

CHAPTER 2911
DEPARTMENT OF CORRECTIONS
JAIL FACILITIES

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DEFINITIONS; CAPACITY; VARIANCES

2911.0100 INTRODUCTION.

Minnesota Statutes, section 241.021, subdivision 1, provides that the commissioner of corrections adopt 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 according to law except to the extent that they are inspected or licensed by other state regulating agencies. This chapter provides minimum standards for Class I to Class VI facilities in Minnesota.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.0200 DEFINITIONS.

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

Subp. 2. **Administrative segregation.** "Administrative segregation" means the physical separation of an inmate prone to escape, prone to assault staff or other inmates, or likely to need protection from other inmates or self, an inmate with a mental illness or a developmental disability who is in need of special care, or an inmate on medical isolation or infirmary status.

Subp. 3. **Administrative staff assistant.** "Administrative staff assistant" means an administrative officer appointed by the governing authority or designee to assist the facility administrator responsible for managing and operating the facility.

Subp. 4. **Admission or intake.** "Admission" or "intake" means the processing of an inmate upon entry into a facility.

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

- A. work release;
- B. intermittent sentences;
- C. community service;
- D. sentencing to service requirements;
- E. home detention;
- F. educational release; or
- G. electronic monitoring.

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

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

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

Subp. 7. **Booking.** "Booking" in a detention facility is a procedure for the admission of a person charged with or convicted of an offense, and includes searching, fingerprinting, photographing, medical screening, and collecting personal history data. Booking also includes the inventory and storage of the individual's personal property.

Subp. 8. **Building code.** "Building code" means federal, state, or local regulations that dictate the construction of a facility.

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

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

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

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

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

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

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

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

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

Subp. 18. **Classroom.** "Classroom" means an area specifically designed and equipped for education or vocational programming.

Subp. 19. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Corrections.

Subp. 20. **Contraband.** "Contraband" means an item possessed by an inmate or found within the facility that is prohibited by statute or expressly prohibited by those lawfully charged with the administration and operation of the facility.

Subp. 21. **Contractor.** "Contractor" means a person or organization that agrees to furnish materials or to perform services for the facility or jurisdiction at a specified price.

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

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

Subp. 24. **Crowded facility.** "Crowded facility" means a facility when its operational capacity is exceeded.

Subp. 25. **Overcrowded facility.** "Overcrowded facility" means a facility when its approved bed capacity is exceeded.

Subp. 26. **Custody personnel.** "Custody personnel" means those staff whose primary duty is supervision of inmates.

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

Subp. 28. **Department of Corrections or department.** "Department of Corrections" or "department" means the Minnesota Department of Corrections.

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

Subp. 30. **Dormitory.** "Dormitory" means a housing unit designed to house no fewer than three nor more than 48 inmates. Dormitory includes sleeping and dayroom areas.

Subp. 31. **Emergency.** "Emergency" means a significant incident or disruption of normal facility procedures, policies, routines, or activities.

Subp. 32. **Emergency care.** "Emergency care" means medical or dental or mental health care of an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call.

Subp. 33. **Essential rules.** "Essential rules" means rules not classified as mandatory.

Subp. 34. **Existing facility.** "Existing facility" means a facility used for detention and confinement of inmates prior to May 15, 1978.

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

Subp. 36. **Facility administrator.** "Facility administrator" means the individual who has been delegated the responsibility and authority for the administration and operation of a facility.

Subp. 37. **Fire code.** "Fire code" means federal, state, or local regulations governing fire safety.

Subp. 38. **First aid.** "First aid" means emergency treatment administered to injured or sick persons before professional medical care is available.

Subp. 39. **Health authority.** "Health authority" means the physician, health administrator, or agency responsible for the provision of health care services at the facility. The responsible physician may be the health authority.

Subp. 40. **Health care personnel.** "Health care personnel" is an individual whose primary duty is to provide health services to inmates in keeping with the individuals respective levels of education, training, and experience. The individual is likely to be a RN, LPN, nurse practitioner, physician, or physician assistant.

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

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

Subp. 43. **Housing unit.** "Housing unit" means a group or cluster of single or multiple occupancy cells or detention rooms that house inmates and that has dayroom space that is accessible to inmates assigned to or residing in the housing unit.

Subp. 44. **Indigent.** "Indigent" means an inmate with no funds or source of income.

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

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

Subp. 47. **Inmate - intermittent sentence.** "Inmate - intermittent sentence" means an inmate, who under a court ordered sanction, reports to a jail type facility on an intermittent basis. For example, intermittent basis such as Friday evenings through Sunday evenings to serve a sentence.

Subp. 48. **Informed consent.** "Informed consent" means the agreement by an inmate to a treatment, examination, or procedure after the inmate receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.

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

Subp. 50. **Legend drug.** "Legend drug" means a drug which is required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

Subp. 51. **Life safety code.** "Life safety code" means a manual published and updated by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest.

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

Subp. 53. **Mandatory.** "Mandatory" means a rule which must either be met by the facility or waived by the commissioner in order for the facility to be approved for continued operation.

Subp. 54. **Maximum security area.** "Maximum security area" means an area that provides the greatest degree of physical security for the control and separation of inmates.

Subp. 55. **Medicine.** "Medicine" means any remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purposes of this chapter, medicine shall include legend and nonlegend drugs.

Subp. 56. **Minimum security area.** "Minimum security area" means an area that provides functional living accommodations with a nominal reliance on physical security for the control and management of inmates.

Subp. 57. **Perimeter security.** "Perimeter security" means a system that controls ingress and egress to the interior of a facility. The term may also include electronic devices, walls, fences, sally ports, and patrols.

Subp. 58. **Policy.** "Policy" means a statement declaring mission, purpose, and ideological position.

Subp. 59. **Procedure.** "Procedure" means a written statement establishing the action plan to implement policy.

Subp. 60. **Responsible physician.** "Responsible physician" means an individual licensed to practice medicine and provide health services to the inmate population of the facility or the physician at an institution with final responsibility for decisions related to medical judgments.

Subp. 61. **Sally port.** "Sally port" means an enclosure situated in the perimeter wall or fence of the facility containing gates or doors at both ends, only one of which opens at a time, ensuring there will be no breach in the perimeter security of the facility.

Subp. 62. **Secure facility.** "Secure facility" means a facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility's staff.

Subp. 63. **Security devices.** "Security devices" means locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control inmates. The term also includes electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security.

Subp. 64. **Security perimeter.** "Security perimeter" means the outer portions of a facility that provide for secure confinement of facility inmates.

Subp. 65. **Single occupancy cell or detention room.** "Single occupancy cell" or "detention room" means an area designed to house one inmate.

Subp. 66. **Special management inmate.** "Special management inmate" means an inmate who presents a serious threat to safety or security of the facility, staff, general inmate population, or self.

Subp. 67. **Special needs inmate.** "Special needs inmate" means an inmate whose mental or physical condition requires special handling and treatment by staff.

Subp. 68. **Square footage or square feet.** "Square footage" or "square feet" means the floor space area as measured by multiplying the length and width of the cell or room.

Subp. 69. **Substantially conform.** "Substantially conform" means a compliance rating of 100 percent on rules labeled mandatory and 90 percent compliance on all other items in this chapter labeled essential.

Subp. 70. **Undue hardship.** "Undue hardship" means the financial costs are not warranted when weighed against the benefits derived.

Subp. 71. **Variance.** "Variance" means the waiver of a specific rule for a specified period of time.

Subp. 72. **Year.** "Year" means a calendar year unless expressly stated otherwise.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; L 2013 c 62 s 32*

2911.0300 INTENDED USE AND NONCONFORMANCE WITH RULES.

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

Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal conditions.** When conditions do not substantially conform or where specific conditions endanger the health, welfare, or safety of inmates or staff, the facility's use is 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. (Mandatory)

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

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Subp. 4. **Correction of deficiencies.** Sanctions for violation of mandatory rules are:

A. For a level one sanction, the facility inspector shall issue a written compliance order to the facility administrator and governing body for correction of deficiencies within a specified time up to 180 days.

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

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

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

Subp. 5. **Essential rule deficiencies.** When essential rule deficiencies are greater than ten percent of the applicable rules, a correction of the cited deficiencies will be required so that a 90 percent compliance rating with the essential rules is achieved. This shall occur within a specified time as determined by the facility inspector, not to exceed one year.

Subp. 6. **Appeals.** The facility administrator or governing body may appeal the time line for correction of a standard deficiency by submitting an appeal in writing within 30 days of receiving the compliance order to the commissioner of corrections, Minnesota Department of Corrections.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.0330 APPROVED CAPACITY.

Subpart 1. **Capacity requirements.** For the purpose of this chapter, six capacity definitions have been established under parts 2911.0330 to 2911.0370.

Subp. 2. **Approved capacity.** "Approved capacity" means the number of beds determined by exclusion of holding cells and beds designed for disciplinary segregation or administrative segregation purposes. Approved bed capacity shall be based on the following criteria:

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

B. Single occupancy cells or detention rooms in facilities used for detention or confinement of inmates prior to May 15, 1978, shall provide a minimum of 50 square feet of floor space per inmate.

C. Dormitories shall provide a minimum of 60 square feet of floor space per inmate.

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

E. No beds in facilities condemned shall be considered as approved.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.0340 DESIGN CAPACITY.

Subpart 1. **Category I.** "Design capacity category I" means the number of beds in a facility built or let for bids after May 15, 1978, calculated in the same manner noted for

approved bed capacity with the addition of holding cells and those beds designed for disciplinary or administrative segregation purposes.

Subp. 2. **Category II.** "Design capacity category II" means the number of beds in an existing facility calculated in the same manner noted for existing bed capacity with the addition of holding cells and those beds designed for disciplinary or administrative segregation purposes.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.0350 EXISTING BED CAPACITY.

"Existing bed capacity" means the total number of beds within the existing facility exclusive of holding cells and those designed for disciplinary or administrative segregation. Existing bed capacity is determined without regard to square footage allowances per inmate, double or multiple occupancy cell conditions, and new construction requirements.

As an example, several facilities built prior to 1978 have 64-square-foot cells designed for and still being used to house four inmates. All four beds shall be counted in arriving at the existing bed capacity number.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.0360 OPERATIONAL BED CAPACITY.

"Operational bed capacity" means the percentage of the approved bed capacity level which the facility should not exceed to accommodate peak population demands and separation requirements, and partial closing for maintenance and housekeeping.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.0370 VARIANCE BED CAPACITY.

"Variance bed capacity" means the bed capacity level authorized by the Department of Corrections pursuant to part 2911.0400, subpart 1, items A to E.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.0400 VARIANCES.

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

A. requiring a particular 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 inmates or facility staff;

B. the facility is otherwise in substantial conformity with this chapter or is 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 inmates or facility staff unprotected; and

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

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Subp. 2. **Emergencies.** When a facility administrator declares an emergency as defined in part 2911.0200, subpart 31, the applicable rules may be suspended during the duration of the emergency.

Subp. 3. **Notification.** The facility administrator shall notify the Department of Corrections in writing within 72 hours of an emergency that resulted in the suspension of any rule. (Mandatory)

Subp. 4. **Suspension limit.** 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 inmates detained or confined in the institution where the emergency exists. (Mandatory)

Subp. 5. **Work stoppage.** A facility shall have a written plan that provides for continuing operations in the event of a work stoppage or other job action. A copy of the plan must be available to all supervisory personnel who are required to familiarize themselves with it.

Subp. 6. **Mass arrest.** A facility shall have a written plan that governs space arrangements and procedures to be followed in the event of a mass arrest that exceeds the approved capacity of the facility established under parts 2911.0330 to 2911.0370.

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

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

A. The facility administrator may exceed approved capacity established under parts 2911.0330 to 2911.0370 only when no space is available for contract per diem usage within 125 miles.

B. The unavailability of space shall be documented at least once each day for continuing authority to exceed capacity.

C. Documentation shall set forth persons contacted, identification of the facility they represent, the date and time of contact, and a statement that the person advised that contract per diem space was not available.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

PERSONNEL STANDARDS

2911.0600 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 factors which may disqualify an applicant.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.0700 EMPLOYEE EVALUATION.

An 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*

History: *23 SR 1834*

2911.0800 EXTRA DUTY.

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.0900 STAFFING REQUIREMENTS.

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

The staffing plan shall identify jail personnel assignments, the days of the week that the assignments are filled, the hours of the day that the assignments are covered, and any deviations from the plan with respect to weekends, holidays, or other atypical situations.

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

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

Subp. 3. **Class I and Class II facilities.** In Class I and Class II facilities with average daily inmate populations of less than 30, the administrator may be a designated staff person with primary responsibility other than administration of the facility.

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

Subp. 5. **Class I to Class VI facilities.** Class I to Class VI facilities with average daily inmate populations exceeding 30 shall have a single administrator of the facility whose duties are solely related to administration of the facility.

Subp. 6. **Centralized administration.** In Class I to Class VI facilities where multiple facilities are under a centralized administration, the total average daily inmate population of facilities involved shall determine the level of facility administration required. Where multiple facilities are under a centralized administration, the most stringent facility classification requirement with respect to facility administration shall be met.

Subp. 7. **Administrative staff assistant.** Where the average daily population of inmates exceeds 60, an administrative staff assistant shall be required. Administrative assistant staff are not to be classified as custody persons whose primary duties are supervision of inmates.

Subp. 8. **Staff person in charge.** The staff person in the facility must be designated in charge at all times in the absence of administrative staff from the facility. (Mandatory)

Subp. 9. **Condition of custody staff person on duty.** No inmate shall be detained without custody staff on duty, present in the facility, awake and alert at all times, and capable of responding to emergencies or the reasonable needs of inmates. (Mandatory)

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

Subp. 11. **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 inmates. (Mandatory)

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

Subp. 13. **Sleeping hours.** During normal sleeping hours, when inmates are secured in cells, detention rooms, or dormitories, a dispatcher or custody staff person must be assisted on duty by another custody staff person when the facility's inmate population exceeds 25.

Subp. 14. **Backup resource assistance.** In facilities which use the dispatcher or custody position as sole supervision, policy and procedures shall be implemented which assure a reasonable level of security and backup resource assistance for the dispatcher or custody person in circumstances which require emergency response assistance. The Department of Corrections shall review and approve the policy and procedures.

Subp. 15. **Ratio of custody staff to inmates, reporting incidents, and responding to emergencies.** A facility with a design capacity of 60 or fewer beds shall meet the following staffing ratios in this subpart:

For inmate supervision, the overall facility-wide minimum ratio of custody staff to inmates shall not be less than one custody officer to 25 inmates. These staff must be in the facility and on duty at all times and not involved in temporary duties outside of the facility. Included in this ratio are all staff who are assigned and trained in the custody and supervision of inmates as their primary duty. Staff not directly responsible for custody and supervision of inmates such as administrative, supervisory, program, bailiff, or support staff shall not be included in this ratio.

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

Subp. 16. **Staffing plan.** A facility with a design capacity of more than 60 beds shall be required to have a staffing analysis and staffing plan approved by the commissioner of corrections. This staffing plan shall include all posts and functions, a calculated shift relief factor as appropriate to each post, and total number of employees to fill the identified posts and functions. At a minimum, the staffing plan shall include:

- A. facility administration and supervision;
- B. facility programs including exercise and recreation;

- C. inmate supervision and custody;
 - D. support services including medical, food service, maintenance, and clerical;
- and
- E. other jail-relevant functions such as escort and transportation of inmates.

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

- A. Internal escort, rover, or movement officers shall be provided in sufficient numbers to ensure that inmates have access to staff, programs, activities, and services, and that the safety and security of the facility is not compromised.
- B. Sufficient staff must be present to provide for the booking of offenders without a reduction in the safety or security of the facility and inmates.
- C. In multifloor jails, custody staff must be posted on each floor occupied by inmates.
- D. Class I to Class VI facility staff shall not be used for the external transportation of inmates if the level of inmate supervision, inmate admission, programs, or internal inmate movement would be reduced below minimums afforded under the facility's staffing plan.

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

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

Subp. 20. **Coordination of programs.** In a Class III and Class VI facility, a staff person shall be designated to coordinate educational and vocational programs, social service programs, work release, and volunteer services programs. The following minimum inmate to program staff ratio shall apply for the average daily population:

- A. 30 or under, see subpart 4;
- B. 31 to 60, one full-time program staff person; and
- C. over 60, program staffing needs shall be addressed as part of the overall facility staffing plan. See subpart 16, requirements.

Subp. 21. **Class IV facilities.** Class IV facilities shall meet the same requirements as Class III facilities unless 75 percent or greater of the inmates served are on a work release, educational release, community service, or sentencing to service status. When such is the case the program staff requirements may be reduced by 50 percent for the Class IV facility. When Class III and Class IV facility program staff requirements are met from a central source, rather than at each facility independently, the total program staff must be representative of the requirements applicable to each facility.

Subp. 22. **Class V facilities.** Class V facilities with 60 or fewer inmates shall provide program staff at one-half the ratio required for Class III facilities. If over 60 inmates, a staffing plan is required for assessment.

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

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

Facilities using the override allowed in this subpart must document the number of inmates in the facility on an hourly basis and those under the facilities' jurisdiction that are

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temporarily released from the facility for work, education, community service, or sentencing to service programs. The facility shall also document the number of available custody staff for the population housed in the facility on an hourly basis.

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

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

Subp. 26. **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 inmates, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

STAFF TRAINING**2911.1000 TRAINING PLAN.**

A 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. Training plans shall be documented, describe curriculum, methods of instruction, and objectives. In-service training plans shall be prepared annually and shall provide documentation indicating that training for individual employees has taken into consideration their length of service, position within the organization, and previous training completed.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.1100 CLERICAL AND SUPPORT EMPLOYEES WITH MINIMAL INMATE CONTACT.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.1200 SUPPORT EMPLOYEES WITH REGULAR OR DAILY INMATE CONTACT.

A facility shall have a written policy and procedure that provides that all new support employees who have regular or daily inmate contact receive 40 hours of orientation and training during their first year of employment. These hours are to be completed prior to being independently assigned to a particular job. The employees are given an additional 16 hours of training each subsequent year of employment. At a minimum, this training covers the following areas:

- A. security procedures and regulations;
- B. rights and responsibilities of inmates;
- C. all emergency procedures;
- D. interpersonal relations;

- E. communication skills; and
- F. first aid.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.1300 CUSTODY STAFF TRAINING.

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

- A. security procedures;
- B. supervision of inmates;
- C. signs of suicide risk;
- D. suicide precautions;
- E. use of force regulations and tactics;
- F. report writing;
- G. inmate rules and regulations;
- H. rights and responsibilities of inmates;
- I. fire and emergency procedures;
- J. key control;
- K. interpersonal relations;
- L. social and cultural lifestyles of the inmate population;
- M. communication skills; and
- N. first aid.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.1400 ADMINISTRATIVE AND MANAGERIAL STAFF TRAINING.

A facility shall develop a written policy and procedure that provides that the facility's administrative and managerial staff receive at least 16 hours of orientation and at least 16 hours of training each year thereafter. This training covers, at a minimum, general management and related subjects, decision-making processes, labor law, employee-management relations, the interaction of elements of the criminal justice system, and relationships with other service agencies.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.1500 PROGRAM STAFF.

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

- A. security procedures and regulations;
- B. planning;
- C. development and implementation of treatment and recreational programs;
- D. inmate and staff rules and regulations;
- E. rights and responsibilities of inmates;

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- F. emergency procedures;
- G. interpersonal relations; and
- H. interaction of elements of the criminal justice system.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.1600 DESIGNATED TRAINING OFFICER.

A facility shall have a designated training officer responsible for:

- A. maintenance of training plans as required in part 2911.1000;
- B. maintenance of training records in sufficient detail to allow inspector assessment of compliance with parts 2911.1100 to 2911.1700; and
- C. documentation of waivers of training requirements based on equivalent training received before employment or demonstrated competency through proficiency testing.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.1700 WAIVERS OF TRAINING REQUIREMENTS.

Training requirements may be waived by the facility administrator or a designated training officer:

- A. when it has been determined that an individual has received equivalent training within an appropriate time before employment such as completion of first aid training with current certification of the training; or
- B. when the training officer or designee has tested the employee for proficiency and competency to demonstrate skills or knowledge required and the employee has met the required proficiency and competency level for certification of the training.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

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

2911.1800 JOB DESCRIPTIONS.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.1900 POLICY AND PROCEDURE MANUALS.

A facility shall have a written policy and procedure manual which defines the philosophy and method for operating and maintaining the facility. This manual shall be made available to all employees, reviewed annually, updated as needed, and staff trained accordingly. The manual shall include, at a minimum, the following chapters:

- A. correctional standards required under parts 2911.0100 to 2911.7600;
- B. administration and organization;
- C. fiscal management;
- D. personnel;
- E. training;
- F. inmate records;
- G. safety and emergency;
- H. security and control;

- I. sanitation and hygiene;
- J. food service;
- K. medical and health care services;
- L. inmate rules and discipline;
- M. communication, mail, and visiting;
- N. admissions, orientation, classification, property control, and release; and
- O. inmate activities, programs, and services.

The facility administrator or designee shall review policy and procedure manuals at least once each year. The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.2000 MERIT SYSTEM AND COLLECTIVE BARGAINING.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

RECORDS AND REPORTS

2911.2100 STORAGE AND PRESERVATION OF RECORDS.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.2200 FILING AND DISPOSITION OF INMATE RECORDS.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.2300 CONFIDENTIALITY OF AND ACCESS TO INMATE RECORDS.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.2400 DETENTION INFORMATION SYSTEM REQUIREMENTS.

The facility administrator shall designate a staff person responsible for reporting of information on persons detained or incarcerated to the Department of Corrections in a manner consistent with requirements in the Department of Correction's Detention Information System Manual. Detention information system reporting requirements shall be met in a timely and accurate manner.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

INMATE WELFARE

2911.2500 SEPARATION OF INMATES.

Subpart 1. **General.** A combination of separate housing units inclusive of maximum and minimum security areas and cells, detention rooms, dormitories, and dayroom spaces shall be provided to properly segregate inmates pursuant to Minnesota Statutes, section 641.14. (Mandatory)

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

- A. female and male inmates;
- B. community custody inmates (work releasees or sentencing to service offenders);
- C. inmates requiring disciplinary segregation;
- D. inmates requiring administrative segregation;
- E. juveniles who do not meet Minnesota statutory requirements for placement with adults;
- F. maximum security, medium security, and minimum security inmates as deemed appropriate to the facilities design intent and classification system; and
- G. inmates classified as mentally ill in a manner consistent with Minnesota Statutes, section 253B.05.

Subp. 2. **Supervision of coeducational activities.** Supervision of coeducational activities shall be provided at all times. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.2600 CLASSIFICATION OF INMATES.

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

- A. inmate gender;
- B. juvenile or adult status;
- C. category of offense;
- D. degree of escape risk;
- E. potential risk of safety to others and self;
- F. special needs assessment, inclusive of vulnerable adults, which includes a determination of how medical needs, mental health needs, developmental disability, or other behavioral or physical limitations or disabilities may impact on the classification of an inmate and appropriate housing of same; and
- G. special management inmate status. (Mandatory)

Subp. 2. **Status change.** The inmate classification plan shall specify criteria and procedures for determining and changing the status of an inmate, including custody, transfers, and major changes in programs. The plan shall include an appeal process for classification decisions.

Subp. 3. **Requirement for a Class IV facility.** No inmate shall be detained or incarcerated in a Class IV facility without having completed a classification review by the facility administrator or designee of the Class IV facility's parent facility resulting in a determination that the inmate is appropriate for minimum security housing.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; L 2005 c 56 s 2*

2911.2700 INFORMATION TO INMATES.

Subpart 1. **Information made available to inmates.** Copies of 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 shall be made available to all inmates.

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

Information required under this subpart shall be available in English and Spanish.

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

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.2800 ADMINISTRATIVE SEGREGATION AND INMATE DISCIPLINE.

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

Subp. 2. **Separate and secure housing.** 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 inmate, staff, or public.

Subp. 3. **Immediate segregation.** The facility administrator or designee can order immediate segregation when it is necessary to protect the inmate or others. This action is reviewed within three working days by the facility administrator or designee as established through policy and procedure.

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

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

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

Subp. 5. **Review.** Written policy and procedure shall specify the review process that is used to release an inmate from administrative segregation.

Subp. 6. **Protective custody.** Written policy and procedure shall provide that an inmate is admitted to the segregation unit for purposes of protective custody only when there is documentation that protective custody is warranted and segregation is the least restrictive alternative available.

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Subp. 7. **Deprivation report.** Written policy and procedure shall provide that whenever an inmate in administrative segregation is deprived of any usually authorized item or activity, a report of the action is made and forwarded to the facility administrator or designee.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.2850 DISCIPLINE PLAN.

Subpart 1. **Plan.** A facility shall have an inmate discipline plan that 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. 2. **Disciplinary segregation.** A facility administrator shall develop and implement policies and procedures for disciplinary segregation.

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

- A. published rules of conduct and 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:
 - (1) the inmate may waive the hearing in writing; and
 - (2) a written record is made of the disciplinary hearing and sanctions or other actions taken as a result of the hearing;
- D. the right to appeal;
- E. the status of an inmate placed on disciplinary segregation subsequent to a due process hearing shall be reviewed by the facility administrator or designee at least once every 30 days, and the facility shall develop written policy, procedure, and practice which provides that inmates in disciplinary segregation receive visits from the facility administrator or designee at least once every seven days as a part of the disciplinary segregation review process;
- F. continuous confinement for over 30 days requires the review and approval of the facility administrator;
- G. an inmate placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within 72 hours of segregation, exclusive of holidays and weekends, unless documented cause can be shown for delays. Examples of causes for delay are inmate requests for delay, or logistical impossibility, as in the case of mass disturbances; and
- H. the facility administrator or designee can order immediate segregation when it is necessary to protect the inmate or others. This action is reviewed within three working days by the disciplinary authority.

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

Subp. 5. **Delegation.** Delegation of authority to any inmate or group of inmates to exercise the right of punishment over any other inmate or group of inmates is prohibited.

Subp. 6. **Removing clothing and bedding.** The facility administrator shall develop a policy and procedure for removing clothing and bedding from an inmate. The following shall be included:

- A. clothing and bedding shall be removed from an inmate only when the inmate's behavior threatens the health, safety, or security of self, other persons, or property;
- B. clothing and bedding shall be returned to the inmate as soon as it is reasonable to believe the behavior which caused the action will not continue;
- C. the decision to deprive an inmate of articles of clothing or bedding shall be reviewed by the officer in charge or the supervisor during each eight-hour period; and
- D. the review shall be documented.

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

- A. specific rules violated;
- B. a formal statement of the charge;
- C. an explanation of the event, which should include who was involved, what transpired, and the time and location of the occurrence;
- D. unusual inmate behavior;
- E. staff and inmate witnesses;
- F. disposition of any physical evidence;
- G. any immediate action taken, including the use of force; and
- H. reporting staff members signature, and date and time report is made.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.2900 GRIEVANCE PROCEDURE.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.3000 USE OF FORCE.

Subpart 1. **Instruments of restraint; prohibited.** Instruments of restraint, such as handcuffs, chains, irons, and straight jackets shall not be used as punishment. The facility's written policy and procedure shall require that personnel discharging firearms, using chemical agents, or any other weapon, or using physical force or instruments of restraint to control inmates, submit written reports to the facility administrator or designee no later than the conclusion of the tour of duty. (Mandatory)

Subp. 2. **Use of instruments of restraint.** Instruments of restraint shall not be used except in the following circumstances:

- A. as a precaution against escape during a transfer;
- B. on medical grounds by direction of a consulting or attending physician or psychologist;
- C. by order of the facility administrator or person in charge in order to prevent an inmate from injuring self or others or from damaging property; or
- D. by order of the facility administrator or designee for other reasons.

Subp. 3. **Policies and procedures.** The facility administrator shall develop written policies and procedures to govern the use of restraints.

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Subp. 4. **Instruments of restraint.** Instruments of restraint shall not be applied for any longer time than is strictly necessary.

Subp. 5. **Incident.** Each incident involving the use of restraints consistent with subpart 2, item B, C, or D, shall be documented and kept on file.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.3100 INMATE ACTIVITIES.

Subpart 1. **Written plan.** A facility administrator shall develop and implement a written plan for the constructive scheduling of inmate time. The plan shall include the following:

A. Identification of programs offered in the facility and when the programs are offered.

B. Identification of persons conducting the program and whether or not the persons are facility staff, external community resources under contract, or volunteers.

C. The activity plan shall reflect consistency with established legal rights of inmates, type and status of inmates detained in the facility, and rule requirements associated with the facilities classification.

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

E. When males and females are housed in the same facility, equal opportunities shall be provided for participation in programs and services.

F. Programs offered and inmates participating in programs shall be documented.

Subp. 2. **Arrangements for religious services and counseling.** A facility shall have written policy and procedures which grant inmates the right to practice their religion. (Mandatory)

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

No inmate shall be required to attend religious services and religious services shall be held in a location that the inmates 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.

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

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

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

An inmate desiring to read the Bible or sacred book of another religion shall be provided a copy at the expense of the facility. Bibles or sacred books of another religion may be made available to inmates through local library or other community resources and limited to the inmates period of confinement.

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

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

The facility has a designated staff person who coordinates and supervises library services.

Subp. 4. **Education.** A facility shall develop written policy and procedure which provide for inmate access to educational programs, vocational counseling, and when available, vocational training. When possible, a facility shall arrange to have these educational programs delivered in a classroom.

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

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

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

Subp. 6. **Work assignments for adults.** Class II to Class VI facilities shall develop a written inmate work assignment plan that provides for inmate work, subject to the number of work opportunities available and the maintenance of facility security. Work assignments will provide for:

- A. adults not under sentence may volunteer to work but shall not be compelled to participate in work beyond maintaining the immediate living area;
- B. eligibility criteria for work activities;
- C. a statement that sentenced inmates shall not be compelled to work more than ten hours per day;
- D. a statement that work shall not be required which cannot be done due to physical limitations;
- E. the inmate work plan provides work opportunities for disabled inmates; and
- F. inmate working conditions that comply with all applicable federal, state, or local work safety laws, rules, and regulations.

Subp. 7. **Recreation plan.** The facility administrator shall develop a plan providing opportunities for physical exercise and recreational activities for all inmates consistent with the facility's classification.

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

Policy and procedure shall provide inmates with access to recreational opportunities and equipment, including seven hours of physical exercise or recreation outside the cell and adjacent dayroom areas per week:

- A. recreational opportunities must be afforded a minimum of five days per week; and
- B. Class I facilities are exempt from this requirement.

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

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

The facility's recreation plan shall provide for passive and active recreation needs and equipment for a variety of inmates consistent with the facility's classification and offenders served. As examples, passive or active recreational needs of older offenders and offenders with disabilities shall be addressed.

Policy and procedure shall provide that inmates in segregation receive a minimum of one hour a day, five days a week, of exercise outside their cells, unless security or safety considerations dictate otherwise.

Inmates on segregation status shall have access to the same recreational facilities as other inmates unless security or safety considerations dictate otherwise.

When inmates on segregation status are excluded from use of regular recreation facilities, the alternative area for exercise used shall be documented.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; L 2005 c 56 s 2*

2911.3200 INMATE VISITATION.

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

A. attorney/client interviews shall be allowed in a manner consistent with Minnesota Statutes, section 481.10, Consultation with Persons Restrained; (Mandatory)

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

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

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

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

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

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

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

G. when a visit to an inmate 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. that visitors register, giving names, addresses, and relationship to inmate;

I. any area used for inmate visiting not be subject to audio monitoring;

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.3300 CORRESPONDENCE.

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

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

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

A. Inmate letters, both incoming and outgoing, may be opened and inspected for contraband.

B. Inmates are notified when incoming or outgoing letters are rejected.

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.3400 TELEPHONE ACCESS.

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

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

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

Inmates shall be allowed telephone access to maintain contact with family members or significant others. The calls may be made through collect call telephone access systems. The minimum time allowed per call shall be ten minutes except where there are substantial reasons to justify such limitation.

Reasons for denial of telephone access shall be documented.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

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2911.3500 CITIZEN INVOLVEMENT AND VOLUNTEERS.

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

- A. lines of authority, responsibility, and accountability for the volunteer services;
- B. a procedure for the screening and selection of volunteers;
- C. an orientation training program appropriate to the nature of the assignment;
- D. a requirement that volunteers agree in writing to abide by all facility rules and policies, particularly relating to security and confidentiality of information; and
- E. a statement that the administrator may discontinue a volunteer activity at any time by written notice.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.3600 CLOTHING, BEDDING, AND LAUNDRY SERVICES.

Subpart 1. **Clothing.** An inmate admitted to a facility for 72 hours or more and assigned to a living unit shall be issued a set of facility clothing.

Subp. 2. **Change of clothing.** An inmate issued a change of clothing upon admission into the facility may have personal clothing returned after laundering at the discretion of the facility administrator.

Subp. 3. **Issue.** The clothing issue shall consist of clean socks and suitable outer and undergarments. (Mandatory)

Subp. 4. **Exchanged.** Clothing shall be exchanged twice each week, at a minimum. Clothing exchange shall be documented.

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

Subp. 6. **Excess personal clothing.** An inmate's excess personal clothing shall be either mailed to, picked up by, or transported to designated family members or stored in containers designed for this purpose and properly identified, inventoried, and secured.

Subp. 7. **Personal property.** An inmate possessing personal property shall sign and receive a copy of the inventory record.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.3650 LINENS AND BEDDING.

An inmate admitted to the facility shall be issued one bath towel; one hand towel; one washcloth; one clean, firm fire-retardant mattress; two sheets or one sheet and a clean mattress cover; blankets sufficient to provide comfort under existing temperature conditions; one pillow; and one pillow case.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.3675 LAUNDRY SERVICES.

Laundry services shall be managed so that daily clothing, linen, and bedding needs are met.

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

- A. part 4655.2200;
- B. part 4655.8300, subpart 2, clean linen;
- C. part 4655.8300, subpart 3, soiled linen;
- D. part 4655.8300, subpart 4, laundering of linen; and
- E. part 4655.8300, subpart 6, laundering of personal clothing.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES.

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

- A. location of alarms and fire fighting equipment;
- B. an emergency drill policy as follows:
 - (1) at least annual drills at all facility locations; and
 - (2) staff drills even when evacuation of extremely dangerous inmates may not be included;
- C. specific assignments and tasks for personnel;
- D. persons and emergency department to be notified;
- E. procedure for evacuation of inmates; and
- F. arrangements for temporary confinement of inmates.

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

- A. assignment of persons to specific tasks in case of emergency situations;
- B. instructions in the use of alarm systems and signals;
- C. systems for notification of appropriate persons outside the facility;
- D. information on the location and use of emergency equipment in the facility;
- E. specification of evacuation routes and procedures; and
- F. that the review be documented and require signature or initialing by all staff.

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

Subp. 4. **Reporting of unusual occurrences.** Incidents of an unusual or serious nature shall be reported in writing to the Department of Corrections within ten days. The reports shall include the names of persons involved, staff and inmates, nature of the unusual occurrence, actions taken, and the date and time of the occurrence. Unusual occurrences requiring reporting to the department shall include:

- A. attempted suicide;
- B. suicide;
- C. homicide;
- D. death, by means other than suicide or homicide;

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E. serious injury or illness incurred subsequent to detention including incidents resulting in hospitalization for medical care or hospitalization associated with mental health needs;

F. attempted escape or escape;

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

H. riot;

I. assaults of one inmate by another;

J. assaults of staff by inmates;

K. injury to inmates through the use of force by staff controlling inmate behavior;

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

M. reporting of all incidences of notice of intent to file litigation against the facility resulting from matters related to the detention or incarceration of an inmate.

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

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

A. the date, time, and circumstances of the inmate's death shall be recorded in the inmate's record;

B. if the inmate dies in the facility, the coroner or medical examiner's office shall be notified;

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

D. records of a deceased inmate shall be retained for a period of time according to law;

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

FOOD SERVICE

2911.3800 FOOD HANDLING PRACTICES.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.3900 DIETARY ALLOWANCES.

Subpart 1. **Generally.** Nutritional needs of inmates shall be met in accordance with their needs or physician's orders, and meet the dietary allowances contained in this part. A facility governed by this chapter shall have menu planning sufficient to provide each inmate the specified food servings per day contained in subparts 2 to 9. (Mandatory)

Subp. 2. **Meat or protein.** Two or more services per day of meat or protein shall be provided. A serving of meat or protein is defined as:

- A. two to three ounces cooked (equivalent to three to four ounces raw) of any meat without bone, such as beef, pork, lamb, poultry, and variety meats such as liver, heart, and kidney;
- B. two slices prepared luncheon meat;
- C. two eggs;
- D. two to three ounces of fresh or frozen cooked fish or shellfish, or one-half cup canned fish;
- E. one-half cup cooked navy beans plus one ounce of animal protein; or
- F. three ounces of natural or processed cheese or three-fourths cup of cottage cheese, not to exceed six ounces per week as a meat alternate.

Subp. 3. **Milk.** Two or more servings per day of milk shall be provided. 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:

- A. one ounce of American cheese for three-fourths cup milk;
- B. one-half cup creamed cottage cheese for one-third cup milk; or
- C. one-half cup ice cream for one-fourth cup milk.

Subp. 4. **Vegetables.** Two or more servings per day of vegetables shall be provided. One serving of a vitamin A source must be served four times per week. A serving is defined as one-half cup. Potatoes may be included once daily as a vegetable.

Vitamin A sources include: apricots, cantaloupe, carrots, mixed vegetables with carrots, winter or yellow squash, sweet potatoes or yams, spinach, greens (collard, kale, chard, mustard, beet or turnip), liver (counted under meat), or broccoli.

Subp. 5. **Fruit.** Two or more servings per day of fruit, one of which is citrus, for example, orange, grapefruit, or tomato, or other good source of vitamin C shall be provided. A serving of citrus fruit or tomato is defined as:

- A. one medium orange or four ounces of orange juice;
- B. one-half grapefruit or four ounces of grapefruit juice; or
- C. one large tomato or eight ounces of tomato juice.

Subp. 6. **Bread or cereal.** Five or more servings per day of whole grain or enriched cereal and bread products shall be provided. A serving is defined as:

- A. one slice of bread;
- B. one-half cup cooked cereal;
- C. three-fourths cup dry cereal; or
- D. one-half cup macaroni, rice, noodles, and spaghetti.

Subp. 7. **Dairy.** Servings of butter, fortified margarine, cream, or salad oil in moderate amounts shall be used to make food palatable.

Subp. 8. **Additional servings.** Additional servings of the foods in subparts 2 to 7 may be used, or the following foods added, to meet caloric needs: soups; sweets, such as desserts, sugar, and jellies; or other fats, such as bacon, cream, and salad dressings.

Subp. 9. **Substitutes.** Substitutes to accommodate religious diets may include, but need not be limited to beef, turkey, cheese, tuna, or peanut butter.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

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2911.4000 ANNUAL FOOD SERVICE REVIEW.

A facility's menu content and cycle shall be reviewed at least once annually by a registered dietitian or nutritionist to ensure compliance with part 2911.3900. (Mandatory)

The review and findings shall be documented and on file.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.4100 FREQUENCY OF MEALS.

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

Subp. 2. **Snack.** If a nourishing snack is provided at bedtime, up to 16 hours may elapse between the substantial evening meal and breakfast. A nourishing snack is classified as a combination of two or more food items from two of the four food groups, such as cheese and crackers, or fresh fruit and cottage cheese.

Subp. 3. **Three meals.** Where inmates 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. Variations may be allowed based on weekend and holiday food service demands provided basic nutritional goals are met. As an example, a facility may provide a brunch on Saturdays, Sundays, or holidays in lieu of separate breakfast and lunch meals.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.4200 THERAPEUTIC DIETS.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.4300 RELIGIOUS DIETS.

A facility shall develop a written policy and procedure that provides for special diets for inmates whose religious beliefs require adherence to religious dietary laws.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.4400 USE OF FOOD IN DISCIPLINE.

Food shall not be withheld as punishment. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.4500 SUPERVISION OF MEAL SERVING.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.4600 MENU RECORDS.

Records of menus and of foods purchased shall be filed for one year. All menus are planned, dated, and available for review at least one week in advance. Notations are made

of any substitutions in the meals actually served, and substitutions shall be of equal nutritional value. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.4700 HOT MEAL MINIMUM.

One of the three meals served daily shall be a hot meal.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.4800 CANTEEN.

Subpart 1. **List of approved canteen items to be purchased by staff member at local store.** Class II to Class VI facilities with approved capacities of 50 or less, shall provide inmates 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.** A facility with approved capacities over 50 shall establish, maintain, and operate a canteen in the facility.

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

Subp. 4. **Canteen.** A written policy and procedure shall provide for inmate purchase of approved items not furnished by the facility.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

SECURITY

2911.4900 SECURITY POLICIES AND PROCEDURES, GENERAL.

A facility shall develop a written policy and procedure for security and control, including procedures for emergencies that are contained in a manual which is available to all staff and is reviewed annually and updated as needed.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.5000 POST ORDERS.

Subpart 1. **Post orders.** There shall be written orders for every security post that are reviewed annually and updated if necessary.

Subp. 2. **Accountability.** A written policy and procedure shall require that personnel read, sign, and date the appropriate post orders at the time they assume a new post.

Subp. 3. **Security post records.** Custodial staff members shall maintain a permanent record and prepare shift reports that document routine and emergency situations and unusual incidents.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.5100 ADMISSIONS.

Subpart 1. **Policies and procedures.** A facility shall develop written policies and procedures for admitting new inmates to the facility to include, at a minimum, the following: (Mandatory)

A. verification of court commitment papers or other legal documentation of detention;

B. a search of the inmate and the inmate's possessions;

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- C. inventory and storage of the inmate's personal property;
- D. initial medical screening to include an assessment of the inmate's health status, including any medical or mental health needs;
- E. telephone calls made by the inmate during the booking and admission process and prior to assignment to other housing areas;
- F. shower and hair cleansing;
- G. issue of bedding, clothing, and personal hygiene items according to the rule requirements applicable to the anticipated length of stay of the inmate;
- H. photographing and fingerprinting including notation of identifying marks or unusual characteristics such as birthmarks or tattoos;
- I. interviewing to obtain the following identifying data:
 - (1) name and aliases of person;
 - (2) current address, or last known address;
 - (3) date of admission and duration of confinement;
 - (4) health insurance information;
 - (5) specific charges;
 - (6) gender;
 - (7) age;
 - (8) date of birth;
 - (9) place of birth;
 - (10) race;
 - (11) present or last place of employment;
 - (12) emergency contact (name, relation, address, and telephone number);
 - (13) driver's license or state identification number; and
 - (14) additional information concerning special custody requirements or special needs;
- J. initial classification of the inmate and assignment to a housing unit;
- K. an assigned booking number; and
- L. Social Security number.

Subp. 2. **Privacy.** Intake procedures dealing with information protected by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, shall be conducted in a manner and location that assures the personal privacy of the inmate and the confidentiality of the transaction from unauthorized personnel. (Mandatory)

Subp. 3. **Orientation to rules and services.** A facility shall develop a written policy and procedure that provides:

- A. all newly admitted inmates receive orientation information in a language they can understand; and
- B. completion of orientation is documented by a statement that is signed and dated by the inmate.

Subp. 4. **Inmate personal property.** A facility shall develop a written policy and procedure that provides for the written, itemized inventory of all personal property of newly admitted inmates and secure storage of inmate property, including money and other valuables.

The inmate shall receive a receipt for all property held until release.

A facility shall develop a written policy and procedure that specifies the personal property inmates can retain in their possession.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.5200 RELEASES.

Subpart 1. **Release procedures.** A facility shall develop written procedures for releasing inmates that include, but are not limited to, the following: (Mandatory)

A. verification of identity;

B. verification of authority to release;

C. upon release of an inmate, the property shall be returned to the inmate with a receipt for the inmate to sign, unless the property is held for authorized investigation or litigation; and

D. arrangements shall be made for completion of any pending action, such as grievances, or claims for damaged or lost possessions.

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

Subp. 3. **Release in severe weather.** No inmate shall be released in severe weather in such a manner as to endanger the inmate's health, safety, or well-being.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.5300 SEARCHES, SHAKEDOWNS, AND CONTRABAND CONTROL.

Subpart 1. **Contraband control.** The facility administrator shall develop a written policy and procedure which provides for searches of facilities and inmates to control contraband and provide for its disposition. (Mandatory)

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

Subp. 3. **Visitors.** A facility shall develop a written policy and procedure which will specify the circumstances under which visitors are searched. Visitors who seek to enter the security perimeter of the facility shall not be permitted admission if they refuse to submit to a requested search. (Mandatory)

Subp. 4. **Daily inspections.** The facility shall be inspected at least daily for contraband, evidence of breaches in security, and inoperable security equipment. (Mandatory)

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.5400 LOCKS AND KEYS.

Subpart 1. **General.** Keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, and out of reach of the inmates or the public. (Mandatory)

At least one complete functional set of facility keys shall be kept on hand for replacement or emergency 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 according to established procedure.

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

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Subp. 2. **Lock policy.** A facility shall develop a written policy and procedure which requires that all security perimeter entrances, control center doors, and cell block doors are kept locked, except when used for admission or exit of employees, inmates, or visitors, and in an emergency. A facility equipped with a sally port shall ensure that only one of the doors of a sally port is opened at any point in time for entry or exit purposes. (Mandatory)

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

Subp. 4. **Inoperable locks.** No lock to a security door or gate shall be permitted to be inoperable or left in an unsuitable condition. (Mandatory)

No inmate shall be secured in a cell, detention room, or area which has inoperable locks. (Mandatory)

Subp. 5. **Keys.** A facility shall develop a written policy and procedure which governs the control and use of keys. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.5500 DANGEROUS MATERIALS.

A facility shall develop a written policy and procedure which ensures that materials dangerous to either security or safety shall be properly secured. (Mandatory)

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

The policy will cover control and use of tools, and culinary and medical equipment.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.5600 SECURITY EQUIPMENT.

Subpart 1. **Equipment.** The issue, storage, and use of security equipment shall be governed by written policy and procedure to include the following: (Mandatory)

A. availability, control, and use of firearms, ammunition, chemical agents, and related security devices; and

B. that firearms, ammunition, chemical agents, and related security equipment are stored in a secure readily accessible depository located outside inmate housing and activity areas, and inventoried at least monthly to determine their condition and expiration date.

Subp. 2. **Weapons.** A facility shall develop a policy and procedure governing the use of firearms and include the following requirements:

A. weapons must be subjected to stringent safety regulations and inspection;

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

C. except in an emergency situation, firearms and weapons such as night sticks are permitted only in designated areas to which inmates have no access.

Subp. 3. **Training.** A facility policy shall ensure that all personnel authorized to use firearms, chemical agents, or other weaponry are trained in their use on a continuing, in-service basis.

Subp. 4. **Record.** The facility shall maintain a written record of emergency distribution of security equipment.

Subp. 5. **Reports.** A facility policy and procedure shall be developed which requires personnel discharging firearms, using chemical agents, or any other weapon, or using force to control inmates to submit written reports to the facility administrator or designee, no later than conclusion of the tour of duty.

Subp. 6. **Security inspection.** The facility shall develop a written policy and procedure to require the facility administrator or designee to inspect all areas within the security perimeter, security devices, and equipment at least monthly and initiate corrective action if needed.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.5700 COUNT PROCEDURE CHECK.

Subpart 1. **Counting.** A facility shall have a written policy describing the system of counting inmates. (Mandatory)

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

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

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

Subp. 2. **Well-being.** A facility shall have a system providing for well-being checks of inmates. (Mandatory)

A written policy and procedure shall provide that all inmates are personally observed by a custody staff person at least once every 30 minutes. Thirty-minute checks should be staggered.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION

2911.5800 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.

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

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

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

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

- A. emergency evacuation of the inmate from within the facility;
- B. use of an emergency medical vehicle;
- C. use of one or more designated hospital emergency rooms or other appropriate health facilities;

D. emergency on-call physician and dental services when the emergency health facility is not located in a nearby community; and

E. security procedures that provide for the immediate transfer of inmates when appropriate.

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

Subp. 6. **Medical screening.** A facility shall develop a written policy and procedure which requires that medical screening is performed by trained staff on all inmates on admission to the facility. The findings are to be recorded in a manner approved by the responsible physician. The screening process shall include procedures relating to: (Mandatory)

A. Inquiry into:

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

(2) medication taken and special health requirements;

(3) use of alcohol and other drugs which include types of drugs used, mode of use, amounts used, frequency used, date or time of last use, and history of problems that may have occurred after ceasing use, for example, convulsions;

(4) past and present treatment or hospitalization for mental illness or attempted suicide; and

(5) other health problems designated by the responsible physician.

B. Observations of:

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

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

C. Disposition to:

(1) general population;

(2) general population and referral to appropriate health care service;

(3) referral to appropriate health care service on an emergency basis; and

(4) other.

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

A. review of the receiving screening in subpart 6;

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

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

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

E. initiation of treatment when appropriate.

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

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

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

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

C. in facilities of over 200 inmates, sick call is held a minimum of five days per week; and

D. if an inmate's custody status precludes attendance at sick call, arrangements are made to provide sick call services in the place of the inmate's detention.

Subp. 10. **Infirmary.** Operation of an infirmary within a facility: male and female inmates may be housed in separate rooms in a common infirmary area. Direct staff supervision of the infirmary must be provided at all times when male and female inmates reside in the infirmary.

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

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

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

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

Statutory Authority: *MS s 241.021*

History: 23 SR 1834

2911.5900 POSTING OF AVAILABLE RESOURCES.

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

Statutory Authority: *MS s 241.021*

History: 23 SR 1834

2911.6000 FIRST AID.

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

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

Subp. 3. **Medical and dental records.** A 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. Included in the records shall be (Mandatory):

- A. the limitations and disabilities of the prisoner;
- B. instructions for prisoner care;
- C. orders for medication including stop date;
- D. any special treatment 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*

History: 23 SR 1834

2911.6100 JAIL FACILITIES

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2911.6100 TRAINING.

By policy and procedure a training program will be established by the facility administrator in cooperation with the responsible physician, that provides instruction in the following areas: (Mandatory)

A. recognition of signs and symptoms of illness and knowledge of action required in potential emergency situations;

B. administration of first aid and cardiopulmonary resuscitation (CPR). Recertification training shall occur as required with respect to first aid and CPR. The training shall be documented;

C. methods of obtaining assistance;

D. recognition of signs and symptoms of mental illness, developmental disability, emotional disturbance, and chemical dependency; and

E. procedures for inmate transfers to appropriate medical facilities or other health care providers.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; L 2013 c 59 art 3 s 21*

2911.6200 MEDICAL AND DENTAL RECORDS.

Subpart 1. **Release of information consent forms.** Release of information consent forms must comply with applicable federal and state regulations. (Mandatory)

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

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

Subp. 4. **Information accuracy.** The facility administrator and responsible physician shall establish a policy and procedure which ensures that information required in subpart 3, is accurate, current, and provided in a manner which minimizes the possibility of error in implementation of medical orders.

Subp. 5. **Sharing information.** The responsible physician or health care personnel shall share with the facility administrator information regarding an inmate's medical management, security, and ability to participate in programs.

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

A. Summaries or copies of the health record must be sent to the facility to which the inmate is transferred. Upon the request and written authorization of the inmate, physicians or medical facilities in the community shall be provided health record information.

B. The facility administrator or designee, which may include the responsible physician, health care personnel, or health-trained staff of the facility from which the inmate is being transferred, shall minimally share with the facility administrator of the facility designated to receive the inmate information regarding the inmate's medical management, security, and ability to participate in programs. In the absence of informed consent forms signed by the inmate involved, the information may be provided in summary manner to ensure a level of medical care consistent with the inmate's needs.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.6300 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 inmates with special assistance for those inmates who are unable to care for themselves. A written policy and procedure shall require that articles needed for personal hygiene are available to all inmates, and include at a minimum, the following:

- A. soap;
- B. toothbrush;
- C. toothpaste or powder;
- D. shampoo;
- E. shaving equipment on request;
- F. materials as appropriate to the special hygiene needs of women;
- G. comb; and
- H. toilet paper. (Mandatory)

Subp. 2. **Delousing materials.** Delousing materials and procedures shall be approved through consultation with the responsible physician or health care personnel. (Mandatory)

Subp. 3. **Bathing or showering.** Each inmate shall be permitted daily bathing or showering. (Mandatory)

Subp. 4. **Indigent inmates.** An indigent inmate shall receive personal hygiene items in subpart 1 at facility expense. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.6400 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

A facility administrator shall, in consultation with the responsible physician, develop a written policy and procedure for the secure storage, delivery, administration, and control of medicine.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.6500 STORAGE.

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

Subp. 2. **Refrigeration.** Medicine requiring refrigeration shall be refrigerated and secured. (Mandatory)

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

Subp. 4. **Drugs.** Stock supplies of legend (prescription-type) drugs shall not be maintained. Prescription medicine shall be kept in its original container, bearing the original label. Poisons, and medicine intended for external use, shall be clearly marked. (Mandatory)

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

Subp. 6. **Needles.** Needles, syringes, lancets, and other sharp equipment and supplies shall be accounted for and secured in a locked area. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

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2911.6600 DELIVERY.

Subpart 1. **Delivering medication.** A person delivering medication must do so under the direction of the responsible physician or health care personnel. (Mandatory)

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

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

Subp. 4. **Documentation.** Initial and refresher training must be documented. (Mandatory)

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

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

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

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

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

Subp. 10. **Refusal of prescribed drugs.** There shall be procedures for reporting an inmate's refusal of prescribed medicine to the attending physician, responsible physician, or health care personnel on the first occasion of such medication refusal. The refusal and directives by the attending physician, responsible physician, or health care personnel shall be documented. (Mandatory)

Subp. 11. **No drug deprivation punishment.** There shall be procedures for ensuring that no inmate shall be deprived of prescribed medicine as a means of punishment. (Mandatory)

Subp. 12. **Inmate medicine delivery prohibited.** There shall be procedures which prohibit the delivery of medicine by inmates. (Mandatory)

Subp. 13. **Dosage procedures.** There shall be procedures requiring that the attending physician, responsible physician, or health care personnel be contacted for instructions prior to the next prescribed medicine dosage time for all newly admitted inmates who are either in possession of prescribed medicine or indicate a need for prescribed medicine. (Mandatory)

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

Subp. 15. **Nonlegend medicine.** Nonlegend (nonprescription) medicine available to inmates will be approved by the responsible physician or health care personnel. Delivery of nonlegend (nonprescription) medicine by custody staff shall be documented. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.6700 ADMINISTRATION.

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

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

Subp. 3. **Topical medication.** Topical medications, as well as eye or ear drops, may be permitted for inmate self-administration as directed by health-trained staff. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.6800 CONTROL.

Subpart 1. **Records.** 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. (Mandatory)

Subp. 2. **Verifying legend drugs.** There shall be procedures for verifying legend drugs not prescribed by the facility physician. (Mandatory)

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

Subp. 4. **Destruction of medication.** There shall be written procedures for the destruction of medication on expiration dates or when retention is no longer necessary or suitable, consistent with Minnesota Board of Pharmacy requirements. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.6900 MEDICAL RESEARCH.

The use of inmates for medical, pharmaceutical, or cosmetic experiments is prohibited. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.7000 TUBERCULOSIS SCREENING; SEPARATION OF INMATES WITH INFECTIOUS DISEASE.

Subpart 1. **Separation.** A facility shall develop a written policy and procedure which will address the management of serious and infectious diseases. This policy and procedure shall be updated as new information becomes available. (Mandatory)

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.7100 INMATES WITH SPECIAL NEEDS.

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

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

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; L 2005 c 56 s 2*

2911.7200 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Subpart 1. **General.** A facility shall develop a policy and procedure which indicates that the facility shall be kept in good repair to protect the health, comfort, safety, and well-being of inmates and staff. (Mandatory)

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

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

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

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

Subp. 3. **Department rules.** 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.** A facility shall establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance. (Mandatory)

Subp. 5. **Cost list of needed supplies and repairs.** The facility administrator shall submit to the governing body a 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. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.7300 FIRE INSPECTION.

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

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

Subp. 3. **Sanction.** Failure to comply with the applicable fire code and safety requirements will result in the commissioner's denial of approval to continue facility operation.

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

Subp. 5. **Fire alarm requirements.** There shall be a fire alarm and automatic detection system required, as approved by the authority having jurisdiction, or a plan for addressing

these or other deficiencies within a reasonable time. The authority may approve any variances, exceptions, or equivalencies.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.7400 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 requirements that facility staff report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs; and documentation that appropriate work orders or requests for budget resources to effect needed repair, replacement, or corrections have been made.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.7500 ELIMINATION OF CONDITIONS CONDUCTIVE TO VERMIN AND PESTS.

Facility policy shall ensure that there is a written plan for the control and elimination of vermin and pests. (Mandatory)

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*

2911.7600 WASTE DISPOSAL.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834*