

CHAPTER 2910
DEPARTMENT OF CORRECTIONS
ADULT DETENTION FACILITIES

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DEFINITIONS; VARIANCES

2910.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of these rules the following terms have the meanings given them.

Subp. 2. **Administrative segregation.** "Administrative segregation" shall mean the physical separation of prisoners prone to escape, prone to assault staff or other prisoners, or likely to need protection from other prisoners or themselves, or prisoners determined to be mentally deficient who are in need of special care.

Subp. 3. **Adult corrections facility.** "Adult corrections facility" shall mean a secure detention facility used to confine prisoners for periods of time not to exceed one full year per conviction.

Subp. 4. **Approved capacity.** "Approved capacity" shall mean the maximum number of prisoners which any cell, room, unit, building, facility, or combination thereof is approved for in compliance with the standards.

Subp. 5. **Average daily population.** "Average daily population" shall mean the average number of prisoners residing daily during the last calendar year. Prisoners on furlough or hospitalized are excluded.

Subp. 6. **Commissioner.** "Commissioner" shall mean commissioner of the Minnesota Department of Corrections.

Subp. 7. **Controlled substance.** "Controlled substance" shall mean a drug, substance, or immediate precursor in schedules I to V of Minnesota Statutes, section 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

Subp. 8. **Custody personnel.** "Custody personnel" shall mean those staff whose primary duties are the day-to-day or ongoing supervision of prisoners.

Subp. 9. **Department of Corrections; department.** "Department of Corrections" or "department" shall mean Minnesota Department of Corrections.

Subp. 10. **Disciplinary segregation.** "Disciplinary segregation" shall mean that status assigned a prisoner following a hearing in which the prisoner was found guilty of violating a facility rule or state or federal law or the status assigned a prisoner prior to a hearing when segregating the prisoner is determined to be necessary in order to reasonably assure the security of the facility. The status results in separating the prisoner from the general population.

Subp. 11. **Emergency.** "Emergency" shall mean any significant incident or disruption of normal facility procedures, policies, routines, or activities arising from fire, riot, natural disaster, suicide, assault, or medical emergency.

Subp. 12. **Existing facility.** "Existing facility" shall mean any facility used for detention and confinement of prisoners prior to May 15, 1978.

Subp. 13. **Facility administrator.** "Facility administrator" shall mean the individual who has been delegated the responsibility and authority for the administration and operation of a local facility.

Subp. 14. **Holding cell.** "Holding cell" shall mean a cell or room used to hold one or more persons temporarily while awaiting release, booking, court appearance, transportation, or interrogation.

Subp. 15. **Holding facility.** "Holding facility" shall mean a secure adult detention facility used to confine prisoners, prior to their appearance in court, for a time not to exceed 72 hours excluding holidays or weekends.

Subp. 16. **Inspection.** "Inspection" shall mean an on-site assessment of existing conditions made to determine the facility's compliance with parts 2910.0100 to 2910.6300.

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

Subp. 18. **Legend drug.** "Legend drug" shall mean a drug which is required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

Subp. 19. **Local facility.** "Local facility" shall mean any city, county, city and county, or multiple county corrections facility.

Subp. 20. **Lockup facility.** "Lockup facility" shall mean a secure adult detention facility used to confine prisoners prior to their appearance in court and sentenced prisoners for a time not to exceed 90 days. In addition to the cell, a lockup facility shall include:

A. Space for moderate exercise and activity, such as weight lifting, ping pong, table games, reading, television, and cards.

B. Policy and procedures which assure each prisoner a minimum of four hours per day of leisure time activity out of the cell. If a prisoner does not participate in out-of-cell leisure time activity due to illness, discipline, or choice, this shall be recorded in the log.

C. Policy and procedures which permit access to and encourage helping agencies such as educational services, chemical dependency counselors, employment services, clergy, legal services, and educational services shall be provided to prisoners.

Subp. 21. **Mandatory.** "Mandatory" shall mean the rule shall either be met by the facility or waived by the commissioner in order for the facility to be licensed.

Subp. 22. **Maximum security areas.** "Maximum security areas" shall mean areas that provide the greatest degree of physical security for the control and separation of prisoners.

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Subp. 23. **Medicine.** "Medicine" shall mean any remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purpose of these rules, medicine shall include legend and nonlegend drugs.

Subp. 24. **Minimum security areas.** "Minimum security areas" shall mean areas that provide functional living accommodations with a nominal reliance on physical security for the control and management of prisoners.

Subp. 25. **Policy.** "Policy" shall mean a statement declaring mission, purpose, and ideological position.

Subp. 26. **Prisoner.** "Prisoner" shall mean any individual, adult or juvenile, detained or confined in a local facility.

Subp. 27. **Procedure.** "Procedure" shall mean a written statement establishing the action plan to implement policy.

Subp. 28. **Rule.** "Rule" shall mean that which is defined by Minnesota Statutes, section 14.02, subdivision 4.

Subp. 29. **Substantially conform.** "Substantially conform" shall mean a compliance rating of 100 percent on items labeled mandatory and a rating of 70 percent compliance on all other items in these rules.

Subp. 30. **Undue hardship.** "Undue hardship" means the financial costs are not warranted when weighed against the benefits derived.

Subp. 31. **Variance.** "Variance" shall mean the waiver of a specific rule for a specified period of time.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2910.0200 INTRODUCTION.

Minnesota Statutes, section 241.021, subdivision 1 provides that the commissioner of corrections promulgate rules establishing minimum standards for all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are minimum standards for holding facilities, lockups, jails, and adult corrections facilities in the state of Minnesota. Facilities which house males and females shall provide comparable care for each group. Facilities housing juveniles must meet the special criteria established for that group. All inspections made by the department shall be according to the standard in this rule and shall compare the care level for male and female groups.

Statutory Authority: *MS s 241.021*

2910.0300 INTENDED USE AND NONCONFORMANCE WITH RULES.

Subpart 1. **Intended use.** A facility shall be used only for classifications for which it is in compliance.

Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal conditions.** When conditions do not substantially conform to the rules stated herein or where specific conditions endanger the health, welfare, or safety of prisoners and/or staff, the facility's use shall be restricted pursuant to Minnesota Statutes, section 241.021, subdivision 1 or legal proceedings to condemn the facility will be initiated pursuant to Minnesota Statutes, section 641.26 or 642.10.

Statutory Authority: *MS s 241.021*

2910.0400 VARIANCES.

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

A. to require a particular adult detention facility to strictly comply with one or more of the provisions will result in undue hardship or jeopardize the health, safety, security, detention, or well-being of the residents or facility staff;

B. the adult detention facility is otherwise in substantial conformity with the standards contained in these rules or making satisfactory progress toward substantial conformity;

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

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

E. the facility will take such surrogate action as is necessary or available to comply with the general purpose of the standards to the fullest extent possible.

Subp. 2. **Emergencies.** During an emergency, as defined in these rules and as declared by a facility administrator, those rules directly affected by the emergency and which, if not suspended, would adversely affect the health, security, safety, detention, or well-being of the persons detained or confined in adult detention facilities or the facility staff, shall be inoperative when an emergency is declared by the administrator.

The facility administrator shall notify the Department of Corrections in writing within 72 hours of any emergency which resulted in the suspension of any rule.

No suspension of rules because of an emergency declared by a facility administrator may exceed seven days unless the administrator obtains the approval of the commissioner of corrections for a variance to the rules and the variance is necessary for the protection of the health, security, safety, detention, or well-being of the staff or the persons detained or confined in the institution where the emergency exists.

Statutory Authority: *MS s 241.021*

PERSONNEL STANDARDS

2910.0500 SCREENING FOR TUBERCULOSIS.

All personnel shall be screened for tuberculosis prior to employment. The test shall be either the tuberculin skin test or the chest roentgenogram (X-ray). If a skin test is positive, a chest roentgenogram (X-ray) shall be required. Additional testing shall be required upon known exposure to tuberculosis.

Statutory Authority: *MS s 241.021*

2910.0600 STAFF RECRUITMENT.

The selection, appointment, and promotion of facility personnel shall be based on assessed ability. There shall be no discrimination on the grounds of race, color, religion, sex, or national origin. (Mandatory) Custody personnel shall be a minimum of 18 years of age. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience, physical condition, and character. They shall also set forth those qualities which may disqualify.

Statutory Authority: *MS s 241.021*

2910.0700 EMPLOYEE EVALUATION.

Each employee shall complete a probationary period and be evaluated during the probationary period before being permanently appointed. The evaluation shall be in writing, discussed with the employee, and made a part of the employee's personnel record.

Statutory Authority: *MS s 241.021*

2910.0800 EXTRA DUTY.

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

Statutory Authority: *MS s 241.021*

2910.0900 STAFFING REQUIREMENTS.

Subpart 1. **Staffing plan.** The facility administrator shall prepare and retain a staffing plan indicating the personnel assigned to the facility and their duties.

Subp. 2. **Administrator; administrative assistant.** There shall be a single administrator or chief executive of each facility. Where the average daily population of prisoners exceeds 50, administrative assistance shall be required.

Subp. 3. **Staff person in charge in absence of administrator.** In the absence of the facility administrator, a staff person shall be designated in charge. (Mandatory)

Subp. 4. **Condition of staff person on duty.** No person shall be detained without a staff person on duty, present in the facility, awake and alert at all times, and capable of responding to the reasonable needs of the prisoner. (Mandatory)

Subp. 5. **Supervision of prisoners of the opposite sex.** Staff members shall not be placed in positions of responsibility for the supervision and welfare of prisoners of the opposite sex in circumstances that can be described as invasion of privacy, degrading, or humiliating to the prisoners. When staff of one sex are used as program resource personnel with prisoners of the opposite sex, staff of the prisoners' sex must be on duty and in the facility. (Mandatory)

Subp. 6. **Maintenance personnel and custody staff; separation of duties.** Maintenance personnel shall be employed to perform preventive, routine, and emergency maintenance functions. Custody staff shall not be given physical plant maintenance duties which detract from their primary responsibilities for ongoing supervision of prisoners.

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

Subp. 8. **Ratio of staff to prisoners, reporting of incidents, and responding to emergencies.** The ratio of custody staff to prisoners shall not be less than one staff person to 25 prisoners any time prisoners are not secured in cells, detention rooms, or dormitories. A combination of staff resources and physical plant resources shall provide the capability of reporting incidents and responding to emergencies. (Mandatory)

Subp. 9. **Program staff requirements.** Program staff requirements are as follows.

A. Holding facility: no on-site program staff required.

B. Lockups: a staff person shall be designated to coordinate community services and volunteer programming.

C. Jails: a staff person shall be designated to coordinate educational/vocational programs, social services programs, work release, and volunteer services programs. The following minimum prisoner to staff ratio shall apply for average daily population:

(1) under 25: part-time assignment of one staff person;

(2) 25 to 50: one staff person full-time or staff equivalent including volunteers;

(3) 51 to 100: two staff persons full-time or staff equivalent including volunteers;

(4) over 100: three or more full-time staff persons or equivalent.

D. Facilities approved for eight day detention of juveniles shall designate a staff person to coordinate community services and volunteers utilized by the facility. The staff person need not be full time in this position. (Mandatory for eight day detention of juveniles.)

E. Jails with average daily populations of 50 or more shall have the equivalent of one full-time recreation coordinator.

F. Adult corrections facilities:

(1) adult corrections facilities shall have a minimum of one full-time program coordinator;

(2) a written program shall be developed to include educational/vocational services, recreation programs, social services, and volunteer programs;

(3) there shall be the equivalent of one full-time program staff person for every 30 prisoners incarcerated.

Subp. 10. **Ancillary functions.** Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to ensure that security, supervision of prisoners, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities.

Statutory Authority: *MS s 241.021*

STAFF TRAINING

2910.1000 STAFF TRAINING PLAN.

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

Statutory Authority: *MS s 241.021*

2910.1100 ORIENTATION TRAINING.

All custody personnel shall complete a minimum of 24 hours of orientation training to their duties and responsibilities. Orientation training for custody staff supervising juveniles must include working with juveniles. Such training shall be satisfactorily completed no more than 90 days from the time of employment. Orientation training shall include instruction in the state laws and state rules pertaining to staff duties. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *13 SR 2982*

2910.1200 PROBATIONARY PERIOD TRAINING.

All custody personnel shall satisfactorily complete a Department of Corrections approved facility operations programmed instruction course or equivalent training prior to completion of a probationary period.

Statutory Authority: *MS s 241.021*

2910.1300 IN-SERVICE TRAINING.

All custody personnel, middle and nonmanagement professional personnel shall complete a minimum of 16 hours of in-service training per year. The curriculum of the in-service training for staff supervising juveniles must include a minimum of two hours training on working with juveniles if the facility provides detention services to juveniles. This requirement is not applicable to holding facility staff.

Statutory Authority: *MS s 241.021*

History: *13 SR 2982*

2910.1400 MANAGEMENT TRAINING.

Management personnel and facility administrators who have not completed comparable training or who have not had two or more years administrative experience shall complete the facility orientation training.

Statutory Authority: *MS S 241.021*

2910.1500 PART-TIME AND RELIEF STAFF.

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

Statutory Authority: *MS s 241.021*

**JOB DESCRIPTIONS, WORK ASSIGNMENTS,
POLICIES, AND PROCEDURES**

2910.1600 JOB DESCRIPTIONS.

Each facility administrator shall develop written job descriptions for all position classifications and post assignments which define responsibilities, duties, and qualifications.

Statutory Authority: *MS s 241.021*

2910.1700 WORK ASSIGNMENTS.

Work assignments shall be consistent with qualifications as stated in job descriptions and the approved staffing plan of the facility.

Statutory Authority: *MS s 241.021*

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2910.1800 POLICY AND PROCEDURE MANUALS.

All policies and procedures concerning the facility's operation shall be made available to all employees at the time of employment and as revised thereafter.

Statutory Authority: *MS s 241.021*

2910.1900 PERSONNEL POLICIES.

Written personnel policies shall be developed by the facility administrator and governing body which specify hours of work, vacations, illness, sick leave, holidays, retirement, employee health services, group insurance, evaluation procedures, promotions, personal hygiene practices, attire, conduct, disciplinary actions, and other items which will enable employees to perform their duties properly.

Statutory Authority: *MS s 241.021*

2910.2000 MERIT SYSTEM AND COLLECTIVE BARGAINING.

Nothing in this rule shall be construed to prevent the establishment of job descriptions, work assignments, channels of communications, or personnel policies with merit systems or collective bargaining agreements.

Statutory Authority: *MS s 241.021*

RECORDS AND REPORTS

2910.2100 MAINTENANCE OF RECORDS AND REPORTS.

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

- A. admission and release records; (Mandatory)
- B. prisoner personal property records;
- C. clothing, linen, and laundry records;
- D. records of budget requests and work orders;
- E. special occurrence records; (Mandatory)
- F. records of policies and procedures;
- G. employee personnel records;
- H. records of staff training;
- I. accounting records;
- J. registers; (Mandatory)
- K. food service records;
- L. daily logs;
- M. medical and dental records;
- N. programming records (holding facilities exempted);
- O. disciplinary records; and
- P. good time records (holding facilities exempted).

The Department of Corrections shall make available sample approved forms upon request on items A to P.

Statutory Authority: *MS s 241.021*

2910.2200 STORAGE AND PRESERVATION OF RECORDS.

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

Statutory Authority: *MS s 241.021*

2910.2300 FILING AND DISPOSITION OF PRISONER RECORDS.

Prisoner records shall be incorporated into individual folders and filed.

Statutory Authority: *MS s 241.021*

2910.2400 CONFIDENTIALITY OF AND ACCESS TO PRISONER RECORDS.

Confidentiality of prisoner records and prisoner access to factual (nonconfidential) data in their personal files shall be provided in conformity with state law. (Mandatory)

Statutory Authority: *MS s 241.021*

PRISONER WELFARE

2910.2500 SEPARATION OF PRISONERS.

Subpart 1. **General.** A combination of separate living spaces, sanitation facilities, activity spaces, cell units, and detention rooms shall be provided to properly segregate prisoners pursuant to Minnesota Statutes, section 641.14. (Mandatory)

Subp. 2. **Prisoners to be housed separately.** The following prisoners shall be housed separately: female prisoners from male prisoners, juvenile prisoners from adult prisoners, and insane prisoners from all other prisoners. (Mandatory)

Subp. 3. **Supervision of coeducational activities.** Supervision of coeducational activities shall be provided at all times.

Statutory Authority: *MS s 241.021*

2910.2600 CLASSIFICATION OF PRISONERS.

Holding facilities shall comply with separation standards.

Lockups, jails, and adult corrections facilities shall screen all admissions at the time of booking for the purpose of determining prisoner classification by sex, age, category of offense, degree of escape risk, assaultiveness, and other criteria designed to provide for the safety of prisoners, staff, and the community, and shall develop and implement a written classification plan or system which includes specific criteria by which prisoners are assigned to housing units.

Statutory Authority: *MS s 241.021*

2910.2700 INFORMATION TO PRISONERS.

Subpart 1. **Information to be made available to prisoners.** Copies of policies and rules shall be made available to all prisoners concerning policies and rules governing conduct and disciplinary consequences; procedures for obtaining personal hygiene and canteen items; and policies governing visiting, correspondence, bathing, laundry, and clothing and bedding exchange.

Subp. 2. **Program options and activities.** Each prisoner shall be provided information on program options and activities within 24 hours, excluding weekends and holidays, of admission. Staff shall review this orally with prisoners who are unable to read. Holding facilities are exempt from this rule.

Subp. 3. **Official charge, legal basis for detention.** Every prisoner admitted to any facility shall be advised of the official charge or legal basis for detention and confinement, information gathered, and to whom disseminated. (Mandatory)

Statutory Authority: *MS s 241.021*

2910.2800 ADMINISTRATIVE SEGREGATION AND PRISONER DISCIPLINE.

Subpart 1. **Administrative segregation.** Each facility administrator shall develop and implement policies and procedures for administrative segregation. Administrative segregation shall consist of separate and secure housing, but shall not involve any more deprivation of privileges than is necessary to obtain the objective of protecting the prisoner, staff, or public. The status of any prisoner placed on administrative segregation shall be reviewed by the facility administrator or a designee minimally every 30 days and the review shall be documented and placed in the prisoner's file.

Subp. 2. **Discipline plan.** All facilities shall have a prisoner discipline plan which explains the administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review, and the review process. (Mandatory)

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

- A. published rules of conduct and the penalties for violation of rules;
- B. written notice of alleged violation of a rule;
- C. the right to be heard by an impartial hearing officer and to present evidence in defense; and

D. the right to appeal.

The status of any prisoner placed on disciplinary segregation subsequent to a due process hearing shall be reviewed by the facility administrator or a designee at least once every 30 days.

Any prisoner placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within 72 hours of such segregation, exclusive of holidays and weekends, unless documented cause can be shown for delays. Examples of causes for delay are prisoner requests for delay; or logistical impossibility, as in the case of mass disturbances.

Subp. 4. Other limitations on disciplinary actions. The disciplinary cells shall have minimum furnishing and space specified in these rules.

The decision to deprive a prisoner of articles of clothing and bedding as a result of the prisoner's destruction of such items shall be reviewed by the officer in charge during each eight hour period and the review shall be documented.

The delegation of authority to any prisoner or group of prisoners to exercise the right of punishment over any other prisoner or group of prisoners is prohibited.

No prisoner shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene.

Subp. 5. Instruments of restraint. Instruments of restraint, such as handcuffs, chains, irons, and straitjackets shall not be used as punishment.

A. Instruments of restraint shall not be used except in the following circumstances:

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

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

(3) by order of the facility administrator or person in charge in order to prevent a prisoner from injury or injury to others or from damaging property.

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

C. Such instruments shall not be applied for any longer time than is strictly necessary.

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

Subp. 6. Disciplinary records. Disciplinary records shall be maintained on all documented disciplinary infractions and punishment administered.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2910.2900 PRISONER ACTIVITIES.

Subpart 1. Written plan. Each facility administrator shall develop and implement a written plan for the constructive scheduling of prisoner time which shall be consistent with the established legal rights of prisoners, the type and status of prisoners detained, and the facility's classification.

Subp. 2. Arrangements for religious services and counseling. Prisoners shall have an opportunity to participate in religious services and counseling. The facility administrator shall arrange with the clergy to conduct religious services and provide counseling if requested. No prisoner shall be required to attend religious services and religious services shall be held in such a location that the prisoners who do not wish to participate are not exposed to the service. Attendance or lack of attendance at religious services shall not be considered a criterion for any rights or privileges within the facility.

Subp. 3. Private interviews. Prisoners requesting private interviews or counseling not capable of being audio monitored, regarding religious, personal, or family problems with accredited clergy, nuns, seminarians, and laypersons active in community church affairs, shall be afforded this opportunity within such policies as are reasonable and necessary to protect the facility's security.

Subp. 4. Sacred books. Any prisoner desiring to read the Bible or sacred book of another religion shall be provided a copy at the expense of the appointing authority. (Mandatory)

Subp. 5. **Library service.** The facility administrator shall develop a library service including access to current leisure reading material such as books, magazines, and newspapers; textbooks necessary to complete a course of study to the extent resources permit; and legal books and references requested by prisoners to the extent resources permit. The facility's governing body shall not be responsible for purchasing such materials.

Subp. 6. **Education for detained juveniles.** A plan shall be developed in conjunction with the local school district to meet educational needs of juveniles detained. (Mandatory for eight-day detention of juveniles.)

Subp. 7. **Work assignments for juveniles.** The facility shall develop a policy and procedure on work by juveniles. It shall include work activities such as maintaining own room and maintaining activity areas; exemption from performance of personal duties for staff or maintenance of areas away from the facility; eligibility criteria for work activities; and a statement that care shall be taken not to require juveniles to perform work they cannot physically perform.

Subp. 8. **Work assignments for adults.** Lockups, jails, and adult corrections facilities shall develop a policy and procedure on work by adults. It shall include:

A. adults awaiting court appearance shall not be compelled to participate in work or rehabilitation programs beyond maintaining the immediate living area;

B. work programs for both sentenced and voluntary unsentenced prisoners;

C. unsentenced prisoners shall work on a voluntary basis only;

D. eligibility criteria for work activities;

E. a statement that sentenced prisoners shall not be compelled to work more than ten hours per day (Mandatory); and

F. a statement that work shall not be required which cannot be done due to physical limitations.

Subp. 9. **Recreation plan.** The facility administrator shall develop a plan providing opportunities for physical exercise and recreational activities for all prisoners consistent with the facility's classification. The plan shall include rules necessary to protect the facility's security and the prisoners' welfare; a minimum of one hour of activity each day in lockups and jails; a minimum of two hours daily of scheduled supervised physical exercise and recreational activities in adult corrections facilities; indoor space and equipment for active recreation for jails and adult corrections facilities; and outdoor recreational space, equipment, and supportive staff for outdoor recreational programming in adult corrections facilities consistent with weather conditions.

Juveniles shall be allowed the opportunity to be involved in a minimum of two hours of active recreation per day and two hours of leisure time activities per day. A minimum of two hours of such activity per day shall be allowed in a program area separate and distinct from the juveniles' living area and shall be preplanned and structured. (Mandatory for eight-day detention of juveniles.)

The facility administration shall develop and implement in-cell or in-detention room programs for those juveniles considered to be too dangerous to release from the cell or detention room. (Mandatory for detention of juveniles.)

Facilities approved for eight day detention of juveniles shall provide leisure time activities and equipment such as television, radio, table games, and hobby craft items. (Mandatory for eight-day detention of juveniles.)

Adult and juvenile prisoners on segregation status shall have a minimum of one hour of out-of-cell physical exercise per day.

Statutory Authority: *MS s 241.021*

2910.3000 PRISONER VISITATION.

Each facility administrator shall develop and implement a prisoner visiting policy. The policy shall be in writing and shall include:

A. space for nonmonitored visits between the prisoner and an attorney;

B. schedule of visits which include days and times;

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

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D. adult prisoners shall be permitted an initial visit with a member or members of their immediate family at the next regularly scheduled visiting period;

E. lockups, jails, and adult corrections facilities shall provide a minimum of eight visiting hours per week;

F. visits shall be allowed for identified members of a prisoner's immediate family, counsel, and clergy;

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

H. visitors shall register, giving names, addresses, relationship to prisoner, and nature of business;

I. any area used for prisoner visiting shall not be capable of audio monitoring; and

J. policies for parents, guardians, and attorneys visiting juvenile prisoners shall be as unrestrictive as is administratively possible. The initial visit for parents, guardians, and attorneys shall be permitted at any time. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2910.3100 CORRESPONDENCE.

Subpart 1. **Plan for prisoner mail.** Each facility administrator shall develop a plan for prisoner mail consistent with established legal rights of prisoners and reasonable and necessary facility rules to protect the facility's security.

Subp. 2. **Unrestricted volume of mail.** The volume of written mail to or from a prisoner shall not be restricted.

Subp. 3. **Inspection and censorship.** Mail shall not be read or censored if it is between a prisoner and an elected official, officials of the Department of Corrections, the ombudsman for corrections, attorneys, or other officers of the court. Inspection of incoming mail is permitted in the presence of the prisoner. (Mandatory)

Subp. 4. **Money.** Cash, checks, or money orders shall be removed from incoming mail and credited to the prisoners' accounts.

Subp. 5. **Contraband.** If contraband is discovered in either incoming or outgoing mail, it shall be removed.

Subp. 6. **Postage allowance for indigent prisoners.** Indigent prisoners shall receive a postage allowance sufficient to maintain communications with the persons listed in subpart 3.

Statutory Authority: *MS s 241.021*

2910.3200 CLOTHING, BEDDING, AND LAUNDRY SERVICES.

Subpart 1. **Clothing.** All prisoners admitted to the facility and assigned to a living unit shall be issued a set of facility clothing if kept 72 hours. Personal clothing may be returned after laundering at the discretion of the facility administrator. The clothing issued shall consist of clean socks, and suitable outer and undergarments. (Mandatory)

Clothing shall be exchanged twice each week, at a minimum. The facility shall have available sufficient clothing to ensure each prisoner neat, clean clothing appropriate to the season.

Prisoners' excess personal clothing shall be either mailed to, picked up by, or transported to designated family members or stored in ventilated lockers or boxes designed for this purpose and properly identified, inventoried, and secured. Prisoners possessing excess personal property shall sign and receive a copy of the inventory record.

Subp. 2. **Linens and bedding.** Each prisoner admitted to the facility shall be issued: one bath towel; one hand towel; one washcloth; one clean, firm, fire-retardant mattress (Mandatory); two sheets or one sheet and a clean mattress cover (Mandatory); blankets sufficient to provide comfort under existing temperature conditions (Mandatory); one pillow and one pillow case. Clean linens shall be furnished once each week, at a minimum.

Subp. 3. **Removing clothing and bedding.** The facility administrator shall develop a policy and procedure for removing clothing and bedding from a prisoner. The following shall

be included: clothing and bedding shall be removed from a prisoner only when the prisoner's behavior threatens the health, safety and/or security of self, other persons, and/or property; clothing and bedding shall be returned to the prisoner as soon as it is reasonable to believe that the behavior which caused the action will not continue.

Subp. 4. **Laundry services.** Laundry services shall be managed so that daily clothing, linen, and bedding needs are met. Care shall be taken to maintain separation of clean and soiled linens and clothing in the collection, storage, and transportation process in accordance with standards required by the Minnesota Department of Health. Where laundry service is obtained from an outside establishment, the service shall be provided under a written agreement which shall specify that the service meets standards required by the Minnesota Department of Health. Prisoners' personal clothing shall be laundered in accordance with appropriate washing procedures for fabrics.

Statutory Authority: *MS s 241.021*

2910.3300 EMERGENCIES AND SPECIAL OCCURRENCES.

Subpart 1. **Emergency plan.** The facility administrator shall develop a written disaster plan. The plan shall include: (Mandatory)

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

Subp. 2. **Detention of dangerous prisoners.** Planning shall include policies and procedures designed to protect the public by securely detaining prisoners who present a danger to the community or to themselves.

Subp. 3. **Review of emergency procedures.** There shall be a review of emergency procedures once every three months. This shall include assignment of persons to specific tasks in case of emergency situations; instructions in the use of alarm systems and signals; systems for notification of appropriate persons outside the facility; information on the location and use of emergency equipment in the facility; and specification of evacuation routes and procedures.

Subp. 4. **Reporting of special incidents.** All incidents of a special or serious nature which endanger the lives of staff or prisoners and/or physical plant, shall be reported in writing to the department within ten days. Such reports shall include the name(s) of person(s) involved (staff and prisoners), nature of the special occurrence, actions taken, and the date and time of the occurrence.

Special occurrences shall include suicide; homicide; death, other than suicide or homicide; serious injury or illness incurred subsequent to detention; escape or runaway; fire causing serious damage; riot; assaults requiring medical care; other serious disturbances; or occurrences of infectious diseases and disposition of the occurrences.

Special occurrences shall be reported on forms provided by the Department of Corrections or comparable forms used by the facility.

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

Subp. 5. **Prisoner death.** When a prisoner's death occurs:

- A. the date, time, and circumstances of the prisoner's death shall be recorded in the prisoner's record;
- B. if the prisoner dies in the facility, the coroner's office shall be notified;
- C. personal belongings shall be handled in a responsible and legal manner;
- D. records of a deceased prisoner shall be retained for a period of time in accordance with law; and

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

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

FOOD SERVICE

2910.3400 GENERAL REQUIREMENTS FOR FOOD SERVICE.

The goals of food service in each facility shall be to provide prisoners with food and beverages that are nutritionally adequate, palatable, produced in a manner to prevent food-borne illness, of adequate quantity and variety, served at appropriate temperatures, and prepared by methods which conserve nutritional value.

Statutory Authority: *MS s 241.021*

2910.3500 FOOD HANDLING PRACTICES.

Food service shall be provided in accordance with the Minnesota Department of Health (parts 4625.2500 to 4625.4901). (Mandatory)

Statutory Authority: *MS s 241.021*

2910.3600 DIETARY ALLOWANCES.

Nutritional needs of prisoners shall be met in accordance with their needs, physician's orders and meet the dietary allowances contained in this part. All lockups, jails, adult corrections facilities, and holding facilities shall have menu planning sufficient to provide each prisoner the following specified food servings per day:

A. Two or more servings per day of meat or protein. A serving of meat or protein is defined as:

(1) two to three ounces cooked (equivalent to three to four ounces raw) of any meat without bone, such as beef, pork, lamb, poultry, variety meats such as liver, heart, and kidney;

(2) two slices prepared luncheon meat;

(3) two eggs;

(4) two ounces of fresh or frozen cooked fish or shellfish, or one-half cup canned fish; or

(5) one-half cup cooked navy beans plus one ounce of animal protein.

B. Two or more servings per day of milk. A serving is defined as eight ounces (one cup) of milk. A portion of this amount may be served in cooked form, such as cream soups or desserts. The following substitutes may be used:

(1) one ounce of American cheese for three-fourths cup milk;

(2) one-half cup creamed cottage cheese for one-third cup milk; or

(3) one-half cup ice cream for one-fourth cup milk.

C. Two or more servings per day of vegetables, one of which is deep green or yellow for vitamin A. A serving is defined as one-half cup. Potatoes may be included once daily as a vegetable.

D. Two or more servings per day of fruit, one of which is citrus (i.e., orange, grapefruit) or tomato or other good source of vitamin C. A serving of citrus fruit or tomato is defined as:

(1) one medium orange or four ounces of orange juice;

(2) one-half grapefruit or four ounces of grapefruit juice; or

(3) one large tomato or eight ounces of tomato juice.

E. Four or more servings per day of whole grain or enriched cereal and bread products. A serving is defined as:

(1) one slice bread;

(2) one-half cup cooked cereal;

(3) three-fourths cup dry cereal; or

(4) one-half cup macaroni, rice, noodles, and spaghetti.

F. Use butter, fortified margarine, cream, or salad oil in moderate amounts to make food palatable.

G. Additional servings of the above foods may be used or the following foods added to meet caloric needs: soups, sweets such as desserts, sugar, jellies, or other fats such as bacon, cream, and salad dressings.

Statutory Authority: *MS s 241.021*

2910.3700 FREQUENCY OF MEALS.

There shall not be more than 14 hours between a substantial evening meal and breakfast. Where prisoners are not routinely absent from the facility for work or other purposes, at least three meals shall be made available at regular times during each 24-hour period.

Statutory Authority: *MS s 241.021*

2910.3800 THERAPEUTIC DIETS.

Any facility housing prisoners in need of medically prescribed therapeutic diets shall have documentary evidence that such diets are provided as ordered by the attending physician. (Mandatory)

Statutory Authority: *MS s 241.021*

2910.3900 USE OF FOOD IN DISCIPLINE.

Food shall not be withheld as punishment. (Mandatory)

Statutory Authority: *MS s 241.021*

2910.4000 SUPERVISION OF MEAL SERVING.

All meals shall be served under the direct supervision of staff.

Statutory Authority: *MS s 241.021*

2910.4100 MENU RECORDS.

Records of menus and of foods purchased shall be filed for one year.

Statutory Authority: *MS s 241.021*

2910.4200 HOT MEAL MINIMUM.

A minimum of one hot meal shall be provided for each 24 hours of confinement.

Statutory Authority: *MS s 241.021*

2910.4300 CANTEEN.

Subpart 1. **List of approved canteen items to be purchased by staff member at local store.** All lockups, jails, and adult corrections facilities with approved capacities of 50 or less shall provide prisoners with a printed list of approved canteen items to be purchased by a facility staff member at local stores if the facility does not operate a canteen in the facility.

Subp. 2. **Facilities that must operate canteen in facility.** All such facilities with approved capacities over 50 shall establish, maintain, and operate a canteen in the facility.

Subp. 3. **Holding facilities exempted.** Holding facilities are not required to provide canteen services.

Subp. 4. **Vending machines, general.** All vending machines shall meet Minnesota Department of Health and Minnesota Department of Agriculture requirements.

Statutory Authority: *MS s 241.021*

2910.4400 BUDGETING, PURCHASING, AND ACCOUNTING.

The facility administrator of lockups, jails, and adult corrections facilities shall establish policies and procedures for food service budgeting, purchasing, and accounting.

Statutory Authority: *MS s 241.021*

2910.4500 CONTAINERS AND FOOD STORAGE.

Subpart 1. **General requirements, requirements for milk products.** All food or food products, prepared or in bulk shall be stored in approved seamless containers after opening of

the original container. Dry milk and milk products after opening shall be stored in seamless, airtight containers.

Subp. 2. **Nonperishable food and single service articles.** Nonperishable food and single service articles shall be stored off the floor on washable shelving in a ventilated room. They shall be protected from dust, flies, rodents, vermin, overhead leakage, and other sources of contamination, and shall be placed away from areas with excessive heat.

Subp. 3. **Perishable food and potentially hazardous food.** All perishable food (fresh fruit and vegetables) and potentially hazardous food (meat and dairy products) shall be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage. Meat and dairy products shall be stored at 40 degrees Fahrenheit or below, and fruit and vegetables at 50 degrees Fahrenheit or below. When stored together, the lower temperature shall apply. Temperatures shall be monitored by an accurate thermometer.

Subp. 4. **Nonfood items.** The storage of detergents, cleaners, pesticides, and other non-food items, including employees' personal items, is prohibited in food storage areas.

Subp. 5. **Returned portions from individual servings.** Returned portions of food and beverages from individual servings shall not be reused unless such food or beverage is served in a sealed wrapper or container which has not been unwrapped or opened.

Subp. 6. **Ice and ice scoop.** Ice shall be stored and handled in a sanitary manner. Stored ice shall be kept in an enclosed container. If an ice scoop is used, the scoop shall be stored in a separate compartment to prevent the handle from having contact with the ice.

Statutory Authority: *MS s 241.021*

2910.4600 TRANSPORT OF FOOD.

Food shall be covered during transport through nondietary areas, but need not be covered when served in a contiguous dining area. The food service system shall be capable of maintaining hot foods at 150 degrees Fahrenheit or higher; cold foods at 40 degrees Fahrenheit or lower. A dumbwaiter or conveyor, which cab or carrier is used for the transport of soiled linen or soiled dishes, shall not be used for the transport of food.

Statutory Authority: *MS s 241.021*

SECURITY

2910.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.

Security policies and procedures shall be written, operational, and include the following:

- A. control and recovery of contraband; (Mandatory)
- B. visitor and visit control;
- C. delivery and service procedure;
- D. equipment maintenance and efficiency;
- E. prohibition on firearms in prisoner areas; (Mandatory)
- F. search and shakedown schedules and procedures;
- G. escort of prisoners outside security areas;
- H. one-half hour interval security inspection routines (one-hour intervals are acceptable if proper auditory supplements are provided); (Mandatory)
- I. escape prevention and action plans;
- J. tool, medication, key, and weapon control procedures;
- K. count procedure;
- L. classification of prisoners;
- M. lockup and disciplinary procedures; and
- N. riot prevention and control procedures.

Statutory Authority: *MS s 241.021*

2910.4800 ADMISSIONS.

Subpart 1. **Policies and procedures general.** Admission policies and procedures shall include the following:

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A. all admissions and prisoners on release status returning to the facility shall be thoroughly searched;

B. showering and delousing if indicated;

C. an assessment of health status;

D. security classification;

E. inventory of prisoner's property;

F. fingerprinting and photographing, if appropriate; and

G. completion of admission form.

Subp. 2. **Identification.** No prisoner shall be received or released by the staff of a facility until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed, identifying the purpose for detention or release. (Mandatory)

Subp. 3. **Privacy.** All intake procedures shall be conducted in a manner and location that assures the personal privacy of the prisoner and the confidentiality of the transaction from unauthorized personnel.

Statutory Authority: *MS s 241.021*

2910.4900 RELEASES.

Subpart 1. **Return of prisoner property.** Upon release of a prisoner, the property of that prisoner, unless held for authorized investigation or litigation, shall be returned with a receipt for the prisoner to sign.

Subp. 2. **Transportation.** Prisoners shall be permitted to make arrangements for transportation prior to release.

Subp. 3. **No release in intemperate weather.** No prisoner shall be released in intemperate weather without proper clothing to ensure health and comfort.

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2910.5000 SEARCH AND SHAKEDOWNS.

Subpart 1. **Visitors.** Visitors who seek to enter the security area of the facility shall not be permitted admission if they refuse to submit to a requested search conducted by a staff member of the same sex.

Subp. 2. **Regular inspection of facility.** The facility shall be regularly inspected for contraband, evidence of breaches in security, and inoperable security equipment.

Subp. 3. **Inspection of materials delivered to or transported from the facility.** All materials delivered to or transported from the facility shall be inspected for contraband prior to distribution.

Statutory Authority: *MS s 241.021*

2910.5100 LOCKS AND KEYS.

Subpart 1. **General.** All keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, and out of reach of the prisoners or the public. (Mandatory) At least one new complete set of facility keys shall be kept on hand for replacement purposes. Keys that serve a critical security purpose shall be easily identifiable and never issued except upon order of the facility administrator or person in charge, and in accordance with established procedure. No security keys shall be made available to prisoners regardless of status.

Subp. 2. **Regular inspection.** All locks to security doors or gates shall be inspected regularly to ensure efficient operation.

Subp. 3. **Inoperable locks.** No lock to a security door or gate shall be permitted to be inoperable or left in an unsuitable condition. No prisoner shall be placed in a cell or area which has inoperable locks. (Mandatory)

Statutory Authority: *MS s 241.021*

2910.5200 DANGEROUS MATERIALS.

Materials dangerous to either security or safety shall be properly secured. (Mandatory)

Statutory Authority: *MS s 241.021*

2910.5300 COUNT PROCEDURE.

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

Statutory Authority: *MS s 241.021*

ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION**2910.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES. (MANDATORY)**

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

Subp. 2. **Emergency dental care.** Each facility shall have emergency dental care available to prisoners.

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

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

Statutory Authority: *MS s 241.021*

2910.5500 POSTING OF AVAILABLE RESOURCES.

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

Statutory Authority: *MS s 241.021*

2910.5600 HOSPITALIZATION OF A PRISONER.

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2910.5700 FIRST AID.

Subpart 1. **Training of personnel.** All custody personnel responsible for the supervision, safety, and well-being of prisoners shall be trained in emergency first aid.

Subp. 2. **First aid kit.** All facilities shall have a minimum of one first aid kit located at the facility's control center or primary staff station.

Subp. 3. **Medical and dental records.** Each facility shall record all complaints of illness or injury and actions taken.

Medical or dental records shall be maintained on prisoners under medical or dental care. (Mandatory) Included in the records shall be:

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

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

Statutory Authority: *MS s 241.021*

2910.5800 PREVENTIVE HEALTH SERVICES.

Subpart 1. **Written plan for personal hygiene.** The facility administrator shall develop and implement a written plan for personal hygiene practices of all prisoners with special assistance for those prisoners who are unable to care for themselves.

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

Subp. 3. **Bathing and showering.** Each prisoner shall be permitted daily bathing or showering.

Subp. 4. **Indigent prisoners.** Indigent prisoners shall receive personal hygiene items at facility expense. (Mandatory)

Statutory Authority: *MS s 241.021*

2910.5900 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

Subpart 1. **Who shall deliver medicine.** Delivery of medicine shall be conducted by licensed medical or nursing personnel, or by facility staff who have successfully completed an approved training program on the delivery of medicine for unlicensed personnel.

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

Subp. 3. **Plan for storage, delivery, and control of medicine.** Every facility administrator, in consultation with a licensed physician, shall develop a plan and procedure for the secure storage, delivery, and control of medicine. Such plans shall include:

A. Storage:

- (1) Medicine shall be stored in a locked area;
- (2) The storage area shall be kept locked at all times;
- (3) Medicine requiring refrigeration shall be refrigerated and secured;
- (4) Prisoners shall not be permitted in medicine storage area;
- (5) Only staff authorized to deliver medicine shall have access to keys for medicine storage area;
- (6) Stock supplies of legend (prescription-type) drugs shall not be maintained; (Mandatory)
- (7) All prescribed medicine shall be kept in its original container, bearing the original label; and
- (8) All poisons and medicine intended for external use shall be clearly marked and stored separate from medicine intended for internal use.

B. Policy shall dictate the delivery of medicine and shall include:

- (1) Medication administered by injection shall be given by a physician, registered nurse, or licensed practical nurse. Diabetics under physician order and direct staff supervision shall be permitted to self-administer insulin. (Mandatory)
- (2) Medicine delivered to prisoners shall be self-administered under staff supervision.
- (3) There shall be a means for the positive identification of the recipient of medicine.
- (4) Procedures and records to assure that medicines shall be delivered in accordance with physician instructions, and by whom.
- (5) No prisoner while receiving legend drugs shall receive any nonlegend drug without the approval of the attending physician. (Mandatory)
- (6) Procedures for confirming that medicine delivered for oral ingestion has been ingested.
- (7) Procedures for reporting to the physician any adverse reactions to drugs. Any such reports shall be included in the prisoner's file. (Mandatory)
- (8) Procedures for reporting a prisoner's refusal of prescribed medicine to the attending physician, and an explanation made in the prisoner's record. (Mandatory)
- (9) Procedures for ensuring that no prisoner is deprived of medicine as prescribed because of penalty or staff retaliation. (Mandatory)

(10) Procedures which prohibit the delivery of medicine by prisoners. (Mandatory)

(11) Procedures requiring that a physician be contacted for instructions prior to the next prescribed medicine dosage time for all newly admitted prisoners who are either in possession of prescribed medicine or indicate a need for prescribed medicine. (Mandatory)

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

Subp. 4. **Medicine given to prisoner upon release.** Prescribed medication belonging to a prisoner shall be given to the prisoner or to the appropriate authority upon transfer or release. This shall be recorded in the prisoner's file.

Subp. 5. **Destruction of unused prescribed medicine.** Unused prescribed medicine shall be destroyed by incineration or by flushing into the sewer system. A notation of the destruction shall be made in the prisoner's record and shall include a statement of what was destroyed, who destroyed it, and how it was destroyed.

Subp. 6. **Handling of unused portions of controlled substances.** Unused portions of controlled substances shall be handled by contacting the Minnesota Board of Pharmacy. (Mandatory)

Subp. 7. **Methadone programs.** Methadone programs shall not be made available unless in compliance with all existing laws governing such programs. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *17 SR 1279*

2910.6000 REPORTING SUSPECTED CONTAGIOUS DISEASE.

It shall be the responsibility of the facility administrator or person in charge to report to the Minnesota Department of Health any known or suspected contagious disease. (Mandatory)

Statutory Authority: *MS s 241.021*

2910.6100 SEPARATION OF PRISONERS SUSPECTED OF HAVING A CONTAGIOUS DISEASE.

Prisoners suspected of having a contagious disease shall be separated from other prisoners.

Statutory Authority: *MS s 241.021*

2910.6200 MENTALLY ILL PRISONERS.

Policy shall be developed for the management of mentally ill prisoners and shall include:

A. A procedure for determining that a prisoner is mentally ill. A physician or licensed psychologist shall be consulted for this determination.

B. A procedure for managing prisoners who are suspected of being mentally ill and considered to be a danger to self or others.

C. A statement that if a prisoner is mentally ill and procedures are implemented to separate and/or restrain the prisoner, a licensed physician shall be contacted within eight hours and shall approve a written plan which outlines the procedures to be followed in managing the behavior.

D. Criteria and procedure for transferring the mentally ill prisoner to a licensed medical facility. The criteria shall include approval of a licensed physician and shall be done in accordance with Minnesota Statutes, section 253B.05. (Mandatory)

Statutory Authority: *MS s 241.021*

2910.6300 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

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

Subp. 2. **Maintenance plan.** Each person responsible for plant maintenance, housekeeping, and sanitation shall develop a written maintenance plan.

Subp. 3. **Compliance with rules.** Housekeeping, sanitation, water supplies, plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions must comply with rules required by the Minnesota State Building Code, the Minnesota fire marshal's office, the Minnesota Department of Health, the Minnesota Department of Labor and Industry (O.S.H.A.), and other departmental rules having the force of law. (Mandatory)

Subp. 4. **Plan for daily inspection.** The facility administrator shall establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance.

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

Subp. 6. **Policies and procedures to detect deterioration of building and equipment.** The facility administrator shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions. Policies and procedures shall include:

A. requirement that facility staff report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs; (Mandatory)

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

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

Subp. 7. **Elimination of conditions conducive to vermin.** Any condition in the facility conducive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately. (Mandatory)

Subp. 8. **Fire inspection.** Fire inspection of the facility must be conducted on an annual basis by a state fire marshal or local fire official. Documentation of the inspection and any orders resulting from the inspection must be maintained and available to the department. Failure to comply with fire safety requirements will result in the commissioner's denial of approval to continue facility operation.

Statutory Authority: *MS s 241.021*

History: *13 SR 2982*