

1.1 **Department of Corrections**

1.2 **Proposed Permanent Rules Relating to Municipal Lockup Facilities**

1.3 **2945.0100 DEFINITIONS.**

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

1.5 Subp. 2. [See repealer.]

1.6 Subp. 3. **Approved capacity.** "Approved capacity" means the maximum number of
1.7 ~~prisoners~~ detainees that any cell, room, unit, building, facility, or combination of them is
1.8 approved for in compliance with the standards.

1.9 Subp. 4. **Average daily population.** "Average daily population" means the average
1.10 number of ~~prisoners~~ detainees residing daily during the last calendar year. ~~Prisoners~~
1.11 Detainees on furlough or hospitalized are excluded.

1.12 Subp. 5. **Class I municipal ~~holding~~ lockup facility.** "Class I municipal ~~holding~~
1.13 lockup facility" means an adult detention facility operated by a municipal government
1.14 used to confine ~~prisoners~~ detainees for more than 48 hours and no more than 72 hours,
1.15 excluding weekends and holidays.

1.16 Subp. 6. **Class II municipal ~~holding~~ lockup facility.** "Class II municipal ~~holding~~
1.17 lockup facility" means an adult detention facility operated by a municipal government
1.18 used to confine ~~prisoners~~ detainees for up to 48 hours excluding weekends and holidays.

1.19 Subp. 7. **Class III municipal ~~holding~~ lockup facility.** "Class III municipal ~~holding~~
1.20 lockup facility" means an adult detention facility operated by a municipal government
1.21 used to confine ~~prisoners~~ detainees for up to 16 hours.

1.22 Subp. 8. **Class IV municipal ~~holding~~ lockup facility.** "Class IV municipal ~~holding~~
1.23 lockup facility" means an adult detention facility operated by a municipal government
1.24 used to confine ~~prisoners~~ detainees for up to four hours.

1.25 [For text of subps 9 and 10, see M.R.]

2.1 Subp. 11. **Contraband.** "Contraband" means those items designated by the
2.2 municipal ~~jail~~ lockup facility as prohibited on the physical premises of the facility.

2.3 [For text of subps 12 and 13, see M.R.]

2.4 Subp. 14. **Custody personnel.** "Custody personnel" means those staff members or
2.5 employees who are responsible for the custody and supervision of ~~prisoners~~ detainees.

2.6 [For text of subp 15, see M.R.]

2.7 Subp. 15a. **Prisoner Detainee.** "Prisoner Detainee" means an individual, adult or
2.8 juvenile, detained or confined in a local facility.

2.9 Subp. 16. [See repealer.]

2.10 Subp. 17. **Emergency.** "Emergency" means a significant incident or disruption of
2.11 normal facility procedures, policies, routines, or activities arising from events such as:
2.12 fire, riot, natural disaster, suicide, assault, or medical emergency.

2.13 Subp. 18. [See repealer.]

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

2.15 Subp. 20. **Holding cell.** "Holding cell" means a cell or room in a ~~holding~~ lockup
2.16 facility used to hold one or more persons temporarily while awaiting release, booking,
2.17 court appearance, transportation, or interrogation.

2.18 [For text of subp 21, see M.R.]

2.19 Subp. 22. [See repealer.]

2.20 Subp. 23. [Renumbered subp 32a]

2.21 Subp. 24. **Local facility.** "Local facility" means any city, ~~county, city and county, or~~
2.22 ~~multiple county corrections facility~~ lockup.

2.23 Subp. 25. [See repealer.]

3.1 Subp. 26. [See repealer.]

3.2 Subp. 27. ~~Medicine~~ **Medication.** "~~Medicine~~" "Medication" means a remedial agent
3.3 that has the property of curing, preventing, treating, or mitigating diseases, or that is used
3.4 for that purpose. For the purpose of this chapter, ~~medicine~~ medication includes ~~legend~~
3.5 prescription and ~~nonlegend drugs~~ nonprescription medications.

3.6 Subp. 28. [See repealer.]

3.7 Subp. 29. [See repealer.]

3.8 Subp. 30. [See repealer.]

3.9 [For text of subp 31, see M.R.]

3.10 Subp. 32. **Policy.** "Policy" means a written statement declaring mission; and
3.11 purpose; and ideological position.

3.12 Subp. 32a. ~~Legend drug~~ **Prescription medication.** "~~Legend drug~~" "Prescription
3.13 medication" means a ~~drug~~ medication required by federal law to bear the following
3.14 statement: "Caution: Federal law prohibits dispensing without prescription."

3.15 Subp. 33. [Renumbered subp 15a]

3.16 [For text of subp 34, see M.R.]

3.17 Subp. 34a. **Special management detainee.** "Special management detainee" means a
3.18 detainee who presents a serious threat to safety or security of the facility, staff, general
3.19 detainee population, or self.

3.20 Subp. 34b. **Special needs detainee.** "Special needs detainee" means a detainee
3.21 whose mental or physical condition requires special handling and treatment by staff.

3.22 Subp. 35. [See repealer.]

3.23 Subp. 36. [See repealer.]

3.24 [For text of subp 37, see M.R.]

4.1 Subp. 38. **Variance.** "Variance" means ~~the waiver of~~ an exception to a specific
4.2 rule or rules for a specified period of time.

4.3 **2945.0120 INTENDED USE; NONCONFORMANCE; LIMITATIONS OF RULES**
4.4 **AND NONCOMPLIANCE.**

4.5 Subpart 1. **Intended use.** A facility should be used only for classifications for which
4.6 it is intended. This chapter does not regulate ~~municipal police facilities or court holding~~
4.7 ~~rooms;~~ a Class IV municipal lockup facility or municipal police facility that:

4.8 A. includes an administrative processing area used to detain a person for up
4.9 to four hours;

4.10 B. for a municipal police facility only, is specifically designed to be
4.11 nonresidential;

4.12 C. has audio capacity, visual capacity, or both;

4.13 D. is normally not locked except for routine security reasons; and

4.14 E. is used long enough for identification, transfer arrangements, or release of a
4.15 detained person to a responsible person.

4.16 ~~A. Class I municipal holding facilities must meet the standards of chapter 2910.~~

4.17 ~~B. Class II municipal holding facilities must meet all parts, subparts, items, and~~
4.18 ~~subitems which are designated as mandatory standards in this chapter and 70 percent of all~~
4.19 ~~parts, subparts, items, and subitems in this chapter which are directory standards.~~

4.20 ~~C. Class III municipal holding facilities must meet all parts, subparts, items,~~
4.21 ~~and subitems which are designated as mandatory standards in this chapter and 70 percent~~
4.22 ~~of all parts, subparts, items, and subitems in this chapter which are directory standards and~~
4.23 ~~which are applicable to Class III municipal holding facilities.~~

4.24 ~~D. Class IV municipal holding facilities must meet all parts, subparts, items,~~
4.25 ~~and subitems which are designated as mandatory standards in this chapter and 70 percent~~

5.1 of all parts, subparts, items, and subitems in this chapter which are directory standards and
5.2 which are applicable to Class IV municipal holding facilities.

5.3 E. ~~When "shall" or "must" are used in conjunction with a directory standard, the~~
5.4 ~~mandatory implications of those terms are limited to the extent part 2945.0100, subpart~~
5.5 ~~36, defines the requirement of 70 percent directory standard compliance as a prerequisite~~
5.6 ~~for facility licensing.~~

5.7 Subp. 1a. Rule compliance.

5.8 A. A Class I municipal lockup facility must comply with rules governing adult
5.9 detention facilities under chapter 2911.

5.10 B. A Class II or III municipal lockup facility must comply with 100 percent of
5.11 the following rules unless specifically excluded under that rule:

5.12 (1) part 2945.0130, subpart 3;

5.13 (2) part 2945.0510, subpart 1;

5.14 (3) part 2945.0530, subparts 2, 3, 4, 5, and 6;

5.15 (4) part 2945.1000, subparts 2 and 3;

5.16 (5) part 2945.2100;

5.17 (6) part 2945.2510, subpart 2;

5.18 (7) part 2945.2520, subpart 1;

5.19 (8) part 2945.2530, subparts 3 and 6;

5.20 (9) part 2945.2540, subpart 2;

5.21 (10) part 2945.2550, subparts 1 and 4;

5.22 (11) part 2945.3420;

5.23 (12) part 2945.3430;

- 6.1 (13) part 2945.4700, subpart 1;
- 6.2 (14) part 2945.4710, subpart 2;
- 6.3 (15) part 2945.4740, subpart 3;
- 6.4 (16) part 2945.4750;
- 6.5 (17) part 2945.5400;
- 6.6 (18) part 2945.5430, subparts 1, 4, and 5;
- 6.7 (19) part 2945.5450, subparts 1 and 4, item B;
- 6.8 (20) part 2945.5455;
- 6.9 (21) part 2945.5460;
- 6.10 (22) part 2945.5470; and
- 6.11 (23) part 2945.5490, subparts 3, 6, 9, and 10.

6.12 C. A Class II or III municipal lockup facility must comply with at least 90
6.13 percent of parts 2945.0120 to 2945.5490 that are not listed in item B or do not specifically
6.14 exclude that type of facility.

6.15 Subp. 2. ~~Nonconformance;~~ **Noncompliance; unsafe, unsanitary, or illegal**
6.16 **conditions.** When conditions do not substantially conform to ~~this chapter~~ subpart 1a, or
6.17 where specific conditions endanger the health, welfare, or safety of ~~prisoners~~ detainees
6.18 or staff, the ~~commissioner shall find the facility in nonconformance and condemn it by~~
6.19 ~~written order that it shall not be further used while the order is in force~~ facility's use
6.20 is restricted according to Minnesota Statutes, section 241.021, subdivision 1, or legal
6.21 proceedings to condemn the facility will be initiated according to Minnesota Statutes,
6.22 section 641.26 or 642.10.

7.1 **2945.0130 VARIANCES.**

7.2 Subpart 1. **Variances; general.** The granting of a variance under this part does not
7.3 constitute a precedent for any other ~~adult detention~~ municipal lockup facility. The granting
7.4 and denial of all variances shall be in writing and made within 30 days of the request for a
7.5 variance. The variance will be granted by the commissioner if, in the licensing procedure
7.6 or enforcement of the standards in this chapter:

7.7 A. requirements for ~~an adult detention~~ a municipal lockup facility to strictly
7.8 comply with one or more of the provisions will result in undue financial hardship or
7.9 jeopardize the health, safety, security, detention, or well-being of the residents or facility
7.10 staff;

7.11 B. the ~~adult detention~~ municipal lockup facility is otherwise in substantial
7.12 ~~conformity~~ compliance with the standards contained in this chapter or making satisfactory
7.13 progress toward substantial ~~conformity~~ compliance;

7.14 C. granting of the variance will not preclude the facility from making
7.15 satisfactory progress toward substantial ~~conformity~~ compliance with this chapter;

7.16 D. ~~the~~ granting of the variance will not leave the interests and well-being of the
7.17 ~~residents~~ detainees and staff unprotected; and

7.18 E. the facility will take action to comply with the general purpose of the
7.19 ~~standards~~ this chapter to the fullest extent possible.

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

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

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

8.1 **2945.0510 STAFF RECRUITMENT.**

8.2 Subpart 1. [Renumbered 2945.0530, subp 1a]

8.3 Subp. 2. [Renumbered 2945.0530, subp 1b]

8.4 **2945.0520 [Renumbered 2945.0530, subp 3a]**

8.5 **2945.0530 STAFFING REQUIREMENTS.**

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

8.9 Subp. 1a. **Discrimination prohibited.** There must not be discrimination based on
8.10 race, color, religion, sex, or national origin.

8.11 Subp. 1b. **Staff selection.** The selection, appointment, and promotion of facility
8.12 personnel must be based on assessed ability. Custody personnel must be a minimum of
8.13 18 years old. Recruitment standards must set forth the basic requirements of ability,
8.14 preparatory experience, physical condition, and character, and those qualities that may
8.15 disqualify an individual from selection, appointment, or promotion.

8.16 Subp. 2. **Staff person in charge (mandatory).** There must be a designated staff
8.17 person in charge of the facility. In the absence of the regular facility supervisor, a staff
8.18 person must be designated in charge.

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

8.22 Subp. 3a. **Extra duty.** An employee shall be scheduled for no more than 12
8.23 hours consecutive work in any 24 hours except where unusual circumstances require
8.24 reasonable and prudent exception. Coverage needs for vacations, military leave, jury
8.25 duty, scheduled training, and similar activities are not unusual circumstances requiring

9.1 reasonable and prudent exception. Each of these coverage needs must be known to the
 9.2 facility administration with sufficient lead time to allow proactive scheduling to maintain
 9.3 compliance with the 12-hour standard requirements.

9.4 Subp. 4. **Opposite sex gender policy (mandatory).** There must be a policy
 9.5 consistent with state statute that provides procedures to be followed by staff with regards
 9.6 to the types of supervision provided to ~~prisoners~~ detainees of the opposite sex gender.

9.7 Subp. 5. **Assistance for ~~dispatcher/~~ dispatch or custody staff person (mandatory).**
 9.8 In facilities that use the ~~dispatcher/~~ dispatch or custody position as sole supervision, the
 9.9 ~~dispatcher/~~ dispatch or custody staff person must be assisted on duty by another custody
 9.10 staff person when the jail lockup population exceeds 15. ~~This requirement applies only~~
 9.11 ~~during shifts when prisoners are not in lockup status.~~

9.12 Subp. 6. **Reporting incidents and responding to emergencies (mandatory).** A
 9.13 combination of staff and physical plant resources shall provide the capability of responding
 9.14 to emergencies and the completion of incident reports on all special occurrences.

9.15 Subp. 7. **Ancillary functions.** Personnel must be provided to perform ancillary
 9.16 functions such as transportation or court functions such as ~~transportation or court escort~~ to
 9.17 the extent necessary to ensure security and supervision of ~~prisoners~~ detainees.

9.18 **2945.1000 STAFF TRAINING PLAN.**

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

9.20 Subp. 2. [See repealer.]

9.21 Subp. 3. **Other health and safety training (mandatory).** Each facility shall
 9.22 ~~develop, in cooperation with a responsible health authority,~~ a training program which
 9.23 provides instruction in the following areas:

9.24 A. procedures for responding to health-threatening situations ~~within four~~
 9.25 ~~minutes;~~

10.1 [For text of items B and C, see M.R.]

10.2 D. recognition of signs and symptoms of mental illness, ~~retardation~~, suicide
10.3 risk, emotional disturbance, and chemical ~~dependency~~ withdrawal;

10.4 [For text of items E and F, see M.R.]

10.5 **2945.1600 GUIDELINES AND RESPONSIBILITIES.**

10.6 Each facility supervisor shall develop written guidelines that define responsibilities,
10.7 duties, and qualifications of the persons working in the ~~detention~~ municipal lockup facility.

10.8 **2945.1610 POLICY AND PROCEDURE MANUALS.**

10.9 Policies and procedures concerning the facility's operation must be ~~made available~~
10.10 accessible to employees at the time of employment and as when revised ~~after that time~~.
10.11 The policy and procedure manual shall be reviewed at least annually.

10.12 **2945.2100 MAINTENANCE OF RECORDS AND REPORTS.**

10.13 ~~Subpart 1. **Mandatory Records.**~~ The following records, reports, and statistics must
10.14 be maintained (~~mandatory~~):

- 10.15 A. admission and release records;
- 10.16 B. special occurrence records; ~~and~~
- 10.17 C. ~~registers~~; facility logs;

10.18 ~~Subp. 2. **Directory records.**~~ The following records, reports, and statistics must
10.19 ~~be maintained~~:

- 10.20 ~~A. D.~~ prisoner detainee personal property records;
- 10.21 ~~B. E.~~ clothing, linen, and laundry records (~~not applicable~~ except that this item
10.22 does not apply to Class III ~~and IV~~ municipal holding lockup facilities);
- 10.23 ~~C. records of budget requests and work orders (not applicable to Class III and~~
10.24 ~~IV municipal holding facilities);~~

- 11.1 ~~D. records of policies and procedures;~~
- 11.2 ~~E. F.~~ employee personnel records;
- 11.3 ~~F. G.~~ records of staff training;
- 11.4 ~~G. accounting records (not applicable to Class III and IV municipal holding~~
- 11.5 ~~facilities);~~
- 11.6 H. food service records;
- 11.7 ~~I. daily logs;~~
- 11.8 ~~J. I.~~ medical and dental records information identified at intake and treatment
- 11.9 provided during detention; and
- 11.10 ~~K. J.~~ detainee disciplinary records.

11.11 ~~The department shall make available on request sample approved forms of items A~~

11.12 ~~to K.~~ Records shall be retained according to city policy. Space must be provided for the

11.13 safe storage of records.

11.14 **2945.2130 ACCESS TO PRISONER DETAINEE RECORDS (MANDATORY).**

11.15 Access to ~~prisoner~~ detainee records shall be provided in conformity with state data

11.16 privacy law.

11.17 **2945.2140 DETENTION INFORMATION SYSTEM REQUIREMENTS.**

11.18 The facility administrator shall designate a staff person to report to the department, at

11.19 least weekly, information on persons detained in the facility.

11.20 **2945.2500 SEPARATION OF PRISONERS (MANDATORY) DETAINEES.**

11.21 Subpart 1. **General.** A combination of separate living spaces, sanitation facilities,

11.22 activity spaces, cell units, and detention rooms shall be provided to properly segregate

11.23 ~~prisoners under Minnesota Statutes, section 641.14~~ detainees.

11.24 Subp. 2. **Prisoners Detainees to be housed separately.**

- 12.1 A. The following ~~prisoners~~ detainees must be housed separately:
- 12.2 ~~A.~~ (1) female ~~prisoners~~ detainees from male ~~prisoners~~ detainees;
- 12.3 ~~B.~~ (2) juvenile ~~prisoners~~ detainees from adult ~~prisoners~~ detainees; and
- 12.4 (3) special management detainees from other detainees.
- 12.5 ~~C. mentally ill prisoners from all other prisoners.~~
- 12.6 B. Special needs detainees may need to be housed separately from all other
- 12.7 detainees.

12.8 Subp. 3. **Separation by sight and sound.** Juvenile ~~prisoners~~ detainees must be

12.9 separated from adult ~~prisoners~~ detainees by sight and sound.

12.10 **2945.2510 INFORMATION TO PRISONERS DETAINEES; DISCIPLINE;**

12.11 **RESTRAINT.**

12.12 Subpart 1. **Information to ~~prisoners~~ detainees.** ~~Minimal Rules for prisoner detainee~~

12.13 behavior must be posted in a conspicuous place or provided to the ~~prisoner~~ detainee.

12.14 Subp. 2. **Official charge, legal basis for detention (mandatory).** Every ~~prisoner~~

12.15 detainee admitted to a facility must be advised of the official charge or legal basis for

12.16 detention and confinement, information gathered, and to whom disseminated.

12.17 Subp. 3. **Limitations on disciplinary actions.** ~~The decision to deprive a prisoner of~~

12.18 ~~articles of clothing and bedding as a result of the prisoner's destruction of those items must~~

12.19 ~~be reviewed by the officer in charge during each eight-hour period, and the review must~~

12.20 ~~be documented.~~ The delegation of authority to a ~~prisoner~~ detainee or group of ~~prisoners~~

12.21 detainees to exercise the right of punishment over another ~~prisoner~~ detainee or group

12.22 of ~~prisoners~~ detainees shall be prohibited.

12.23 No ~~prisoner~~ detainee may be deprived of the use of materials necessary to maintain

12.24 an acceptable level of personal hygiene. Items such as toilet paper and soap and water

12.25 must be made available and provided upon request.

13.1 Subp. 4. **Instruments of restraint.** Instruments of restraint, ~~such as handcuffs,~~
13.2 ~~chains, irons, and straitjackets~~ must not be used as punishment.

13.3 A. Instruments of restraint must not be used except in the following
13.4 circumstances:

13.5 [For text of subitems (1) and (2), see M.R.]

13.6 (3) by order of the facility administrator or person in charge in order to
13.7 prevent a ~~prisoner~~ detainee from injuring himself or herself, others, or from damaging
13.8 property.

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

13.10 C. ~~Instruments of restraint must not be applied for any longer time than is~~
13.11 ~~strictly necessary~~ When reasons for restraint under item A no longer exist, the restraints
13.12 must be removed.

13.13 [For text of item D, see M.R.]

13.14 Subp. 5. [See repealer.]

13.15 **2945.2520 PRISONER DETAINEE VISITATION.**

13.16 Subpart 1. **Initial visits for juveniles (mandatory).** The initial visit for parents,
13.17 guardians, and attorneys must be permitted at any time. Visits by parents, guardians, and
13.18 attorneys with juvenile detainees must be as unrestricted as administratively possible.

13.19 Subp. 2. **Visiting plan.** Each facility administrator shall develop and implement a
13.20 ~~prisoner~~ detainee visiting policy. The policy shall be in writing and shall provide at a
13.21 minimum:

13.22 A. that ~~prisoners~~ detainees be allowed nonmonitored visits with the ~~prisoner's~~
13.23 detainee's attorney; and

14.1 B. ~~A schedule that specifies days and times for visits (not applicable to Class~~
14.2 ~~III and IV municipal holding facilities.)~~

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

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

14.8 E. B. that when a visit to a prisoner detainee is denied on the belief that the visit
14.9 might endanger the security of the facility, the action and reasons for denial be documented.

14.10 F. ~~That visitors must register, giving name, address, relationship to prisoner, and~~
14.11 ~~nature of business.~~

14.12 G. ~~That visiting must not be audio monitored.~~

14.13 H. ~~That visits by parents, guardians, and attorneys with juvenile prisoners be as~~
14.14 ~~unrestricted as is administratively possible.~~

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

14.19 **2945.2530 CORRESPONDENCE.**

14.20 Subpart 1. [Renumbered subp 5a]

14.21 Subp. 1a. **Exclusion.** Class III municipal lockup facilities are excluded from the
14.22 requirements of subparts 2 to 6.

15.1 Subp. 2. **Unrestricted volume of mail.** The volume of written mail to or from a
15.2 prisoner detainee must not be restricted (~~not applicable to Class III and Class IV municipal~~
15.3 ~~holding facilities~~).

15.4 Subp. 3. **Inspection and censorship (mandatory).** Mail must not be read or censored
15.5 if it is between a prisoner detainee and an elected official, officials of the department,
15.6 ~~the ombudsman for corrections~~, attorneys, or other officers of the court. Inspection of
15.7 incoming mail from this group is permitted in the presence of the prisoner detainee. This
15.8 ~~subpart is not applicable to Class III and Class IV municipal holding facilities~~.

15.9 Subp. 4. **Money.** Cash, checks, or money orders should be removed from incoming
15.10 mail and ~~credited to a prisoner's account (not applicable to Class III and Class IV~~
15.11 ~~municipal holding facilities)~~ put in the detainee's personal property.

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

15.15 Subp. 5a. **Plan for prisoner detainee mail.** A facility administrator shall develop
15.16 a plan for prisoner detainee mail consistent with established legal rights of prisoners
15.17 detainees and facility rules which are reasonable and necessary to protect the facility's
15.18 security (~~not applicable to Class III and Class IV municipal holding facilities~~).

15.19 Subp. 6. **Sacred books (mandatory).** Upon request, a prisoner detainee must be
15.20 provided a copy of the Bible or sacred book of another religion at the expense of the
15.21 appointing authority when available. These books may be made available to detainees
15.22 by the facility through the local library or other community resources and limited to the
15.23 detainee's period of confinement.

16.1 **2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.**

16.2 Subpart 1. **Bedding.** ~~Upon request, or after eight hours, each prisoner shall be issued~~
 16.3 After confinement of eight hours, a detainee shall be offered one set of clean, sanitary, and
 16.4 fire-retardant bedding (not applicable to Class IV municipal facilities).

16.5 Subp. 2. **Laundry (mandatory).** Mattresses and pillows must be sanitized between
 16.6 each detainee. Sheets must be laundered and blankets cleaned before reissuing them to
 16.7 another ~~prisoner~~ detainee.

16.8 Subp. 3. **Removing clothing and bedding.** The facility administrator shall develop
 16.9 a policy and procedure for dealing with incidents in which ~~prisoners~~ detainees misuse
 16.10 clothing or bedding. Clothing and bedding should be removed from a ~~prisoner~~ detainee
 16.11 only when the ~~prisoner's~~ detainee's behavior threatens the health, safety, or security of self,
 16.12 others, or property. The decision to deprive a detainee of articles of clothing and bedding
 16.13 as a result of the detainee's destruction of those items must be reviewed by the officer in
 16.14 charge during each eight-hour period, and the review must be documented. Clothing and
 16.15 bedding must be returned to the ~~prisoner~~ detainee as soon as it is reasonable to believe
 16.16 that the behavior that caused the action will not continue.

16.17 **2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES INCIDENTS.**

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

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

16.21 E. a procedure for evacuation of ~~prisoners~~ detainees; and

16.22 F. arrangements for temporary confinement of ~~prisoners~~ detainees.

16.23 Subp. 2. **Review of emergency ~~procedures~~ policies.** ~~There must be a documented~~
 16.24 ~~quarterly review of emergency procedures by the person in charge of the facility that~~
 16.25 ~~includes:~~ The facility administrator or designee must review the emergency policies

17.1 quarterly. Facilities with detention staff must have detention staff review the emergency
 17.2 policies quarterly.

17.3 ~~A. assignment of persons to specific tasks in case of emergency situations;~~

17.4 ~~B. instructions in the use of alarm systems and signals;~~

17.5 ~~C. systems for notification of appropriate persons outside the facility;~~

17.6 ~~D. information on the location and use of emergency equipment in the facility;~~

17.7 ~~and~~

17.8 ~~E. specification of evacuation routes and procedures.~~

17.9 Subp. 3. **Reporting of special incidents.** Incidents ~~or special occurrences~~ which
 17.10 endanger the lives or safety of staff or ~~prisoners~~ detainees or the physical plant of the
 17.11 facility must be reported. Reports must include the names of staff members and ~~prisoners~~
 17.12 detainees involved, the nature of the special ~~occurrence~~ incident, actions taken, and the
 17.13 date and time of the ~~occurrence~~ incident. Special ~~occurrences~~ incidents include, ~~but are~~
 17.14 ~~not limited to~~ for example:

17.15 [For text of items A to E, see M.R.]

17.16 F. ~~escape or runaway~~;

17.17 G. fire causing serious damage or resulting in medical treatment for staff or
 17.18 detainees;

17.19 [For text of items H and I, see M.R.]

17.20 J. other serious disturbances; ~~or~~

17.21 K. occurrences of infectious diseases and disposition of the occurrences; or

17.22 L. sexual misconduct.

18.1 ~~Special occurrences~~ An incident must be reported on forms provided by the
 18.2 ~~department or comparable forms used by the facility to the department within ten days of~~
 18.3 ~~the date of the incident in a format established by the department.~~

18.4 In the event of an emergency such as serious illness, accident, imminent death, or
 18.5 death, the ~~prisoner's~~ detainee's family or others who maintain a close relationship must be
 18.6 notified.

18.7 Subp. 4. **Prisoner Detainee death (mandatory).** When a ~~prisoner's~~ detainee's
 18.8 death occurs:

18.9 A. the date, time, and circumstances of the ~~prisoner's~~ detainee's death must be
 18.10 recorded in the ~~prisoner's~~ detainee's record;

18.11 B. if the ~~prisoner~~ detainee dies in the facility, the ~~coroner~~, medical examiner,
 18.12 or sheriff must be notified immediately;

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

18.14 D. records of a deceased ~~prisoner~~ detainee must be retained for a period of
 18.15 time in accordance with law; and.

18.16 E. ~~the facility administrator shall observe all pertinent laws and allow~~
 18.17 ~~appropriate investigating authorities full access to all facts surrounding the death.~~

18.18 Subp. 5. **Mass arrest.** A facility shall have a written plan that governs procedures to
 18.19 be followed in the event of a mass arrest that exceeds the approved capacity of the facility.

18.20 **2945.3410 FREQUENCY OF MEALS.**

18.21 There must be no more than 14 hours between a ~~substantial~~ an evening meal and
 18.22 breakfast. ~~Where prisoners are not routinely absent from the facility for work or other~~
 18.23 ~~purposes;~~ At least three meals must be made available at regular times during each 24-hour
 18.24 period (not applicable to Class IV municipal holding facilities).

19.1 **2945.3420 THERAPEUTIC DIETS (~~MANDATORY~~).**

19.2 A facility housing ~~prisoners~~ detainees in need of medically prescribed therapeutic
19.3 diets must document that the diets are provided as ordered by the attending physician (~~not~~
19.4 ~~applicable to Class IV municipal holding facilities~~).

19.5 **2945.3430 USE OF FOOD IN DISCIPLINE (~~MANDATORY~~).**

19.6 Food must not be withheld as punishment (~~not applicable to Class IV municipal~~
19.7 ~~holding facilities~~).

19.8 **2945.3450 HOT MEAL MINIMUM.**

19.9 A minimum of one hot meal must be provided for each 24 hours of confinement (~~not~~
19.10 ~~applicable to Class III and Class IV municipal holding facilities~~). Class III municipal
19.11 lockup facilities are excluded from the requirement of this part.

19.12 **2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.**

19.13 Subpart 1. **Security policies and procedures (~~mandatory~~).** Each facility must have
19.14 and adhere to written security policies and procedures which provide for at a minimum
19.15 the following:

19.16 A. the control and recovery of contraband;

19.17 B. the prohibition on firearms in ~~prisoner~~ detainee areas; and

19.18 C. that all ~~prisoners~~ detainees are personally observed by an employee at least
19.19 every 30 minutes, but on an irregular schedule; more frequent observation is required
19.20 for those ~~prisoners~~ detainees who are violent, suicidal, mentally disordered, or who
19.21 ~~demonstrate unusual or bizarre behavior~~ special management or special needs detainees.

19.22 Subp. 2. [See repealer.]

19.23 **2945.4710 ADMISSIONS.**

19.24 Subpart 1. **Admission policies.** Admission policies and procedures must ~~include~~
19.25 address the following:

20.1 A. a thorough search of all ~~admissions and prisoners on release status returning~~
20.2 ~~to the facility~~ detainees;

20.3 B. showering and delousing ~~facilities (except that Class III and IV municipal~~
20.4 ~~holding lockup~~ facilities must have some type of facilities for ~~prisoners~~ detainees to wash
20.5 up if showers are not available);

20.6 C. an assessment of health status;

20.7 D. security classification (~~not applicable to Class III and IV municipal holding~~
20.8 ~~facilities~~) such as special management;

20.9 E. inventory and secure storage of ~~prisoner's~~ detainee's property;

20.10 [For text of items F and G, see M.R.]

20.11 Subp. 2. **Identification (mandatory).** No ~~prisoners~~ detainees may be received or
20.12 released by the staff of a facility until the arresting or escorting officer has produced
20.13 proper credentials or until the proper documents have been completed, identifying the
20.14 purpose for detention or release.

20.15 Subp. 3. **Privacy.** All intake procedures must be conducted in a manner and location
20.16 that assures the personal privacy of the ~~prisoner~~ detainee and the confidentiality of the
20.17 transaction.

20.18 **2945.4720 RELEASES.**

20.19 Subpart 1. **Return of ~~prisoner~~ detainee property.** Upon release of a ~~prisoner~~
20.20 detainee, the property of that ~~prisoner~~ detainee, unless held for authorized investigation
20.21 or litigation, must be returned with a receipt for the ~~prisoner~~ detainee to sign or for the
20.22 transporting officer to sign.

20.23 Subp. 2. **Transportation. Prisoners Detainees** must be permitted to make
20.24 arrangements for transportation before release.

21.1 Subp. 3. **No release in intemperate severe weather.** No ~~prisoner~~ detainee may be
21.2 released in intemperate severe weather without proper clothing to ensure in a manner to
21.3 endanger the prisoner's detainee's health and comfort, safety, or well-being.

21.4 **2945.4730 SEARCHES AND SHAKEDOWNS.**

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

21.6 Subp. 2. **Regular inspection of facility.** The facility must be ~~regularly~~ inspected
21.7 weekly for contraband, evidence of breaches in security, and inoperable security
21.8 equipment. Facility inspections must be documented.

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

21.10 **2945.4740 LOCKS AND KEYS.**

21.11 Subpart 1. **General (mandatory).** All keys to security locks must be properly tagged
21.12 and stored in a secure cabinet within a secure area, and out of reach of the ~~prisoners~~
21.13 detainees or the public. At least one complete set of facility keys must be kept on hand
21.14 for replacement purposes. Keys that serve a critical security purpose must be easily
21.15 identifiable and never issued to facility staff except upon order of the facility administrator
21.16 or person in charge, and in accordance with established procedure. No security keys
21.17 may be made available to ~~prisoners~~ detainees regardless of status. All electronic locking
21.18 systems must have a manual override. A set of keys must be available outside the secure
21.19 perimeter in case of an emergency.

21.20 Subp. 2. **Regular inspection.** Locks to security doors or gates must be inspected
21.21 ~~regularly~~ weekly by facility staff to ensure efficient operation. Inspections of locks must
21.22 be documented.

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

22.1 **2945.4750 DANGEROUS MATERIALS (MANDATORY).**

22.2 Materials dangerous to either security or safety shall be properly secured and labeled
22.3 and have a material safety data sheet.

22.4 **2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES**
22.5 **(MANDATORY).**

22.6 Subpart 1. **Availability of resources.** Each facility must have a licensed physician or
22.7 medical resource such as a hospital or clinic designated for the medical supervision and
22.8 treatment of ~~prisoners~~ detainees. Resources must insure service 24 hours a day.

22.9 Subp. 2. **Emergency dental care.** Each facility must have emergency dental care
22.10 available to ~~prisoners~~ detainees.

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

22.12 Subp. 4. **Examination of ~~prisoner~~ where detainee when medical attention**
22.13 **is necessary.** A ~~prisoner~~ detainee must be examined by trained medical personnel if
22.14 the ~~prisoner~~ detainee is visibly ill, chronically ill, or when it is suspected that medical
22.15 attention is necessary.

22.16 **2945.5420 HOSPITALIZATION OF A PRISONER DETAINEE.**

22.17 Subpart 1. ~~Agreement between facility and hospital~~ **Policy.** Each facility must
22.18 have ~~an agreement with a hospital in the same or nearby community permitting a policy~~
22.19 for admission of a ~~prisoner~~ detainee to a hospital on the recommendation of the attending
22.20 physician.

22.21 Subp. 2. **Guarding of ~~prisoner~~ detainee.** When a ~~prisoner~~ detainee requires
22.22 hospitalization, the ~~prisoner~~ detainee must be guarded 24 hours a day unless the ~~prisoner~~
22.23 detainee is not in need of supervision or the ~~prisoner~~ detainee is medically incapacitated
22.24 in the opinion of the attending physician.

23.1 **2945.5430 FIRST AID.**

23.2 Subpart 1. **First aid and CPR training of personnel (mandatory).** Custody
23.3 ~~personnel responsible for the supervision, safety, and well-being of prisoners must~~
23.4 ~~be trained in emergency first aid.~~ A facility must have a training program to provide
23.5 instruction on the administration of first aid and cardiopulmonary resuscitation (CPR). All
23.6 staff must be trained in first aid and CPR at least once every two years.

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

23.8 Subp. 4. **Medical or dental records (mandatory).** ~~Records must be maintained on~~
23.9 ~~prisoners under medical or dental care. The records must~~ If a detainee receives medical or
23.10 dental care while in custody, records must be maintained and include at a minimum:

23.11 A. the limitations and disabilities of the ~~prisoner~~ detainee;

23.12 B. instructions for ~~prisoner~~ detainee care;

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

23.14 F. times and dates when the ~~prisoner~~ detainee was seen by medical personnel
23.15 and the names of the personnel.

23.16 Subp. 5. **Data practices.** The medical record file must be maintained according to
23.17 the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

23.18 **2945.5440 PREVENTIVE HEALTH SERVICES.**

23.19 Subpart 1. **Written plan for personal hygiene.** The facility administrator shall
23.20 develop and implement a written plan for personal hygiene practices of all ~~prisoners~~
23.21 detainees with special assistance for those ~~prisoners~~ detainees who are unable to care for
23.22 themselves (~~not applicable for Class III and Class IV municipal holding facilities~~).

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

24.1 Subp. 3. **Bathing.** A ~~prisoner~~ detainee must be permitted daily washing (~~not~~
24.2 ~~applicable to Class IV municipal holding facilities~~). Upon request, detainees shall receive
24.3 personal hygiene items including, at a minimum, soap, toothbrush, toothpaste, and, if
24.4 appropriate, feminine hygiene items.

24.5 Subp. 4. [See repealer.]

24.6 **2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE**
24.7 **MEDICATION.**

24.8 Subpart 1. ~~Legend drugs (mandatory)~~ **Prescription medication.** Facility policy
24.9 shall prohibit stock supplies of ~~legend drugs~~ prescription medications.

24.10 Subp. 2. **Delivery by unlicensed staff.** The delivery of ~~legend drugs~~ prescription
24.11 medications by unlicensed staff must be under the direction of a ~~consulting~~ physician.

24.12 Subp. 3. **Policy for storage, delivery, and control of medicine medication.** A
24.13 facility administrator, ~~in consultation with a licensed physician or physician trained~~
24.14 ~~paramedic~~, shall develop procedures for the secure storage of medicine medication. The
24.15 policy must include at a minimum the following storage requirements:

24.16 A. medicine medication be stored in a locked area;

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

24.18 C. medicine medication requiring refrigeration be refrigerated and secured;

24.19 D. ~~prisoners~~ detainees not be permitted in the medicine medication storage area;

24.20 E. only staff authorized to deliver medicine medication may have access to keys
24.21 for the medicine medication storage area;

24.22 F. prescribed medicine medication be kept in its original container, bearing the
24.23 original label; and

25.1 G. poisons and ~~medieine~~ medication intended for external use be clearly marked
25.2 and stored separately from ~~medieine~~ medication intended for internal use.

25.3 Subp. 4. **Procedures for delivery of medieine medication.**

25.4 A. Each facility must adopt procedures for the delivery of ~~medieine~~ medication.

25.5 ~~A~~ B. The procedures must include the following (~~mandatory~~):

25.6 (1) requirements that ~~medieine~~ medication administered by injection must
25.7 be administered by a physician, registered nurse, or licensed practical nurse. Diabetics
25.8 under physician order and direct staff supervision must be permitted to self-administer
25.9 insulin;

25.10 (2) requirements that no ~~prisoner~~ detainee while receiving ~~legend drugs~~
25.11 prescription medication may receive any ~~nonlegend drug~~ nonprescription medication
25.12 without the approval of the attending physician;

25.13 (3) procedures for reporting to the physician any adverse reactions to drugs.
25.14 Any reports shall be included in the ~~prisoner's~~ detainee's file;

25.15 (4) procedures for reporting the attending physician a ~~prisoner's~~ detainee's
25.16 refusal of ~~prescribed medieine~~ prescription medication, and an explanation made in the
25.17 ~~prisoner's~~ detainee's record;

25.18 (5) procedures for ensuring that no ~~prisoner~~ detainee is deprived of
25.19 ~~medieine~~ medication as prescribed because of penalty or staff retaliation;

25.20 (6) procedures that prohibit the delivery of ~~medieine~~ medication by
25.21 ~~prisoners;~~ detainees; and

25.22 (7) ~~Procedures requiring that a physician be contacted for instructions~~
25.23 ~~before the next prescribed medieine dosage time for all newly admitted prisoners who are~~
25.24 ~~either in possession of prescribed medieine or indicate a need for prescribed medieine.~~
25.25 procedures for verifying prescription medication before administering the medication.

26.1 B C. Procedures must also include at a minimum the following:

26.2 (1) ~~medicine~~ medication delivered to a ~~prisoner~~ detainee is to be
26.3 self-administered under staff supervision;

26.4 (2) there is to be a means for the positive identification of the recipient
26.5 of ~~medicine~~ medication;

26.6 (3) procedures and records to assure that ~~medicine~~ medication is delivered
26.7 in accordance with physician instructions, and by whom; and

26.8 (4) procedures for confirming that ~~medicine~~ medication delivered for
26.9 oral ingestion has been ingested.

26.10 Subp. 5. **Records of receipt; disposition of ~~drugs~~ medication.** Records of receipt,
26.11 the quantity of the ~~drugs~~ medication, and the disposition of ~~legend~~ drugs prescription
26.12 medication must be maintained in sufficient detail to enable an accurate accounting.

26.13 Subp. 6. **Medicine Medication given to ~~prisoner~~ detainee upon release.**
26.14 Prescription ~~medicine~~ medication belonging to a ~~prisoner~~ detainee must be given to the
26.15 ~~prisoner~~ detainee or to the appropriate authority upon transfer or release and shall be
26.16 recorded in the ~~prisoner's~~ detainee's file.

26.17 Subp. 7. **~~Destruction of unused prescribed medicine~~ medication.** ~~Unused~~
26.18 ~~prescribed medicine should be destroyed by incineration or by flushing into the sewer~~
26.19 ~~system~~ The destruction of medication on expiration dates or when retention is no longer
26.20 necessary or suitable must be consistent with requirements of the Pollution Control
26.21 Agency. A notation of the destruction must be made in the ~~prisoner's~~ detainee's record and
26.22 a statement of what was destroyed, who destroyed it, and how it was destroyed.

27.1 **2945.5455 TUBERCULOSIS SCREENING.**

27.2 Employees of municipal lockup facilities shall be screened for tuberculosis according
27.3 to Minnesota Statutes, section 144.445. The facilities shall follow Department of Health
27.4 requirements for tuberculosis screening of employees.

27.5 **2945.5460 REPORTING SUSPECTED COMMUNICABLE DISEASE**
27.6 **(MANDATORY).**

27.7 It is the responsibility of the facility administrator or person in charge in consultation
27.8 with the attending physician to report to the Minnesota Department of Health any known
27.9 or suspected communicable disease.

27.10 **2945.5470 SEPARATION OF PRISONERS DETAINEES SUSPECTED OF**
27.11 **HAVING A COMMUNICABLE DISEASE (MANDATORY).**

27.12 Prisoners Detainees suspected of having a communicable disease must be separated
27.13 from other prisoners detainees.

27.14 **2945.5480 ~~MENTALLY ILL PRISONERS~~ SPECIAL NEEDS DETAINEES.**

27.15 A policy must be developed for the management of mentally ill prisoners special needs
27.16 detainees and include a procedure for managing prisoners detainees who are suspected of
27.17 being mentally ill and having special needs or are considered to be a danger to self or others.

27.18 **2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.**

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

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

27.22 Subp. 3. **Compliance with rules (mandatory).** Housekeeping, sanitation, water
27.23 supplies, plumbing, sewage disposal, solid waste disposal, and plant maintenance
27.24 conditions must comply with rules required by the Minnesota State Building Code,
27.25 the Minnesota State Fire Marshal's Office, the ~~Minnesota Department of Health~~, the

28.1 ~~Minnesota~~ Department of Labor and Industry (O.S.H.A. rules), and other departmental
28.2 rules having the force of law.

28.3 [For text of subps 4 and 5, see M.R.]

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

28.7 [For text of subps 7 and 8, see M.R.]

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

28.11 Subp. 10. **Fire inspection (mandatory).** Fire inspections of the facility must be
28.12 conducted on an annual basis by a state fire marshal or local fire official. Documentation
28.13 of the inspection and any resulting orders must be maintained and available for inspection
28.14 by the regulatory authority. Failure to comply with fire safety requirements ~~will~~ shall
28.15 result in a denial of approval to continue facility operations.

28.16 **REPEALER.** Minnesota Rules, parts 2945.0100, subparts 2, 16, 18, 22, 25, 26, 28, 29,
28.17 30, 35, and 36; 2945.0110; 2945.0500; 2945.1000, subpart 2; 2945.2110; 2945.2120;
28.18 2945.2510, subpart 5; 2945.3400; 2945.3440; 2945.4700, subpart 2; 2945.4760;
28.19 2945.5410; and 2945.5440, subpart 4, are repealed.