 25.2 ~~E. communication skills; and~~
- 25.3 ~~F.~~ E. first aid.

25.4 **2911.1300 CUSTODY STAFF TRAINING.**

25.5 A facility shall have a written policy and procedure that provides that all custody staff
25.6 receive 120 hours of orientation and training during ~~their~~ the first year of employment.
25.7 Forty of these hours are completed prior to being independently assigned to a particular
25.8 post. All persons in this category are given an additional 16 hours of training each
25.9 subsequent year. At a minimum, training completed before independent assignment to a
25.10 particular post shall include:

- 25.11 A. security procedures;
- 25.12 B. supervision of inmates;
- 25.13 C. signs of suicide risk and suicide precautions;
- 25.14 D. ~~suicide precautions~~ vulnerable inmates;
- 25.15 E. ~~use of force~~ response to resistance regulations and tactics;
- 25.16 F. report writing;
- 25.17 G. inmate rules and regulations;

- 25.18 H. rights and responsibilities of inmates;
- 25.19 I. fire and emergency procedures;
- 25.20 J. key control;
- 25.21 K. interpersonal relations and communication skills;
- 25.22 ~~L. social and cultural lifestyles of the inmate population;~~
- 25.23 ~~M. communication skills; and~~
- 26.1 ~~N. first aid.~~
- 26.2 L. diversity training;
- 26.3 M. distribution of medications;
- 26.4 N. right to know; and
- 26.5 O. blood-borne pathogens and communicable diseases.

26.6 **2911.1350 MEDICAL TRAINING FOR CUSTODY STAFF.**

26.7 By policy and procedure a training program shall be established by the facility

26.8 administrator in cooperation with the health authority, that provides instruction in the

26.9 following areas:

26.10 A. first aid training for custody personnel

responsible for the supervision, safety, and

26.11 well-being of prisoners;

26.12 B. recognition of signs and symptoms

of illness and knowledge of action required in

26.13 potential emergency situations;

26.14 C. administration of first aid and

cardiopulmonary resuscitation (CPR). Recertification

26.15 training shall occur as required with respect to first aid and CPR. The training shall be
 26.16 documented;

26.17 D. methods of obtaining assistance;

26.18 E. recognition of signs and symptoms of mental illness, retardation, emotional
 26.19 disturbance, and chemical dependency; and

26.20 F. procedures for inmate transfers to appropriate medical facilities or other health
 26.21 care providers.

26.22 **2911.1400 ADMINISTRATIVE AND MANAGERIAL STAFF TRAINING.**

26.23 A facility shall ~~develop~~ have a written policy and procedure that provides that the
 26.24 facility's administrative and managerial staff receive at least 16 hours of orientation ~~and at~~
 27.1 ~~least 16 hours of training each year thereafter. This training covers~~ Orientation training
 27.2 shall include, at a minimum, general management and related subjects, data practices,
 27.3 decision-making processes, labor law, employee-management relations, the interaction
 27.4 of elements of the criminal justice system, and relationships with other service agencies.
 27.5 After orientation, a facility's administrative and managerial staff shall receive at least 16
 27.6 hours of training annually.

27.7 **2911.1500 PROGRAM STAFF TRAINING.**

27.8 A facility shall ~~develop~~ have a written policy and procedure that provides that the
 27.9 facility's program personnel receive at least 40 hours of orientation and training in the
 27.10 first year of employment, and at least 16 hours of training each year thereafter. This
 27.11 training must cover, at a minimum:

27.12 A. security procedures and regulations;

27.13 B. planning;

27.14 C. development, and implementation of treatment, educational, and recreational
 27.15 programs;

- 27.16 D. inmate and staff rules and regulations;
- 27.17 E. rights and responsibilities of inmates;
- 27.18 F. emergency procedures;
- 27.19 G. interpersonal relations; ~~and~~
- 27.20 H. interaction of elements of the criminal justice system-; and
- 27.21 I. first aid.

28.1 **2911.1800 JOB DESCRIPTIONS.**

28.2 A facility administrator or designee shall ~~develop~~ have a written job description for all
 28.3 position classifications and post assignments ~~which~~ that define responsibilities, duties,
 28.4 and qualifications.

28.5 **2911.1900 POLICY AND PROCEDURE MANUALS.**

28.6 A facility shall have a written policy and procedure manual ~~which~~ that is electronically
 28.7 available to staff and relevant regulatory authorities and defines the philosophy and
 28.8 method for operating and maintaining the facility. This manual shall be made available to
 28.9 all employees, reviewed annually, updated as needed, and staff trained accordingly. The
 28.10 manual shall include, at a minimum, the following chapters:

28.11 A. correctional standards required under ~~parts 2911.0100 to 2911.7600~~ this
chapter;

28.12 [For text of items B to M, see M.R.]

28.13 N. admissions, orientation, classification, property control, and release; ~~and~~

28.14 O. inmate activities, programs, and services-; and

28.15 P. a written suicide prevention and intervention plan.

28.16 The facility administrator or designee shall
 review policy and procedure manuals at least

28.17 once each year. The review shall be documented in written form sufficient to indicate that
28.18 policies and procedures have been reviewed and amended as appropriate to facility changes.

28.19 **2911.2100 STORAGE AND PRESERVATION OF RECORDS.**

28.20 Space shall be provided for the safe storage of records. (~~Mandatory~~)

28.21 **2911.2200 FILING AND DISPOSITION OF INMATE RECORDS.**

28.22 Inmate records shall be ~~incorporated~~ filed into individual folders ~~and filed~~ or maintained
28.23 through ~~advanced~~ technology such as ~~microfiche~~ or computerized record systems ~~which~~
28.24 that permit an inmate's record to be readily accessed at one source.

29.1 **2911.2300 ~~CONFIDENTIALITY~~ PRIVACY OF AND ACCESS TO INMATE**
29.2 **RECORDS.**

29.3 ~~Confidentiality~~ Privacy of inmate records and inmate access to factual, nonconfidential
29.4 data in the inmate's personal files shall be provided in conformity with state law.
29.5 (~~Mandatory~~)

29.6 **2911.2400 DETENTION INFORMATION SYSTEM REQUIREMENTS.**

29.7 The facility administrator shall designate a staff person responsible for reporting of
29.8 information on persons detained or incarcerated to the ~~Department of Corrections~~ DOC
29.9 in a manner consistent with requirements in the ~~Department of Correction's Detention~~
29.10 ~~Information System Manual~~ DOC's Statewide Supervision System, Detention Entry Guide
29.11 (2010) and any amendments, which is incorporated by reference, subject to frequent
29.12 change, and available at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd.,
29.13 St. Paul, MN 55155. Detention information system reporting requirements shall be met
29.14 in a ~~timely and~~ an accurate manner daily.

29.15 **2911.2500 SEPARATION OF INMATES.**

29.16 Subpart 1. **General.** A combination of separate housing units inclusive of ~~maximum~~
29.17 special management areas, general population, and minimum security areas and cells,

29.18 ~~detention rooms~~, dormitories, and dayroom spaces shall be provided to properly segregate
 29.19 inmates pursuant to Minnesota Statutes, section 641.14. (~~Mandatory~~)

29.20 The facility shall provide for the separate housing of the following categories of
 inmates:

29.21 A. female and male inmates;

29.22 B. community custody inmates (~~such as work releasees~~ release or sentencing to
 29.23 service offenders);

29.24 C. inmates requiring disciplinary segregation;

29.25 D. inmates requiring administrative segregation;

30.1 E. juveniles who do not meet Minnesota statutory requirements for placement
 30.2 with adults;

30.3 F. ~~maximum security, medium security~~ special management, general population,
 30.4 and minimum security inmates as ~~deemed~~ considered appropriate to the facilities design
 30.5 intent and classification system; and

30.6 G. inmates classified as mentally ill or
special needs inmates in a manner consistent
 30.7 with Minnesota Statutes, section 253B.05.

30.8 Subp. 2. **Supervision of coeducational**
activities. Direct supervision of coeducational
 30.9 activities shall be provided at all times. (~~Mandatory~~)

30.10 **2911.2525 ADMISSIONS.**

30.11 Subpart 1. Policies and procedures. A facility shall have written policies and
 30.12 procedures for processing new inmates to the facility to include, at a minimum, the
 30.13 following:

30.14 A. obtaining and documenting available emergency medical information within
30.15 two hours of admission;

30.16 B. verification of court commitment papers or other legal documentation of
30.17 detention. Verification shall include checking the date of admission, duration of
30.18 confinement, and specific charges;

30.19 C. a search of the inmate and the inmate's possessions;

30.20 D. inventory and storage of the inmate's personal property;

30.21 E. initial medical screening to include an assessment of the inmate's health status,
30.22 including any medical or mental health needs;

30.23 F. telephone calls made by the inmate during the booking and admission process
30.24 and prior to assignment to other housing areas;

31.1 G. shower and hair cleansing;

31.2 H. issue of bedding, clothing, and personal hygiene items according to the rule
31.3 requirements applicable to the anticipated length of stay of the inmate;

31.4 I. photographing and fingerprinting including notation of identifying marks or
31.5 unusual characteristics such as birthmarks or tattoos;

31.6 J. interviewing to obtain the following identifying data:

31.7 (1) name and aliases of person;

31.8 (2) current address, or last known address;

31.9 (3) health insurance information;

31.10 (4) gender;

31.11 (5) age;

31.12 (6) date of birth;

- 31.13 (7) place of birth;
- 31.14 (8) race;
- 31.15 (9) present or last place of employment;
- 31.16 (10) emergency contact including name, relation, address, and telephone
- 31.17 number; and
- 31.18 (11) additional information
- 31.19 concerning special custody requirements or special
- 31.20 needs;
- 31.20 K. initial classification of the inmate and assignment to a housing unit;
- 31.21 L. an assigned booking number; and
- 31.22 M. Social Security number, driver's
- 31.23 license number, or state identification number,
- 31.23 if available.
- 32.1 Subp. 2. **Privacy.** Intake procedures dealing with information protected by the
- 32.2 Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, shall be
- 32.3 conducted in a manner and location that assures the personal privacy of the inmate and the
- 32.4 confidentiality of the transaction from unauthorized personnel.
- 32.5 Subp. 3. **Orientation to rules and services.** A facility shall develop a written policy
- 32.6 and procedure that provides:
- 32.7 A. a method for all newly admitted inmates to receive orientation information in a
- 32.8 manner the inmates can understand; and
- 32.9 B. documentation by a statement that is signed and dated by the inmate that the
- 32.10 inmate completed orientation.

32.11 Subp. 4. **Inmate personal property.** A facility shall have a written policy and
32.12 procedure that:

32.13 A. provides for the itemized inventory and secure storage of all personal property
32.14 of a newly admitted inmate, including money and other valuables;

32.15 B. specifies any personal property an
inmate may retain in the inmate's possession;
32.16 and

32.17 C. provides that the inmate shall sign a receipt for all property held until release.

32.18 **2911.2550 RELEASES.**

32.19 Subpart 1. **Release procedures.** A facility shall have written procedures for releasing
32.20 inmates that include, at a minimum, the following:

32.21 A. verification of identity;

32.22 B. verification of authority to release;

32.23 C. return of stored property with a
receipt for the inmate to sign, unless the property
32.24 is held for authorized investigation or litigation; and

33.1 D. arrangements for completion of any pending action, such as grievances, or
33.2 claims for damaged or lost possessions.

33.3 Subp. 2. **Transportation.** An inmate shall be permitted to make arrangements for
33.4 transportation prior to release.

33.5 Subp. 3. **Release in severe weather.** An inmate shall not be released in severe weather
33.6 in a manner to endanger the inmate's health, safety, or well-being.

33.7 **2911.2600 CLASSIFICATION OF INMATES.**

33.8 Subpart 1. **Policy and procedure.** A facility shall have a written policy and procedure
33.9 that provides for inmate classification in terms of level of custody required, housing
33.10 assignment, ~~and~~ participation in facility programs, and use of any overrides. The facility's
33.11 policy and procedure on classification shall include consideration of the following:

33.12 A. inmate gender;

33.13 B. juvenile or adult status;

33.14 C. category of offense;

33.15 D. severity of current charges, convictions, or both;

33.16 ~~D.~~ E. degree of escape risk;

33.17 ~~E.~~ F. potential risk of safety to others and self;

33.18 G. institutional disciplinary history;

33.19 H. serious offense history;

33.20 ~~F.~~ I. special needs assessment, inclusive of vulnerable adults, which includes a
33.21 determination of how medical needs, mental health needs, developmental disability, or
33.22 other behavioral or physical limitations or disabilities may impact on the classification of
33.23 an inmate and appropriate housing of same; and

33.24 ~~G.~~ J. special management inmate status. ~~(Mandatory).~~

34.1 Subp. 2. **Status change.** The inmate classification plan shall specify criteria and
34.2 procedures for determining and changing the status of an inmate, including custody,
34.3 transfers, override functions, and major changes in programs. The plan shall include an
34.4 appeal process for classification decisions. The use of any override shall be documented.

34.5 [For text of subp 3, see M.R.]

34.6 **2911.2700 INFORMATION TO INMATES.**

34.7 Subpart 1. **Information made available to inmates.** Copies of policies and rules
34.8 governing conduct and disciplinary consequences; procedures for obtaining personal
34.9 hygiene and ~~eanteen~~ commissary items; and policies governing visiting, correspondence,
34.10 bathing, laundry, and clothing and bedding exchange shall be made available to all inmates.

34.11 Information will be made available to disabled inmates including those that are hearing
34.12 impaired, visually impaired, or unable to speak in a form that is accessible to them.

34.13 Information required under this subpart shall
be available in English ~~and Spanish.~~ There
34.14 shall be procedures in place to address the language barriers of non-English-speaking
34.15 inmates.

34.16 Policy and procedures shall ensure, to the extent practical, that inmates who are unable
34.17 to speak English ~~or Spanish~~ are provided with the information outlined in this part within
34.18 24 hours of ~~their~~ admission to the facility in a form that is accessible to ~~them~~ the inmate.

34.19 Subp. 2. **Program options and activities.** An inmate shall be provided written
34.20 information on program options and activities within 24 hours of admission, excluding
34.21 weekends and holidays. A facility staff member shall review program options and
34.22 activities with inmates who are unable to read, within 24 hours of admission, excluding
34.23 weekends and holidays, ~~of their admission.~~

34.24 A Class I facility is exempt from this requirement with the exception of those approved
34.25 by the commissioner to house inmates serving alternative sentences.

35.1 Subp. 3. **Official charge, legal basis for detention.** An inmate admitted to a facility
35.2 shall be advised of the official charge or legal basis for detention and confinement.

35.3 ~~(Mandatory)~~

35.4 Subp. 4. **Data privacy.** An inmate admitted to a facility shall be advised of rights
35.5 under Minnesota data privacy statutes with respect to information gathered by the facility
35.6 and to whom the information will be disseminated. (~~Mandatory~~)

35.7 **2911.2750 INMATE HYGIENE.**

35.8 Subpart 1. **Personal hygiene.** The facility administrator or designee shall have and
35.9 implement a written policy for personal hygiene practices of all inmates to include special
35.10 assistance for those inmates who are unable to care for themselves. A written policy
35.11 and procedure shall require that articles needed for personal hygiene are available to all
35.12 inmates, and include at a minimum, the following:

35.13 A. soap;

35.14 B. toothbrush;

35.15 C. toothpaste;

35.16 D. shampoo;

35.17 E. shaving equipment;

35.18 F. materials essential to feminine hygiene;

35.19 G. comb; and

35.20 H. toilet paper.

35.21 Subp. 2. **Delousing materials.** Delousing materials and procedures shall be approved
35.22 through consultation with the responsible health authority.

35.23 Subp. 3. **Bathing or showering.** Each inmate shall be permitted daily bathing or
35.24 showering.

36.1 Subp. 4. **Indigent inmates.** An indigent inmate shall receive the personal hygiene
36.2 items in subpart 1 at facility expense.

36.3 **2911.2800 ADMINISTRATIVE SEGREGATION AND ~~INMATE DISCIPLINE.~~**

36.4 Subpart 1. **Administrative segregation.** Each facility administrator or designee shall
36.5 develop and implement policies and procedures for administrative segregation.

36.6 [For text of subp 2, see M.R.]

36.7 Subp. 3. [See repealer.]

36.8 Subp. 4. **Policy.** Written policy and procedure shall provide that the status of inmates
36.9 in administrative segregation is reviewed every seven days. These policies shall provide:

36.10 A. that the review is documented and placed in the inmate's file; ~~and~~

36.11 B. that the inmate in administrative segregation receive visits from the facility
36.12 administrator or designee a minimum of once every seven days as a part of the
36.13 administrative review process; and

36.14 C. that the review process that is used to release an inmate from administrative
36.15 segregation is specified.

36.16 Subp. 5. [See repealer.]

36.17 Subp. 6. **Protective custody.** Written policy and procedure shall provide that an
36.18 inmate is ~~admitted to the segregation unit~~ separated from the general population for
36.19 purposes of protective custody only when there is documentation that protective custody
36.20 is warranted and segregation is the least restrictive alternative available.

36.21 [For text of subp 7, see M.R.]

36.22 **2911.2850 INMATE DISCIPLINE PLAN.**

36.23 Subpart 1. **Plan.** A facility shall have an inmate discipline plan that explains the
36.24 administrative sanctions for specific behaviors, omissions, the administrative process
37.1 for handling major and minor violations, the right to internal review, and the review
37.2 process. (Mandatory)

37.3 Subp. 2. **Disciplinary segregation.** A facility administrator or designee shall develop
37.4 have and implement policies and procedures for disciplinary segregation. An inmate on
37.5 disciplinary segregation status must be separated from the general population.

37.6 Subp. 3. **Due process.** Disciplinary segregation shall be used only in accordance
37.7 with due process to include at a minimum:

37.8 [For text of items A to D, see M.R.]

37.9 E. the status of an inmate placed on disciplinary segregation for more than 30
37.10 continuous days subsequent to a ~~due process~~ disciplinary hearing shall be reviewed,
37.11 approved, and documented by the facility administrator or designee at least once every
37.12 30 days, and the facility shall develop written policy, procedure, and practice ~~which~~
37.13 that provides that inmates in disciplinary segregation receive visits from the facility
37.14 administrator or designee at least once every seven days as a part of the disciplinary
37.15 segregation review process;

37.16 F. ~~continuous confinement for over 30 days requires the review and approval of~~
37.17 ~~the facility administrator;~~

37.18 G. ~~F.~~ an inmate placed in disciplinary
segregation ~~prior to a due process hearing for~~
37.19 an alleged rule violation shall have a ~~due process~~ disciplinary hearing within 72 hours
37.20 of segregation, exclusive of holidays and weekends, unless documented cause can be
37.21 shown for delays. Examples of causes for delay are inmate requests for delay, or logistical
37.22 impossibility, as in the case of mass disturbances; and

37.23 H. ~~G.~~ the facility administrator or designee can order immediate segregation when
37.24 it is necessary to protect the inmate or others. This action is reviewed and documented
37.25 within three working days ~~by the disciplinary authority.~~

38.1 Subp. 4. **Other limitations on disciplinary actions.** A facility shall ~~develop~~ have
38.2 written policy, procedure, and practice ~~which~~ that provides that whenever an inmate in
38.3 segregation is deprived of any usually authorized item or activity, a report of the action is
38.4 made and forwarded to the facility administrator.

38.5 [For text of subp 5, see M.R.]

38.6 Subp. 6. **Removing clothing and bedding.** The facility administrator or designee
38.7 shall ~~develop~~ have a policy and procedure for removing clothing and bedding from an
38.8 inmate. The following shall be included:

38.9 A. clothing and bedding shall be removed from an inmate only when the inmate's
38.10 behavior threatens the health, safety, or security of self, other persons, or property. When
38.11 appropriate, alternative clothing and bedding shall be issued;

38.12 B. clothing and bedding shall be returned to the inmate as soon as it is reasonable
38.13 to believe the behavior ~~which~~ that caused the action will not continue;

38.14 [For text of items C and D, see M.R.]

38.15 Subp. 7. **Disciplinary records.** A facility shall ~~develop~~ have written policy and
38.16 procedure, ~~which~~ that provides that, when rule violations require formal resolution,
38.17 staff members prepare a disciplinary report and forward it to the designated supervisor.
38.18 Disciplinary reports prepared by staff members shall include, ~~but are not limited to,~~ the
38.19 following information:

38.20 [For text of items A to F, see M.R.]

38.21 G. any immediate action taken, including the ~~use of force~~ response to resistance;
and

38.22 H. reporting staff ~~members~~ member's signature, and date and time report is made.

38.23 **2911.2900 GRIEVANCE PROCEDURE.**

38.24 A written grievance procedure with at least one level of appeal shall be made available
38.25 to all inmates ~~and includes at least one level of appeal.~~

39.1 **2911.3100 INMATE ACTIVITIES AND PROGRAMS.**

39.2 Subpart 1. **Written plan.** A facility administrator or designee shall ~~develop~~ have
39.3 and implement a written plan for the constructive scheduling of inmate time. The plan
39.4 shall ~~include the following:~~

39.5 A. ~~Identification of~~ identify programs
offered in the facility and when the programs
39.6 are offered;₂

39.7 B. ~~Identification of~~ identify persons
conducting the program and whether or not the
39.8 persons are facility staff, external community resources under contract, or volunteers;₂

39.9 C. ~~The activity plan shall reflect consistency~~ be consistent with established legal
39.10 rights of inmates, type and status of inmates detained in the facility, and rule requirements
39.11 associated with the ~~facilities~~ facility's classification;₂

39.12 D. ~~A facility shall develop written policy, procedure, and practice which provides~~
39.13 provide inmates with the option to refuse to participate in facility programs, except work
39.14 assignments and programs required by statute or court order;₂

39.15 E. when males and females are housed in the same facility, ~~equal~~ provide
39.16 comparable opportunities ~~shall be provided~~ for participation in programs and services; and

39.17 F. require documentation of programs offered and inmates participating in
39.18 programs ~~shall be documented.~~

39.19 Subp. 2. ~~Arrangements for religious services and counseling~~ Practice of religion.

39.20 A facility shall have written policy and procedures ~~which~~ that grant inmates an inmate the
39.21 right to practice ~~their~~ that inmate's religion. (Mandatory)

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

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

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

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

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

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

40.22 ~~An inmate desiring to read The Bible or sacred book of another religion shall be~~
40.23 ~~provided a copy at the expense of the facility.~~ Bibles or sacred books of another religion
40.24 may be made available to inmates by the facility, through local library or other community
40.25 resources and limited to the inmates inmate's period of confinement.

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

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

41.7 The facility ~~has~~ shall have a designated staff person who coordinates and supervises
41.8 library services.

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

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

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

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

41.21 Subp. 6. **Work assignments for adults.** Class II to Class VI facilities shall ~~develop~~
41.22 have a written inmate work assignment plan that provides for inmate work, subject to the

41.23 number of work opportunities available and the maintenance of facility security. Work
41.24 assignments ~~will~~ must provide for:

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

42.1 B. eligibility criteria for work activities;

42.2 C. ~~a statement~~ that sentenced inmates shall not be compelled to work more than
42.3 ten hours per day;

42.4 D. ~~a statement~~ that work shall not be required ~~which~~ of an inmate that cannot be
42.5 done by the inmate due to physical limitations;

42.6 E. ~~the inmate work plan~~ provides work opportunities for disabled inmates; and

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

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

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

42.15 Policy and procedure shall provide:

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

42.19 ~~A.~~ B. recreational opportunities ~~must be afforded~~ a minimum of five days per
42.20 week; ~~and~~

42.21 ~~B. Class I facilities are exempt from this requirement.~~

42.22 ~~Indoor space and equipment shall be provided for active recreational activities in all~~
42.23 ~~Class II to Class VI facilities.~~

43.1 ~~Outdoor recreational space and equipment shall be provided for outdoor recreational~~
43.2 ~~programming in all Class VI facilities. The space and equipment shall be provided in a~~
43.3 ~~manner consistent with the facility's security classification.~~

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

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

43.9 ~~E. The facility's recreation plan shall provide for passive and active recreation~~
43.10 ~~needs and equipment for a variety of inmates consistent with the facility's classification~~
43.11 ~~and offenders served. As examples an example, passive or active recreational activity~~
43.12 ~~needs of elder geriatric, disabled, or geriatric and disabled offenders and offenders with~~
43.13 ~~disabilities shall be addressed.;~~

43.14 ~~F. Policy and procedure shall provide that inmates in segregation receive with a~~
43.15 ~~minimum of one hour a day, five seven days a week, of exercise outside their the inmates'~~
43.16 ~~cells, unless security or safety considerations dictate otherwise.;~~ and

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

43.22 **2911.3200 INMATE VISITATION.**

43.23 The facility administrator or designee shall develop and implement an inmate visiting
43.24 policy. The policy shall be in writing and shall include:

44.1 A. attorney/client interviews ~~shall be~~
allowed in a manner consistent with Minnesota

44.2 Statutes, section 481.10; ~~Consultation with Persons Restrained; (Mandatory)~~

44.3 B. a schedule of visiting hours that includes the days and times for visits ~~and~~ that
44.4 includes visiting visits during the normal business day, and evenings or weekends;

44.5 C. establishment of a uniform number
of permissible visits and the number of visitors
44.6 permitted per visit;

44.7 D. that an adult inmate be permitted an
initial visit with a member or members of the
44.8 inmate's immediate family at the next regularly scheduled visiting period;

44.9 E. that all facilities schedule a minimum of eight visiting hours per week:

44.10 (1) ~~the facility shall schedule a~~
minimum of three separate and distinct visiting
44.11 ~~times~~ days per week; and

44.12 (2) ~~visits shall be of 20 minutes'~~
duration minimum for each visit unless the number
44.13 of persons attempting to visit exceeds the facility's ability to meet this requirement, or the
44.14 inmate's behavior dictates a need to terminate a visit earlier;

44.15 F. allowed visits for identified members of an inmate's immediate family;

44.16 G. when a visit to an inmate is denied for reasonable grounds on the belief that the
44.17 visit might endanger the security of the facility, the action and reasons for denial shall
44.18 be documented;

44.19 H. that visitors register, giving names, addresses, and relationship to inmate;

44.20 I. that any area used for inmate visiting not may be subject to audio monitoring,
44.21 recording, or both. The facility shall use signs and the inmate handbook to inform the
44.22 inmate about audio monitoring and recording. Professional visits shall not be audio
44.23 recorded, unless a court order has been issued;

45.1 J. that policies for parents, guardians, and attorneys visiting juveniles be as are
45.2 unrestrictive as administratively possible and the initial visit of a juvenile by parents,
45.3 guardians, and attorneys be permitted at any time, (Mandatory);

45.4 K. picture identification of visitors be required for identification purposes;

45.5 L. that juvenile children be allowed to
visit parents, regardless of ~~their~~ age, as deemed
45.6 appropriate by the parent or guardian accompanying the child and when a dispute over
45.7 children visiting occurs between the inmate and the parent or legal guardian, the inmate be
45.8 referred to the court for resolution ~~of same~~; and

45.9 M. facility policy and procedures setting forth criteria for authorized friend
visiting.

45.10 **2911.3300 CORRESPONDENCE.**

45.11 Subpart 1. **Policy and procedure.** A facility shall ~~develop~~ have a written policy and
45.12 procedure ~~which~~ that governs inmate correspondence. Policies are available to all staff
45.13 and inmates and are reviewed annually, and updated as needed.

45.14 Subp. 2. **Unrestricted Volume of mail.** The volume of written mail to or from an
45.15 inmate shall not be restricted. The amount of mail stored in an inmate's cell may be
45.16 limited by facility administration.

45.17 Subp. 3. **Inspection and censorship.** A facility must have a written policy and
45.18 procedure ~~which~~ that requires that:

45.19 A. inmate letters, both incoming and outgoing, may be opened and inspected for
45.20 contraband;

45.21 B. inmates are notified in writing when incoming or outgoing letters are rejected;
45.22 and

45.23 C. letters shall not be read or censored if they are between an inmate and an
45.24 elected official, officials of the ~~Department of Corrections, the ombudsman for corrections~~
45.25 DOC, attorneys, or other officers of the court, but inspection of incoming mail from the
46.1 specified class of persons noted may be opened only to inspect for contraband and only in
46.2 the presence of the inmate. ~~(Mandatory)~~

46.3 Subp. 4. **Money.** Cash, cashiers checks, or money orders ~~shall be removed~~ received
46.4 from incoming mail and credited to the inmates' accounts shall be processed according to
46.5 facility policy.

46.6 Subp. 5. **Postage allowance for indigent inmates.** Indigent inmates shall receive a
46.7 postage allowance sufficient to maintain communications with the persons listed in subpart
46.8 3, item C. Written policy, procedure, and practice must provide that an indigent inmates are
46.9 inmate is provided with a system enabling ~~them~~ the inmate to send a minimum of two letters
46.10 or postcards per week to individuals not ~~defined~~ listed in subpart 3, item C. ~~(Mandatory)~~

46.11 Subp. 6. **Material detrimental to security.** A facility shall ~~develop~~ have a written
46.12 policy that restricts inmate access to materials and information that is ~~deemed~~ considered
46.13 detrimental to the security and orderly function of the facility.

46.14 **2911.3400 TELEPHONE ACCESS.**

46.15 A facility shall ~~develop~~ have a written policy and procedure that provides for inmate
46.16 access to a telephone.

46.17 Attorney/client telephone consultation shall be allowed in a manner consistent with
46.18 Minnesota Statutes, section 481.10, ~~Consultation with Persons Restrained.~~

46.19 Newly admitted inmates shall be permitted a local or collect long-distance telephone
46.20 call to a family member or significant other during the admission process.

46.21 Inmates shall be allowed telephone access to maintain contact with family members or
46.22 significant others. ~~The Nonlegal calls may be made through collect call telephone access~~
46.23 ~~systems~~ at the expense of the inmate. The minimum time allowed per call shall be ten
46.24 minutes except where there are substantial reasons to justify ~~such limitation~~ limitations.
46.25 Nonlegal telephone conversations may be monitored and recorded.

46.26 Reasons for denial of telephone access shall be documented.

47.1 **2911.3500 ~~CITIZEN INVOLVEMENT AND VOLUNTEERS.~~**

47.2 When ~~citizens or~~ volunteers are used in facility programs, a written policy and
47.3 procedure shall provide that a staff member is responsible for coordinating the volunteer
47.4 service program. The policy includes the following elements:

47.5 A. lines of authority, responsibility, and accountability for the volunteer services;

47.6 B. a procedure for the screening and selection of volunteers;

47.7 C. an orientation training program appropriate to the nature of the assignment;

47.8 D. a requirement that volunteers agree in writing to abide by all facility rules
47.9 and policies, ~~particularly relating to~~ with emphasis on security and confidentiality of
47.10 information; and

47.11 E. a statement that the administrator may discontinue a volunteer activity at any
47.12 time by written notice.

47.13 **2911.3600 CLOTHING, AND BEDDING, AND LAUNDRY SERVICES**
 47.14 **PROPERTY.**

47.15 Subpart 1. [Renumbered 2911.3650 subp 2]

47.16 Subp. 2. [Renumbered 2911.3650 subp 3]

47.17 Subp. 3. [Renumbered 2911.3650 subp 4]

47.18 Subp. 4. [Renumbered 2911.3675 subp 3]

47.19 Subp. 5. **Quantity of clothing.** The facility shall have available sufficient clothing to
 47.20 ensure each inmate neat, clean clothing appropriate to the season.

47.21 Subp. 6. **Excess personal clothing and abandoned property.** An inmate's excess
 47.22 personal clothing, abandoned property, or both shall be ~~either mailed to,~~ picked up by the
 47.23 inmate, or transported released to a designated family members member or friend from
 47.24 whom a signed property release has been secured. Property shall be stored in containers
 48.1 designed for this purpose and properly identified, inventoried, and secured. A documented
 48.2 disposition on all abandoned property shall be maintained.

48.3 [For text of subp 7, see M.R.]

48.4 Subp. 8. **Protective clothing.** A facility shall ~~develop~~ have written policy, procedure,
 48.5 and practice ~~which~~ that provides for the issue of special and, where appropriate, protective
 48.6 clothing and equipment to inmates participating in special work assignments. The clothing
 48.7 is available in quantities that permit exchange as frequently as the work assignment
 48.8 requires.

48.9 **2911.3650 LINENS INMATE UNIFORM ISSUE AND BEDDING ALLOWANCE.**

48.10 Subpart 1. **Bedding and linen.** An inmate admitted to the facility shall be issued one
 48.11 bath towel; ~~one hand towel;~~₂ one washcloth; ₂ one clean, firm fire-retardant mattress; ₂ two
 48.12 sheets or one sheet and a clean mattress cover; ₂ blankets sufficient to provide comfort
 48.13 under existing temperature conditions; one pillow; and one pillow case, if applicable.

48.14 ~~Clean linens shall be furnished once each week, at a minimum. Linen exchange shall~~
48.15 ~~be documented. Inmates detained in admission or release processing areas for periods of~~
48.16 ~~time not exceeding eight hours need not be issued linens and bedding.~~

48.17 Subp. 2. **Clothing.** An inmate admitted to a facility for 72 hours or more and assigned
48.18 to a living unit shall be issued a set of facility clothing.

48.19 Subp. 3. **Change of clothing.** An inmate issued a change of clothing upon admission
48.20 into the facility may have personal clothing returned after laundering at the discretion of
48.21 the facility administrator.

48.22 Subp. 4. **Issue.** The facility shall provide socks and suitable outer garments and
48.23 undergarments.

49.1 **2911.3675 LAUNDRY SERVICES AND LINEN EXCHANGE.**

49.2 Subpart 1. **Laundry.** Laundry services shall be managed so that daily clothing, linen,
49.3 and bedding needs are met.

49.4 ~~The department has adopted by reference Nursing and Boarding Care Home,~~
49.5 ~~operational rules regarding laundry as follows:~~

49.6 A. ~~part 4655.2200;~~

49.7 B. ~~part 4655.8300, subpart 2, clean linen;~~

49.8 C. ~~part 4655.8300, subpart 3, soiled linen;~~

49.9 D. ~~part 4655.8300, subpart 4, laundering of linen; and~~

49.10 E. ~~part 4655.8300, subpart 6, laundering of personal clothing.~~

49.11 Subp. 2. **Linen.** Clean linens shall be furnished once each week, at a minimum. There
49.12 shall be a posted schedule for linen exchange. Inmates detained in admission or release
49.13 processing areas for periods of time not exceeding eight hours need not be issued linens
49.14 and bedding.

49.15 Subp. 3. **Exchanged.** Clothing shall be exchanged twice each week, at a minimum.
49.16 Clothing exchange times shall be made available to inmates.

49.17 **2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES.**

49.18 Subpart 1. **Emergency plan.** The A facility administrator shall ~~develop~~ have a written
49.19 disaster plan. The plan shall include policies and procedures designed to protect the public
49.20 by securely detaining inmates who represent a danger to the community or to themselves
49.21 when the facility must be evacuated in total. The plan shall also include: ~~(Mandatory)~~

49.22 A. location of alarms and fire fighting equipment;

49.23 B. an emergency drill policy as follows:

49.24 (1) at least annual drills at all facility locations; and

50.1 (2) staff drills shall be conducted

even when evacuation of extremely dangerous
50.2 inmates may not be included;

50.3 C. specific assignments and tasks for personnel;

50.4 D. persons and emergency ~~department~~ departments to be notified;

50.5 E. procedure for evacuation of inmates; and

50.6 F. arrangements for temporary confinement of inmates.

50.7 Subp. 2. **Quarterly review of emergency procedures.** There shall be a review of
50.8 emergency procedures once every three months. The review shall include: ~~(Mandatory)~~

50.9 [For text of items A to F, see M.R.]

50.10 Subp. 3. **Prompt release evacuation of inmates.** A facility shall ~~develop~~ have a
50.11 written policy and procedure that specifies the means for the prompt ~~release~~ evacuation of
50.12 inmates from an area of emergency. ~~(Mandatory)~~

50.13 Subp. 4. **Reporting of unusual occurrences.** Incidents of an unusual or serious
 50.14 nature shall be reported within ten days of the incident in writing to the Department of
 50.15 Corrections ~~within ten days~~ in the format required by the department. The reports shall
 50.16 include the names of persons involved, staff and inmates, nature of the unusual occurrence,
 50.17 actions taken, and the date and time of the occurrence. Unusual occurrences requiring
 50.18 reporting to the ~~department~~ shall DOC include such occurrences as:

50.19 A. attempted suicide;

50.20 B. suicide;

50.21 C. homicide;

50.22 D. death, by means other than suicide or homicide;

50.23 E. serious injury or illness ~~incurred~~ subsequent to detention including incidents
 50.24 resulting in hospitalization for medical care ~~or~~;

51.1 F. hospitalization associated with mental health needs;

51.2 ~~F.~~ G. attempted escape or escape from a secured facility;

51.3 ~~G.~~ H. incidents of fire requiring medical treatment of staff or inmates or a response
 51.4 by a local fire authority;

51.5 ~~H.~~ I. riot;

51.6 ~~I.~~ J. assaults of one inmate by another that result in criminal charges or outside
 51.7 medical attention;

51.8 ~~J.~~ K. assaults of staff by inmates that result in criminal charges or outside medical
 51.9 attention;

51.10 ~~K.~~ L. injury to inmates through ~~the use of force~~ response to resistance by staff
 51.11 controlling inmate behavior;

51.12 ~~U.~~ M. occurrences of infectious diseases and action taken relative to same when a
51.13 medical authority has determined that the inmate must be isolated from other inmates; and

51.14 ~~M.~~ N. reporting of all ~~incidences of notice~~ notices of intent to file litigation against
51.15 the facility resulting from matters related to the detention or incarceration of an inmate;

51.16 ~~Unusual occurrences shall be reported on forms provided by the Department of~~
51.17 ~~Corrections. In the event of an emergency such as serious illness, accident, or imminent~~
51.18 ~~death, individuals so designated by the inmate shall be notified. Permission for notification~~
51.19 ~~is to be obtained from the inmate prior to need, if possible.~~

51.20 O. sexual misconduct, such as inmate on inmate, staff on inmate, and inmate on
51.21 staff; and

51.22 P. use of sexual materials, electronic media for sexual purposes, or both.

51.23 In the event of an emergency such as serious illness or injury where death may
51.24 be imminent, individuals designated by the inmate shall be notified. Permission for
51.25 notification, if possible, shall be obtained from the inmate.

52.1 Subp. 5. **Inmate death.** A facility shall ~~develop~~ have a written policy and procedure
52.2 ~~to specify~~ that specifies actions to be taken in the event of an inmate death. When an
52.3 inmate death occurs: ~~(Mandatory)~~

52.4 [For text of items A to C, see M.R.]

52.5 D. records of a deceased inmate shall be retained for a period of time ~~according to~~
52.6 ~~law~~ specified by county policy;

52.7 E. the facility administrator or designee shall ~~observe~~ ensure observance of all
52.8 pertinent laws and allow appropriate investigating authorities full access to all facts
52.9 surrounding the death; and

52.10 F. in the event the death involves a "vulnerable adult" notification procedures shall
52.11 be followed in a manner consistent with statutory requirements.

52.12 Subp. 6. **Work stoppage.** A facility shall have a written plan that provides for
52.13 continuing operations in the event of a work stoppage or other job action. A copy of
52.14 the plan must be available to all supervisory personnel who are required to familiarize
52.15 themselves with the plan.

52.16 Subp. 7. **Mass arrest.** A facility shall have a written plan that governs space
52.17 arrangements and procedures to be followed in the event of a mass arrest that exceeds the
52.18 approved capacity of the facility established under parts 2911.0330 to 2911.0370.

52.19 **2911.3800 FOOD HANDLING PRACTICES.**

52.20 Food service shall be provided according to Minnesota Department of Health, ~~parts~~
52.21 ~~4626.0010 to 4626.1870. (Mandatory) rules.~~

52.22 **2911.3900 DIETARY ALLOWANCES.**

52.23 Subpart 1. **Generally.** Nutritional needs of adult inmates, and juvenile inmates housed
52.24 in an adult facility, shall be met in accordance with their inmate needs or physician's orders
52.25 as ordered by a medical professional, and meet the dietary allowances contained in this
53.1 part: which are based upon 2005 MyPyramid guidelines for a weekly 2,400 calories per
53.2 day and meeting the 2002 Dietary Reference Intakes. A facility governed by this chapter
53.3 shall have menu planning sufficient to provide each inmate the specified food servings per
53.4 day contained in subparts 2 to 9. (Mandatory) 7.

53.5 Subp. 2. **Meat or protein group.** Two or more ~~serviees~~ servings per day of meat or
53.6 protein shall be provided. A serving of meat or protein is ~~defined as~~ equal to 14 grams or
53.7 more of protein and includes food such as:

53.8 A. two to three ounces cooked (~~equivalent to~~ weight or three to four ounces raw)
53.9 weight of any meat without bone, such as beef, veal, pork, lamb, poultry, and variety
53.10 meats such as liver, ~~heart, and kidney~~ or giblets;

53.11 B. two slices prepared luncheon meat equal to two to three ounces by weight;

- 53.12 C. two eggs;
- 53.13 D. two to three ounces cooked weight of fresh or frozen ~~cooked~~ fish or shellfish, or
53.14 one-half cup canned fish;
- 53.15 E. one-half cup cooked navy dry beans ~~plus one ounce of animal protein, peas, or~~
53.16 lentils; or
- 53.17 F. one ounce of nuts or seeds or two tablespoons of peanut butter;
- 53.18 F G. three ounces of natural or processed cheese or three-fourths cup of cottage
53.19 cheese, not to exceed six ounces per week as a meat alternate; or
- 53.20 H. two ounces of equivalent meat alternate, such as textured vegetable protein,
53.21 as certified by the United States Department of Agriculture, Nutrition Standards in the
53.22 National School Lunch and School Breakfast Programs, Code of Federal Regulations,
53.23 title 7, parts 210 and 220.
- 53.24 Subp. 3. **Milk Dairy group.** ~~Two or more servings per day of milk shall be provided.~~
53.25 ~~A serving is defined as eight ounces (one cup) of milk. A portion of this amount may be~~
54.1 ~~served in cooked form, such as cream soups or desserts. The following substitutes may~~
54.2 ~~be used: A minimum of two servings per day of dairy shall be provided for adults, with~~
54.3 ~~four servings required for juveniles and pregnant females. This includes milk that is~~
54.4 ~~pasteurized and fortified with vitamins A and D (fluid, evaporated, dry), cheese, yogurt,~~
54.5 ~~and ice cream. One serving per day may be from foods other than fluid milk. A serving is~~
54.6 ~~equivalent to eight ounces of fluid milk and provides at least 250 mg calcium, such as:~~
- 54.7 ~~A. one ounce of American cheese for three-fourths cup milk;~~
- 54.8 ~~B. one-half cup creamed cottage cheese for one-third cup milk; or~~
- 54.9 ~~C. one-half cup ice cream for one-fourth cup milk.~~
- 54.10 A. 1-1/4 ounce American cheese;

54.11 B. eight ounces yogurt;

54.12 C. two cups ice cream; or

54.13 D. eight ounces milk alternate beverage, fortified with a minimum of 250 mg
54.14 calcium and vitamins A and D.

54.15 Subp. 4. ~~Vegetables~~ **Vegetable and fruit group.** ~~Two~~ Five or more servings per
54.16 day of vegetables and fruits shall be provided. ~~One serving of a vitamin A source must~~
54.17 ~~be served four times per week.~~ A serving is defined as one-half cup vegetable or fruit;
54.18 one medium apple, orange, banana, potato, half a grapefruit, one cup raw leafy greens,
54.19 one-fourth cup dried fruit, or four ounces 100 percent juice. Potatoes may be included
54.20 once daily as a vegetable. One serving of a rich vitamin C source must be provided daily
54.21 and one serving of a rich vitamin A source must be provided four times per week.

54.22 Rich vitamin C sources include mostly fresh or raw produce, such as: citrus fruits,
54.23 tomatoes, strawberries, leafy green vegetables, melon, bell peppers, and the broccoli and
54.24 cabbage families; and may also include foods such as skin-on potatoes, sweet potatoes,
54.25 and vitamin C-fortified real fruit juice.

55.1 Rich vitamin A sources include foods such as: apricots, cantaloupe, carrots, mixed
55.2 vegetables with carrots, winter or yellow squash, pumpkin, sweet potatoes or yams,
55.3 spinach, greens (collard, kale, chard, mustard, beet or turnip), liver (counted under meat),
55.4 ~~or~~ and broccoli.

55.5 Subp. 5. [See repealer.]

55.6 Subp. 6. **Bread or cereal.** ~~Five~~ Six or more servings per day of whole grain or
55.7 enriched cereal and bread products shall be provided. Whole grains are encouraged on a
55.8 daily basis with the following sources suggested: oatmeal, grits, whole grain ready-to-eat
55.9 cereal, whole wheat bread, corn tortillas, corn bread, plain popcorn, brown rice, and barley
55.10 soup and rye crackers. A serving is defined as:

- 55.11 A. one slice of bread or one ounce of bread product, such as sliced bread, buns,
 55.12 biscuits, muffins, pancakes, waffles, sweet rolls, stuffing, crackers, or bagels;
- 55.13 B. one-half cup cooked cereal, pasta, rice, or egg noodles;
- 55.14 C. three-fourths cup dry cereal; or
- 55.15 D. ~~one-half cup macaroni, rice, noodles, and spaghetti.~~ one six-inch tortilla; or
- 55.16 E. three cups popped popcorn.

55.17 Subp. 7. **Dairy Fat group.** Servings of butter, fortified margarine, ~~cream,~~ gravy, salad
 55.18 dressing, or salad oil ~~in moderate~~ may be used in minimal amounts ~~shall be used~~ to make
 55.19 food palatable. Facilities are encouraged to reduce sources of saturated and trans fats.

55.20 Subp. 8. **Additional servings.** Additional servings of the foods in subparts 2 to 7
 55.21 4 may be used, ~~or the following foods added,~~ to meet caloric needs: requirements, in
 55.22 addition to soups; sweets, such as, beverages, desserts, sugar, and jellies; or other fats,
 55.23 ~~such as bacon, cream, and salad dressings~~ and condiments. Added sugars should be
 55.24 limited to reasonable amounts recommended for a healthy diet.

55.25 Subp. 9. [See repealer.]

56.1 **2911.4000 ANNUAL FOOD SERVICE REVIEW.**

56.2 A facility's menu content and cycle shall be reviewed at least once annually by a
 56.3 registered dietitian or nutritionist to ensure compliance with part 2911.3900. ~~(Mandatory)~~
 56.4 The review and findings shall be documented and on file.

56.5 **2911.4100 FREQUENCY OF MEALS.**

56.6 Subpart 1. **Evening meal.** There shall not be more than 14 hours between a substantial
 56.7 evening meal and breakfast. A substantial evening meal is classified as a serving of three
 56.8 or more menu items at one time to include a high quality protein such as meat, fish, eggs,
 56.9 or cheese. The meal shall represent no less than 20 percent of the ~~days~~ day's total nutrition
 56.10 requirements. ~~(Mandatory)~~

56.11 [For text of subps 2 and 3, see M.R.]

56.12 Subp. 4. **Hot meal minimum.** A minimum of one of the three meals served daily
56.13 shall be a hot meal.

56.14 **2911.4200 THERAPEUTIC DIETS.**

56.15 Subpart 1. **Medical diets.** A facility housing inmates in need of medically prescribed
56.16 therapeutic diets shall have documentary evidence that the diets are dietitian-approved
56.17 and provided as ordered by ~~the attending physician.~~ (Mandatory) health services. A
56.18 healthier general menu contributing to the management of chronic diseases may minimize
56.19 the need for medical diets.

56.20 Subp. 2. **Food-allergy diets.** The seven most common food allergies causing
56.21 anaphylactic reactions are foods such as: fish, shellfish, tree nuts, peanuts, soy, wheat, and
56.22 milk. A dietitian-approved allergy diet shall be provided as necessary and shall meet the
56.23 nutritional guidelines under part 2911.3900.

56.24 Subp. 3. **Vegetarian diets.** A facility may provide reasonable animal protein
56.25 substitutions at meals for inmates requesting vegetarian or vegan diets. A vegetarian or
57.1 vegan diet must be dietitian-approved and meet the nutritional guidelines under part
57.2 2911.3900.

57.3 Subp. 4. **Pregnancy.** A facility shall develop
a diet that meets the increased calcium and
57.4 calorie requirements of pregnant inmates. Pregnant inmates shall be provided a substitution
57.5 or supplements as ordered by the medical professional or health services. A pregnancy
57.6 diet must be dietitian-approved and meet the nutritional guidelines under part 2911.3900.

57.7 **2911.4300 RELIGIOUS DIETS.**

57.8 A facility shall ~~develop~~ have a written policy and procedure that provides for special
57.9 diets or meal accommodations for inmates whose religious beliefs require adherence to

57.10 religious dietary laws. Creation of religious diets shall involve a dietitian and strive to
57.11 meet the nutritional guidelines under part 2911.3900.

57.12 **2911.4400 USE OF FOOD IN DISCIPLINE.**

57.13 Food shall not be withheld as punishment. ~~(Mandatory)~~

57.14 **2911.4500 SUPERVISION OF MEAL SERVING.**

57.15 Meals shall be served under the direct supervision of staff. ~~(Mandatory)~~

57.16 **2911.4600 MENU RECORDS.**

57.17 ~~Records of menus and of foods purchased shall be filed for one year. All menus are~~
57.18 shall be planned, dated, and available for review at least one week in advance. Notations
57.19 ~~are~~ shall be made of any substitutions in the meals actually served, and substitutions shall
57.20 be of equal nutritional value. ~~(Mandatory)~~

57.21 **2911.4700** [Renumbered 2911.4800 subp 5]

57.22 **2911.4800** ~~CANTEEN~~ COMMISSARY.

57.23 Subpart 1. **List of approved canteen commissary items to be purchased by staff**
57.24 **member at local store.** ~~Class II to Class VI facilities with approved capacities of 50 or~~
57.25 ~~less, shall provide inmates with a printed list of approved canteen items to be purchased~~
58.1 ~~by a facility staff member at local stores, if the facility does not operate a canteen in the~~
58.2 facility. A facility with an approved capacity of more than 50 inmates shall establish,
58.3 maintain, and operate a commissary. The facility shall have a written policy and procedure
58.4 regarding commissary operation that must allow an inmate to purchase approved items not
58.5 furnished by the facility. Class I facilities are not required to provide commissary services.

58.6 Subp. 2. [See repealer.]

58.7 Subp. 3. [See repealer.]

58.8 Subp. 4. [See repealer.]

58.9 **2911.4900 SECURITY POLICIES AND PROCEDURES, GENERAL**
58.10 **INSPECTION.**

58.11 A. The facility shall develop have a written policy and procedure for security and
58.12 control, including procedures for emergencies that are contained in a manual which is
58.13 available to all staff and is reviewed annually and updated as needed to require the facility
58.14 administrator or designee to inspect all areas within the security perimeter, and equipment
58.15 at least monthly and initiate corrective action if needed.

58.16 **2911.4950 RESPONSE TO RESISTANCE.**

58.17 Subpart 1. **Policies and procedures.** The facility administrator or designee shall
58.18 have written policies and procedures to provide for response to resistance. All personnel
58.19 directly involved in the response shall submit written reports to the facility administrator
58.20 or designee no later than the conclusion of the shift. Submission of these reports may be
58.21 delayed when a staff member sustains serious injury, hospitalization, or both.

58.22 Subp. 2. **Instruments of restraint; limitations.** Instruments of restraint shall not be:

58.23 A. used as punishment; and

58.24 B. applied for any longer time than is necessary.

59.1 Subp. 3. **Use of instruments of restraint.** Instruments of restraint shall not be used
59.2 except in the following circumstances:

59.3 A. as a precaution against escape during a transfer;

59.4 B. on medical grounds by direction of
59.5 the health authority or attending physician or
59.6 psychologist;

59.7 C. by order of the facility administrator or person in charge in order to prevent an
59.8 inmate from injuring self or others or from damaging property; or

59.8 D. for routine inmate movement.

59.9 Subp. 4. **Equipment.** The issue, storage, inspection, and use of chemical agents,
59.10 impact devices, electronic control devices, and other security devices shall be governed
59.11 by written policy and procedure.

59.12 All unissued security devices and equipment shall be stored in a secure, readily
59.13 accessible depository located outside inmate housing and activity areas, and inventoried at
59.14 least monthly to determine condition and expiration dates of the devices and equipment.

59.15 Subp. 5. **Firearms.** Facility policy and procedure shall provide for the use of firearms
59.16 and include the following:

59.17 A. except in an emergency situation, firearms are not permitted within the secure
59.18 perimeter; and

59.19 B. there shall be a secure weapons locker located outside the security perimeter
59.20 of the facility.

59.21 Subp. 6. **Training.** Facility policy shall provide that all personnel authorized to use
59.22 security equipment and instruments of restraint are trained according to manufacturer's
59.23 specifications or facility's training requirements.

59.24 Subp. 7. **Record.** The facility shall maintain
a written record of emergency distribution
59.25 of security devices and equipment.

60.1 **2911.5000 POST ORDERS; FORMAL INMATE COUNT; WELL-BEING**
60.2 **CHECKS.**

60.3 Subpart 1. **Post orders and accountability.** There shall be written orders for every
60.4 security post that are reviewed annually and updated if necessary. A written policy and
60.5 procedure shall require that personnel read, sign, and date applicable post orders at least
60.6 annually, or as needed for new posts or revisions. Medium and large facilities with
60.7 multiple posts may need to conduct these reviews more often.

60.8 Subp. 2. [See repealer.]

60.9 Subp. 3. **Security post records.** ~~Custodial~~ Custody staff members shall maintain
60.10 a permanent record and prepare shift reports that document routine and emergency
60.11 situations and unusual incidents. Records shall be maintained according to the county
60.12 retention schedule.

60.13 Subp. 4. **Counting.** A facility shall have a written policy describing the system of
60.14 counting inmates.

60.15 Formal counts shall be completed with an official entry made in the daily log at least
60.16 once each eight hours.

60.17 The facility shall maintain a system that identifies the whereabouts of all inmates in
60.18 custody and includes a system of accountability for inmates approved for temporary
60.19 absences from their assigned housing units.

60.20 A written policy and procedure shall provide that staff regulate inmate movement.

60.21 Subp. 5. **Well-being.** A facility shall have a system providing for well-being checks of
60.22 inmates.

60.23 A written policy and procedure shall provide that all inmates are personally observed
60.24 by a custody staff person at least once every 30 minutes. Thirty-minute checks should
60.25 be staggered. If a well-being check does not occur due to an emergency, it must be
60.26 documented in the jail log and have supervisory review and approval.

61.1 More frequent observation is required for those inmates of a special need classification
61.2 who may be harmful to themselves. Examples of inmates of a special need classification
61.3 include those classified as potentially suicidal, or as mentally ill, or those experiencing
61.4 withdrawal from drugs or alcohol.

61.5 **2911.5100** [Renumbered 2911.2525]

61.6 **2911.5200** [Renumbered 2911.2550]

61.7 **2911.5300 SEARCHES, SHAKEDOWNS, AND CONTRABAND CONTROL.**

61.8 Subpart 1. **Contraband control.** The A facility administrator shall ~~develop~~ have a
61.9 written policy and procedure ~~which~~ that provides for searches of facilities ~~and~~ inmates,
61.10 and inmate property to control contraband and provide for its disposition. ~~(Mandatory)~~

61.11 Subp. 2. **Body searches.** A facility shall ~~develop~~ have a written policy and procedure
61.12 ~~which~~ that provides for pat, strip, pat, and body cavity, ~~and inmate property~~ searches in
61.13 accordance with law. ~~(Mandatory)~~

61.14 Subp. 3. **Visitors Facility access.** A facility shall ~~develop~~ have a written policy and
61.15 procedure ~~which will~~ that must specify the circumstances under which ~~visitors are~~ persons
61.16 and personal property may be searched.

61.17 ~~Visitors~~ Persons who seek to enter the security perimeter of the facility shall not be
61.18 permitted admission if they refuse to submit to a requested search. ~~(Mandatory)~~

61.19 Subp. 4. **Daily inspections.** The A facility shall be inspected at least daily for
61.20 contraband, evidence of breaches in security, and inoperable security equipment:
61.21 ~~(Mandatory)~~, and shall document the inspection.

61.22 Subp. 5. **Delivery inspection.** Materials delivered to or transported from the facility's
61.23 security perimeter shall be inspected for contraband prior to distribution. ~~(Mandatory)~~

61.24 **2911.5400** [Renumbered 2911.5550]

62.1 **2911.5450 DANGEROUS MATERIALS.**

62.2 A facility shall have a written policy and procedure that specifies that materials
62.3 dangerous to either security or safety shall be properly secured.

62.4 Storage and use of flammable, toxic, and caustic materials must be in accordance with
62.5 all applicable laws and regulations of governing jurisdictions.

62.6 The policy must cover control and use of tools and culinary and medical equipment.

62.7 **2911.5500** [Renumbered 2911.5450]

62.8 **2911.5550 LOCKS AND KEYS.**

62.9 Subpart 1. **General.** Keys or other access control devices to security locks shall be
62.10 properly tagged and stored in a secure cabinet within a secure area, and out of reach of
62.11 the inmates or the public.

62.12 At least one complete functional set of facility keys shall be kept on hand for
62.13 replacement or emergency purposes.

62.14 Keys that serve a critical security purpose shall be easily identifiable and never issued
62.15 except upon order of the facility administrator or person in charge, and according to
62.16 established procedure.

62.17 No security keys shall be made available to inmates regardless of status.

62.18 Subp. 2. **Lock policy.** A facility shall have a written policy and procedure that requires
62.19 that all security perimeter entrances, control center doors, and housing unit doors are kept
62.20 locked, except when used for admission or exit of employees, inmates, or visitors, and in
62.21 an emergency. A facility equipped with a sally port shall ensure that only one of the doors
62.22 of a sally port is opened at any point in time for entry or exit purposes.

62.23 Subp. 3. **Regular testing.** Locks to security doors or gates shall be tested for proper
62.24 function at least weekly to ensure proper operation.

62.25 Subp. 4. **Inoperable locks.** A lock to a security door or gate shall not be inoperable or
62.26 left in a nonworking condition.

63.1 An inmate shall not be secured in a cell or area that has inoperable locks.

63.2 Subp. 5. **Keys.** A facility shall have a written policy and procedure that provides for
63.3 the control and use of keys and other access control devices.

63.4 **2911.5700 COUNT PROCEDURE CHECK.**

63.5 Subpart 1. [Renumbered 2911.5000 subp 4]

63.6 Subp. 2. [Renumbered 2911.5000 subp 5]

63.7 **2911.5800 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.**

63.8 Subpart 1. **Availability of resources, general.** Under the direction of a health
63.9 authority, a facility shall develop a written policy and procedure ~~which~~ that provides for
63.10 the delivery of health care services, including medical, dental, and mental health services.

63.11 Subp. 2. **Health care.** Medical, dental, and mental health matters involving clinical
63.12 judgments are the sole province of the responsible physician, dentist, and psychiatrist or
63.13 qualified psychologist respectively; however, security regulations applicable to facility
63.14 personnel also apply to health personnel. ~~(Mandatory)~~

63.15 Subp. 3. **Health care policy review.** Facility policy shall ensure that each policy,
63.16 procedure, and program in the health care delivery ~~program~~ system is reviewed and
63.17 documented at least annually under the direction of the health authority and revised
63.18 as necessary. ~~Review and revision of each policy, procedure, and program shall be~~
63.19 ~~documented.~~

63.20 Subp. 4. **Emergency health care.** A facility shall develop a written policy and
63.21 procedure ~~which~~ that requires that the facility provide 24-hour emergency care availability
63.22 as outlined in a written plan, which includes provisions for the following arrangements:
63.23 ~~(Mandatory)~~

63.24 A. emergency evacuation of the inmate from within the facility;

64.1 B. use of an emergency medical vehicle, available on a 24-hour basis;

64.2 [For text of items C to E, see M.R.]

64.3 Subp. 5. **Health care liaison.** In a facility without full-time qualified health care
64.4 personnel, a designated health-trained staff member may act as liaison to coordinate the
64.5 health care delivery in the facility under the direction of the health authority.

64.6 Subp. 6. **Medical screening.** A facility shall ~~develop~~ have a written policy and
64.7 procedure ~~which~~ that requires ~~that~~ medical screening is performed and recorded by trained

64.8 staff on all inmates on admission to the facility. The findings are to be recorded in a
64.9 manner approved by the ~~responsible physician~~ health authority. The screening process
64.10 shall include procedures relating to: ~~(Mandatory)~~

64.11 A. Inquiry into:

64.12 (1) current illness and health problems, including dental ~~problems, sexually~~
64.13 ~~transmitted diseases~~ emergencies, and other infectious diseases;

64.14 (2) medication taken and special health requirements;

64.15 (3) use of alcohol and other drugs

64.16 ~~which~~ that include types of drugs used, mode
64.17 of use, amounts used, frequency used, date or time of last use, and history of problems that
64.18 may have occurred after ceasing use, for example, convulsions;

64.19 (4) past and present treatment or
64.20 hospitalization for mental illness or attempted
64.21 suicide; ~~and~~

64.22 (5) other health problems designated by the ~~responsible physician~~. health
64.23 authority; ~~and~~

64.24 (6) signs and symptoms of active tuberculosis to include weight loss, night
64.25 sweats, persistent cough, coughing up blood, low grade fever, test within last three months
64.26 and results, and tuberculin skin test.

65.1 B. Observations of:

65.2 (1) behavior ~~which~~ that includes state of consciousness, mental status,
65.3 appearance, conduct, tremor, and sweating; and

65.4 (2) body deformities, trauma markings, body piercings, bruises, lesions, and
65.5 jaundice.

65.6 [For text of item C, see M.R.]

65.7 Subp. 7. **Health appraisal care follow-up.** A facility shall develop written policy and
65.8 procedures ~~which~~ that require that an inmate who presents with a chronic or persistent
65.9 medical condition be provided with a health appraisal ~~within 14 days of admission.~~ ~~The~~
65.10 ~~health appraisal includes the following:~~ care follow-up.

65.11 A. ~~review of the receiving screening in subpart 6;~~

65.12 B. ~~collection of additional data to complete the medical, dental, psychiatric, and~~
65.13 ~~immunization histories;~~

65.14 C. ~~recording of height, weight, pulse, blood pressure, and temperature;~~

65.15 D. ~~administration of other tests and examinations as appropriate; and~~

65.16 E. ~~initiation of treatment when appropriate.~~

65.17 Subp. 8. **Health complaints.** A facility shall develop a written policy and procedure
65.18 ~~which~~ that requires that inmates' health complaints are acted upon daily by health-trained
65.19 staff, followed by triage and treatment by health care personnel if indicated. ~~(Mandatory)~~

65.20 Subp. 9. **Sick call.** A facility shall develop a written policy and procedure ~~which~~ that
65.21 requires that there is a continuous response to health care requests and that sick call,
65.22 conducted by a physician or other health care personnel is available to each inmate
65.23 as follows:

66.1 A. in small facilities of less than ~~50~~ 60 inmates, sick call is held once per week
66.2 at a minimum;

66.3 B. in medium sized facilities of ~~50~~ 60 to 200 inmates, sick call is held at least
66.4 three days per week;

66.5 [For text of items C and D, see M.R.]

66.6 [For text of subp 10, see M.R.]

66.7 Subp. 11. **Examinations.** Examinations, treatments, and procedures affected by
66.8 informed consent standards governed by state or federal law shall be observed for inmate
66.9 care. (Mandatory)

66.10 The informed consent of the parent, guardian, or legal custodian must be obtained
66.11 when required by law.

66.12 Where health care treatment must be provided against an inmate's will, it must be
66.13 provided according to law.

66.14 Subp. 12. **Ambulance services.** Ambulance services shall be available on a
66.15 24-hour-a-day basis. (Mandatory)

66.16 **2911.5900 POSTING OF AVAILABLE RESOURCES.**

66.17 A listing of telephone numbers of the medical, dental, mental health, and ambulance
66.18 services available shall be posted at the facility's primary staff control station along with a
66.19 schedule of availability. (Mandatory)

66.20 **2911.6000 FIRST AID.**

66.21 Subpart 1. [See repealer.]

66.22 Subp. 2. **First aid kit equipment.** ~~A facility shall have a minimum of one first aid kit~~
66.23 ~~located at the facility's control center or primary staff station.~~ Facility policy shall indicate
66.24 require that first aid kits are available in designated areas of the facility ~~as approved by~~
66.25 ~~the responsible physician.~~ (Mandatory)

67.1 Subp. 3. [Renumbered 2911.6200 subp 1a]

67.2 **2911.6100** [Renumbered 2911.1350]

67.3 **2911.6200 MEDICAL AND DENTAL RECORDS.**

67.4 Subpart 1. [Renumbered subp 1b]

67.5 Subp. 1a. **Medical and dental records.** A facility shall record complaints of illness
67.6 or injury and actions taken. Medical or dental records are maintained on inmates under
67.7 medical or dental care. Records shall include:

67.8 A. the limitations and disabilities of the inmate;

67.9 B. instructions for inmate care;

67.10 C. orders for medication including stop date;

67.11 D. any special treatment or diet;

67.12 E. activity restriction; and

67.13 F. times and dates when the inmate was seen by medical personnel.

67.14 Medical and dental records shall be available to staff for consultation in case of illness
67.15 and for recording administration of medications.

67.16 Subp. 1b. **Release of information consent forms.** Release of information consent
67.17 forms must comply with applicable federal and state regulations.

67.18 Subp. 2. **Data practices.** The medical record file shall be maintained separately and
67.19 according to the Minnesota Government Data Practices Act, Minnesota Statutes, chapter
67.20 13. (~~Mandatory~~)

67.21 Subp. 2a. **Sharing information.** The responsible physician or health care personnel
67.22 shall share with the facility administrator information regarding an inmate's medical
67.23 management, security, and ability to participate in programs.

68.1 Subp. 3. **Available information.** Medical record file information available to
68.2 health-trained staff and custody personnel shall minimally include summary medical
68.3 information provided by the ~~responsible physician~~ health authority or health care
68.4 personnel ~~which~~ that ensures sufficient detail to allow health-trained staff persons or
68.5 other custody personnel to ensure medical care of inmates in their custody in a manner
68.6 consistent with that prescribed by the responsible physician or health care personnel.

68.7 Subp. 4. [See repealer.]

68.8 Subp. 5. [Renumbered subp 2a]

68.9 Subp. 6. **Transfer of records.** A facility shall ~~develop~~ have a written policy and
68.10 procedure regarding the transfer of health records and information that establishes the
68.11 following requirements: ~~(Mandatory)~~

68.12 A. summaries or copies of the health record ~~must be~~ are sent to the facility to
68.13 which the inmate is transferred. Upon the request and written authorization of the
68.14 inmate, physicians or medical facilities in the community shall be provided health record
68.15 information-; and

68.16 [For text of item B, see M.R.]

68.17 **2911.6300** [Renumbered 2911.2750]

68.18 **2911.6400 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE**
68.19 **MEDICATION.**

68.20 ~~A facility administrator shall,~~ In consultation with the ~~responsible physician~~ health
68.21 authority, ~~develop~~ a facility administrator shall have a written policy and procedure for the
68.22 secure storage, delivery, administration, and control of ~~medicine~~ medication according
68.23 to parts 2911.6500 to 2911.6800.

69.1 **2911.6500 STORAGE.**

69.2 Subpart 1. **Locked area.** Medicine Medication shall be stored in a locked area. The
69.3 storage area shall be kept locked when not in use by authorized staff. ~~(Mandatory)~~

69.4 Subp. 2. **Refrigeration.** Medicine Medication requiring refrigeration shall be
69.5 refrigerated and secured and the temperature checked daily. ~~(Mandatory)~~ There must be
69.6 separate refrigeration for medications only.

69.7 Subp. 3. **Access.** Inmates shall not be permitted access to ~~medieine~~ medication
69.8 storage. Only health-trained staff or health care personnel shall have access to keys for the
69.9 ~~medieine~~ medication storage area. (Mandatory)

69.10 Subp. 4. **Drugs Medication.** Stock supplies of ~~legend (prescription-type) drugs~~ shall
69.11 ~~not~~ prescription medications may be maintained at the discretion and upon the approval
69.12 of the facility's health authority. Prescription ~~medieine~~ medication shall be kept in its
69.13 original container, bearing the original label. Poisons; and ~~medieine~~ medication intended
69.14 for external use; shall be clearly marked. (Mandatory) A limited quantity of life-saving
69.15 prescription medications as approved by the medical authority may be maintained in
69.16 emergency kits.

69.17 Subp. 5. **Controlled substances.** There shall be a procedure for maximum security
69.18 storage of and accountability for controlled substances. (Mandatory)

69.19 Subp. 6. **Needles and other medical sharps.** ~~Needles, syringes, lancets, and other~~
69.20 ~~sharp equipment and supplies~~ There shall be a written policy and procedure for the
69.21 control and disposal of medical sharps and supplies. Medical sharps and supplies when
69.22 used or stored in inmate housing areas shall be accounted for and secured in a locked
69.23 area. (Mandatory)

70.1 **2911.6600 DELIVERY.**

70.2 Subpart 1. **Delivering medication.** A person delivering medication to an inmate must
70.3 do so under the direction of the responsible ~~physician~~ health authority or health care
70.4 personnel. (Mandatory)

70.5 Subp. 2. **Training.** Only persons who have received training appropriate to this
70.6 assignment may deliver medication. (Mandatory)

70.7 Subp. 3. **Refresher training.** A nonmedical staff person delivering medication shall
70.8 receive refresher training a minimum of once every three years. (Mandatory)

70.9 Subp. 4. **Documentation.** Initial and refresher training must be documented.

70.10 ~~(Mandatory)~~

70.11 Subp. 5. **Recording deliveries.** A person responsible for delivering medications shall
70.12 do so according to orders, and record the delivery of medications in a manner ~~and on a~~
70.13 ~~form~~ approved by the health care authority. ~~(Mandatory)~~

70.14 Subp. 6. **Deliveries by health-trained staff.** ~~Medicine~~ Medication shall be delivered
70.15 to ~~inmates~~ an inmate by health-trained staff. ~~The~~ An inmate ~~will~~ shall administer the
70.16 inmate's medication under staff supervision. ~~(Mandatory)~~

70.17 Subp. 7. **Identification procedures.** There shall be a written procedure for the
70.18 identification of the recipient of the ~~medicine~~ medication. ~~(Mandatory)~~

70.19 Subp. 8. **Oral ingestion procedures.** There shall be procedures for confirming that
70.20 ~~medicine~~ medication delivered for oral ingestion has been ingested. ~~(Mandatory)~~

70.21 Subp. 9. **Adverse reaction reports.** There shall be procedures for health-trained staff
70.22 to report ~~to the responsible physician, prescribing physician, or any adverse reaction~~
70.23 incidents to health care personnel ~~any adverse reactions to drugs~~. The adverse reaction to
70.24 a drug shall be documented. ~~(Mandatory)~~

71.1 Subp. 10. **Refusal of prescribed ~~drugs~~ medications.** There shall be procedures
71.2 ~~for reporting an~~ health-trained staff to report an inmate's refusal of prescribed ~~medicine~~
71.3 medication to the attending physician, responsible physician, or health care personnel
71.4 ~~on the first occasion of such medication refusal~~. The refusal and directives by the
71.5 ~~attending physician, responsible physician, or health care personnel~~ shall be documented.
71.6 ~~(Mandatory)~~

71.7 Subp. 11. **No ~~drug~~ medication deprivation punishment.** There ~~shall be~~ procedures
71.8 ~~for ensuring that no~~ An inmate shall not be deprived of ~~prescribed medicine~~ medication
71.9 as a means of punishment. ~~(Mandatory)~~

71.10 Subp. 12. **Inmate ~~medicine~~ medication delivery prohibited.** There shall be
 71.11 ~~procedures which prohibit the Delivery of medicine medication by inmates is prohibited.~~
 71.12 ~~(Mandatory)~~

71.13 Subp. 13. [See repealer.]

71.14 Subp. 14. **Expiration of ~~drug~~ medication order.** There shall be a procedure for
 71.15 ~~notifying the attending physician, responsible physician, or Health care personnel shall~~
 71.16 ~~be notified of the impending expiration of a drug medication order so that it can be~~
 71.17 ~~determined whether the drug medication should be continued or altered. (Mandatory)~~

71.18 Subp. 15. **~~Nonlegend medicine~~ Nonprescription medication.** ~~Nonlegend (~~
 71.19 ~~Over-the-counter nonprescription) medicine medication available to inmates will shall be~~
 71.20 ~~approved by the responsible physician or health care personnel. Delivery of nonlegend~~
 71.21 ~~(nonprescription) medicine medication by custody staff shall be documented. (Mandatory)~~

71.22 Subp. 16. **Keep-on-person medications.** There shall be a policy and procedure for
 71.23 keep-on-person medications that provides for:

71.24 A. medications identified and approved by the health authority as appropriate for
 71.25 self-administration and storage in an inmate's cell;

72.1 B. procedures for an inmate's overdose of the medication;

72.2 C. consequences if too much medication is found in the inmate's possession;

72.3 D. how the distribution of medications under this subpart is going to be
 72.4 documented; and

72.5 E. nonprescription medications, if any, that are available to inmates through
 72.6 vending machines or commissary.

72.7 Keep-on-person medications shall be documented for each inmate.

72.8 **2911.6700 ADMINISTRATION.**

72.9 Subpart 1. **Injection.** Medication administered by injection shall be given by a
72.10 physician or health care personnel. ~~(Mandatory)~~

72.11 Subp. 2. **Insulin.** ~~Under physician or health care personnel order,~~ Insulin-dependent
72.12 diabetic inmates shall be permitted to self-administer insulin under direct health-trained
72.13 staff supervision. ~~(Mandatory)~~

72.14 Subp. 3. **Topical medication.** Topical medications, ~~as well as~~ and eye or ear drops;
72.15 may be permitted for inmate self-administration as directed and observed by ~~health-trained~~
72.16 staff health care personnel. ~~(Mandatory)~~

72.17 **2911.6800 CONTROL.**

72.18 Subpart 1. **Records.** Records of receipt, the quantity of ~~such~~ the drugs, and the
72.19 disposition of all ~~legend drugs~~ prescription medications shall be maintained in ~~sufficient~~
72.20 detail to enable an accurate accounting. ~~(Mandatory)~~

72.21 Subp. 2. **Verifying ~~legend drugs~~ prescription medications.** There shall be
72.22 ~~procedures for verifying legend drugs not prescribed by the facility physician~~ An inmate's
72.23 own supply of prescription medications brought into the facility shall be verified prior to
72.24 dispensing. ~~(Mandatory)~~

73.1 Subp. 3. **Prescribed medication upon transfer or release.** Prescribed medication
73.2 shall be given to an inmate or to the appropriate authority upon transfer or release, unless the
73.3 attending physician decides that in the medical interest of the inmate the ~~drugs~~ medications
73.4 should not be released with the inmate. The action taken shall be documented. ~~(Mandatory)~~

73.5 Subp. 4. **Destruction of medication.** ~~There shall be written procedures for~~ The
73.6 destruction of medication on expiration dates or when retention is no longer necessary
73.7 or suitable; must be consistent with ~~Minnesota Board of Pharmacy~~ requirements of the
73.8 Minnesota Pollution Control Agency. ~~(Mandatory)~~

73.9 **2911.6900 MEDICAL RESEARCH.**

73.10 The use of inmates for medical, pharmaceutical, or cosmetic experiments is prohibited.

73.11 (~~Mandatory~~)

73.12 **2911.7000 TUBERCULOSIS SCREENING; SEPARATION OF INMATES WITH**
73.13 **INFECTIOUS DISEASE.**

73.14 Subpart 1. **Separation Policy.** A facility shall ~~develop~~ have a written policy and
73.15 procedure ~~which will address~~ that addresses the management of serious and infectious
73.16 diseases. This policy and procedure shall be updated as new information becomes
73.17 available. (~~Mandatory~~)

73.18 Subp. 2. **Screening.** Employees and inmates shall be screened for tuberculosis
73.19 according to Minnesota Statutes, section 144.445. The Department of Corrections adopts
73.20 by reference Minnesota Department of Health requirements for tuberculosis screening of
73.21 employees and inmates in facilities governed by this chapter. (~~Mandatory~~)

73.22 **2911.7100 INMATES WITH SPECIAL NEEDS.**

73.23 Subpart 1. **Postadmission screening.** The facility written policy and procedure shall
73.24 require postadmission screening and referral for care of inmates with special needs, whose
73.25 adaptation to the correctional environment is significantly impaired. (~~Mandatory~~)

74.1 Subp. 2. **Inmates with special needs.** For the purposes of this part, an inmate with
74.2 special needs shall include, but need not be limited to, those with functional impairments,
74.3 those defined as mentally ill, those defined as developmentally disabled, ~~those defined~~
74.4 ~~as chemically dependent~~, those defined as mentally ill and dangerous to the public, and
74.5 those defined as individuals with disabilities.

74.6 Subp. 3. ~~Special needs inmate~~ **Management of inmates.** A policy and procedure
74.7 shall be developed for the management of inmates with special needs and shall include:
74.8 (~~Mandatory~~)

74.9 A. procedures ~~which~~ that require referral for emergency admission under
 74.10 Minnesota Statutes, chapter 253B, of persons considered to be mentally ill or
 74.11 developmentally disabled, and in imminent danger of injuring self or others if not
 74.12 immediately restrained; and

74.13 B. procedures for accessing and using
 emergency services according to Minnesota
 74.14 Statutes, chapter 253B, for adults who are experiencing an emotional crisis or mental
 74.15 illness.

74.16 C. ~~The facility shall have a written suicide prevention and intervention plan.~~

74.17 **2911.7200 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.**

74.18 Subpart 1. **General.** A facility shall ~~develop~~ have a policy and procedure ~~which~~
 74.19 ~~indicates that provides~~ that the facility shall:

74.20 A. be kept in good repair to protect the health, comfort, safety, and well-being of
 74.21 inmates and staff. ~~(Mandatory);~~

74.22 B. document weekly sanitation inspections; and

74.23 C. document deficiencies from the weekly sanitation inspection, if any, have been
 74.24 ordered.

75.1 Subp. 2. **Maintenance plan.** A written housekeeping plan for all areas of the physical
 75.2 plant ~~provides~~ shall provide for daily housekeeping and regular maintenance by assigning
 75.3 specific duties and responsibilities. Facility floors are kept clean, dry, and free of hazardous
 75.4 substances. A written policy and procedure shall establish the following requirements:

75.5 A. weekly sanitation inspections of all institution areas by a designated staff
 75.6 member; and

75.7 B. there is documentation that deficiencies, if any, have been corrected; ~~and.~~

75.8 ~~C. compliance with applicable laws~~
75.9 ~~and regulations of the governing jurisdiction as~~
75.10 ~~documented by an annual health inspection. (Mandatory)~~

75.10 Subp. 3. **Department rules.** Plumbing, sewage disposal, solid waste disposal, and
75.11 plant maintenance conditions ~~must~~ comply with rules ~~required by the~~ of:

75.12 A. the Minnesota State Building Code;₂

75.13 B. the Minnesota Fire Marshal's Office;₂

75.14 C. the Minnesota Department of Health;₂

75.15 D. the Minnesota Department of Labor and Industry (O.S.H.A.);₂ and

75.16 E. other ~~departmental rules having the force of law~~ local government.
(Mandatory)

75.17 Subp. 4. **Plan.** A facility shall establish
75.18 a plan for the daily inspection of housekeeping,
75.19 sanitation, and plant maintenance. (Mandatory)

75.19 Subp. 5. **Cost list of needed supplies and repairs.** The facility administrator shall
75.20 submit to the governing body a list of repairs and supplies needed in order to maintain the
75.21 facility. This shall be done on a monthly basis or as part of the annual budget. (Mandatory)

76.1 **2911.7300 FIRE INSPECTION.**

76.2 Subpart 1. **Annual inspection.** Each facility shall by policy require that a fire
76.3 inspection of the facility must be conducted in accordance with the applicable fire code on
76.4 an annual basis by a state fire marshal or local fire official. (Mandatory)

76.5 Subp. 2. **Documentation.** Documentation of the inspection and any orders resulting
76.6 from the inspection must be maintained and available to the ~~department~~ DOC.

76.7 [For text of subp 3, see M.R.]

76.8 Subp. 4. **Weekly inspection.** There shall be an applicable fire code and safety
76.9 inspection of the ~~institution~~ facility at least weekly by a designated staff member.

76.10 [For text of subp 5, see M.R.]

76.11 **2911.7400 POLICIES AND PROCEDURES TO DETECT DETERIORATION OF**
76.12 **BUILDING AND EQUIPMENT.**

76.13 The facility administrator or designee shall ~~develop~~ have policies and procedures
76.14 designed to detect building and equipment deterioration, safety hazards, and unsanitary
76.15 conditions. Policies and procedures shall include requirements that facility staff report
76.16 unsanitary and unsafe conditions as well as physical plant and equipment repairs and
76.17 replacement needs; and documentation that appropriate work orders or requests for budget
76.18 resources to effect needed repair, replacement, or corrections have been made.

76.19 **2911.7500 ELIMINATION OF CONDITIONS CONDUCTIVE TO VERMIN AND**
76.20 **PESTS.**

76.21 The facility policy shall ~~ensure that there is~~ have a written plan for the control and
76.22 elimination of vermin and pests. ~~(Mandatory)~~

76.23 **2911.7600 WASTE DISPOSAL.**

76.24 Facility policy shall ensure that the facility provides ~~for~~ a waste disposal system;
76.25 ~~according to an approved plan by the appropriate regulatory agency.~~ ~~(Mandatory)~~

77.1 **REPEALER.** Minnesota Rules, parts 2911.0200, subparts 8, 18, 21, 33, 34, 37, 43, 47,
77.2 53, 54, 63, 65, 68, 69, 70, and 72; 2911.0300, subpart 5; 2911.0330, subpart 1; 2911.0340,
77.3 subpart 2; 2911.0350; 2911.0400, subpart 3; 2911.0900, subparts 13 and 16; 2911.2000;
77.4 2911.2800, subparts 3 and 5; 2911.3000; 2911.3900, subparts 5 and 9; 2911.4800, subparts
77.5 2, 3, and 4; 2911.5000, subpart 2; 2911.5600; 2911.6000, subpart 1; 2911.6200, subpart 4;
77.6 and 2911.6600, subpart 13, are repealed.