

CHAPTER 2945
DEPARTMENT OF CORRECTIONS
MUNICIPAL JAIL FACILITIES

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DEFINITIONS AND VARIANCES

2945.0100 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 prisoners prone to escape, prone to assault staff or other prisoners, likely to need protection from other prisoners or themselves, or determined to be mentally deficient and in need of special care.

Subp. 3. **Approved capacity.** “Approved capacity” means the maximum number of prisoners that any cell, room, unit, building, facility, or combination of them is approved for in compliance with the standards.

Subp. 4. **Average daily population.** “Average daily population” means the average number of prisoners residing daily during the last calendar year. Prisoners on furlough or hospitalized are excluded.

Subp. 5. **Class I municipal holding facility.** “Class I municipal holding facility” means an adult detention facility operated by a municipal government used to confine prisoners for more than 48 hours.

Subp. 6. **Class II municipal holding facility.** “Class II municipal holding facility” means an adult detention facility operated by a municipal government used to confine prisoners for up to 48 hours excluding weekends and holidays.

Subp. 7. **Class III municipal holding facility.** “Class III municipal holding facility” means an adult detention facility operated by a municipal government used to confine prisoners for up to 16 hours.

Subp. 8. **Class IV municipal holding facility.** “Class IV municipal holding facility” means an adult detention facility operated by a municipal government used to confine prisoners for up to four hours.

Subp. 9. **Commissioner.** “Commissioner” means the commissioner of the Minnesota Department of Corrections.

Subp. 10. **Communicable disease.** “Communicable disease” means a disease or condition that causes serious illness, serious disability, or death, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person to the body of another.

Subp. 11. **Contraband.** “Contraband” means those items designated by the municipal jail facility as prohibited on the physical premises of the facility.

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

Subp. 13. **Court holding facilities.** “Court holding facilities” means those areas where persons are held in conjunction with a court appearance. Court holding facilities may be secure but are nonresidential in design, and persons are not normally held there beyond four hours.

Subp. 14. **Custody personnel.** “Custody personnel” means those staff members or employees who are responsible for the custody and supervision of prisoners.

Subp. 15. **Department of Corrections; department.** “Department of Corrections” or “department” means the Minnesota Department of Corrections.

Subp. 16. **Directory.** “Directory” means any provision in this part which is not designated as mandatory according to subpart 25.

Subp. 17. **Emergency.** “Emergency” means a significant incident or disruption of normal facility procedures, policies, or routines, or activities arising from fire, riot, natural disaster, suicide, assault, or medical emergency.

Subp. 18. **Existing facility.** “Existing facility” means a facility used for detention and confinement of prisoners before October 12, 1992.

Subp. 19. **Facility administrator.** “Facility administrator” means the individual who has been delegated the responsibility and authority for the administration and operation of a local facility.

Subp. 20. **Holding cell.** “Holding cell” means a cell or room in a holding facility used to hold one or more persons temporarily while awaiting release, booking, court appearance, transportation, or interrogation.

Subp. 21. **Inspection.** “Inspection” means an on-site assessment of existing conditions made to determine the facility’s compliance with this chapter.

Subp. 22. **Jail.** “Jail” means a secure adult detention facility used to confine sentenced prisoners for a time not to exceed one full year per conviction, confine adult pretrial and presentenced detainees indefinitely, and confine juveniles up to limits prescribed by Minnesota statute and commissioner approval.

Subp. 23. **Legend drug.** “Legend drug” means a drug required by federal law to bear the following statement: “Caution: Federal law prohibits dispensing without prescription.”

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

Subp. 25. **Mandatory.** "Mandatory" means the standard must be met by the facility in order for the facility to be licensed. Mandatory standards are identified with the designation (mandatory). In the case of entire parts or subparts, the word mandatory appears in the part or subpart headnote. Notwithstanding Minnesota Statutes, section 645.49, the word mandatory is to be construed as part of the law when used in headnotes in this chapter. In the case of items, the word mandatory appears in the text. When used at the item level, the word mandatory governs all subitems.

Subp. 26. **Maximum security areas.** "Maximum security areas" means areas that provide the greatest degree of physical security for the control and separation of prisoners.

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

Subp. 28. **Person who is mentally ill.** "Person who is mentally ill" means any person who has an organic disorder of the brain or a substantial psychiatric disorder of thought, mood, perception, orientation, or memory which grossly impairs judgment, behavior, capacity to recognize reality, or to reason or understand, which:

A. is manifested by instances of grossly disturbed behavior of faulty perceptions; and

B. poses a substantial likelihood of physical harm to self or others as demonstrated by:

(1) failure to obtain necessary food, clothing, shelter, or medical care as a result of the impairment; or

(2) a recent attempt or threat to physically harm self or others.

Person who is mentally ill does not include persons with epilepsy, persons with mental retardation, persons subject to brief periods of intoxication caused by alcohol or drugs, or persons dependent on or addicted to alcohol or drugs.

Subp. 29. **Minimum security areas.** "Minimum security areas" means areas that provide functional living accommodations with a nominal reliance on physical security for the control and management of prisoners.

Subp. 30. **Municipal police facilities.** "Municipal police facilities" means police facilities including an administrative processing area used to temporarily detain persons for up to six hours. Municipal police facilities are specifically designed to be nonresidential in nature, have either audio or visual capability, would normally not be locked except for routine security reasons, and would be used only long enough for identification, investigation, transfer arrangements, or release to a responsible person.

Subp. 31. **Nonresidential.** "Nonresidential" means that the holding area or room is not designed to be lived in. Nonresidential space would not typically include a bed, toilet, and wash basin.

Subp. 32. **Policy.** "Policy" means a statement declaring mission, purpose, and ideological position.

Subp. 33. **Prisoner.** "Prisoner" means an individual, adult or juvenile, detained or confined in a local facility.

Subp. 34. **Procedure.** "Procedure" means a written statement establishing the action plan to implement policy.

Subp. 35. **Rule.** "Rule" means that which is defined by Minnesota Statutes, section 14.02, subdivision 4.

Subp. 36. **Substantially conform.** "Substantially conform" means comply with 100 percent of the items in this chapter identified as mandatory and with 70 percent of all items identified as directory in this chapter which are applicable to the facility's

classification. To calculate compliance one point will be assigned to each standard and/or each subpart of a standard.

Subp. 37. **Undue hardship.** “Undue hardship” means the financial costs are not warranted when weighed against the benefits derived.

Subp. 38. **Variance.** “Variance” means the waiver of a specific rule for a specified period of time.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; L 2002 c 221 s 50*

2945.0110 INTRODUCTION.

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

Minnesota Statutes, section 241.021, subdivision 1, provides that the commissioner shall 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 in them, according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules that follow are minimum standards for municipal lockup facilities.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.0120 INTENDED USE; NONCONFORMANCE; LIMITATIONS OF RULES.

Subpart 1. **Intended use.** A facility should be used only for classifications for which it is intended. This chapter does not regulate municipal police facilities or court holding rooms.

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

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

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

D. Class IV municipal holding facilities must meet all parts, subparts, items, and subitems which are designated as mandatory standards in this chapter and 70 percent of all parts, subparts, items, and subitems in this chapter which are directory standards and which are applicable to Class IV municipal holding facilities.

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.0130 VARIANCES.

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

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

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

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

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

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

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

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

Subp. 4. **Extension of emergency.** 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 for a variance to the rules and the variance is necessary for the protection of the health, security, safety, or well-being of the staff or the persons detained or confined in the institution where the emergency exists.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

PERSONNEL STANDARDS**2945.0500 MEDICAL EXAMINATIONS.**

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.0510 STAFF RECRUITMENT.

Subpart 1. **Discrimination prohibited (mandatory).** There must not be discrimination on the grounds of race, color, religion, sex, or national origin.

Subp. 2. **Staff selection.** The selection, appointment, and promotion of facility personnel must be based on assessed ability. Custody personnel must be a minimum of 18 years old. Recruitment standards must set forth the basic requirements of ability, preparatory experience, physical condition, and character, as well as those qualities that may disqualify.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.0520 EXTRA DUTY.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.0530 STAFFING REQUIREMENTS.

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

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

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

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

STAFF TRAINING**2945.1000 STAFF TRAINING PLAN.**

Subpart 1. **Orientation and in-service training plan.** Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. The training plans must be documented and describe curriculum, methods of instruction, and objectives. In-service training plans should be prepared annually, and orientation training plans must be reviewed and revised to changing conditions.

Subp. 2. **First aid and CPR training (mandatory).** Each facility shall establish, in cooperation with a responsible health authority, a training program to provide instruction on the administration of first aid and cardiopulmonary resuscitation (CPR).

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

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

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

C. methods of obtaining assistance;

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

E. procedures for patient transfers to appropriate medical facilities or health care providers; and

F. prevention of communicable diseases.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.1010 PART-TIME AND RELIEF STAFF.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

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

2945.1600 GUIDELINES AND RESPONSIBILITIES.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.1610 POLICY AND PROCEDURE MANUALS.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

RECORDS AND REPORTS

2945.2100 MAINTENANCE OF RECORDS AND REPORTS.

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

A. admission and release records;

B. special occurrence records; and

C. registers.

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

A. prisoner personal property records;

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

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

D. records of policies and procedures;

E. employee personnel records;

F. records of staff training;

G. accounting records (not applicable to Class III and IV municipal holding facilities);

- H. food service records;
- I. daily logs;
- J. medical and dental records; and
- K. disciplinary records.

The department shall make available on request sample approved forms of items A to K.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.2110 STORAGE AND PRESERVATION OF RECORDS (MANDATORY).

Space must be provided for the safe storage of records.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.

Prisoner booking records must be maintained.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.2130 ACCESS TO PRISONER RECORDS (MANDATORY).

Access to prisoner records shall be provided in conformity with state data privacy law.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

PRISONER WELFARE

2945.2500 SEPARATION OF PRISONERS (MANDATORY).

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

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

- A. female prisoners from male prisoners;
- B. juvenile prisoners from adult prisoners; and
- C. mentally ill prisoners from all other prisoners.

Subp. 3. **Separation by sight and sound.** Juvenile prisoners must be separated from adult prisoners by sight and sound.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.2510 INFORMATION TO PRISONERS.

Subpart 1. **Information to prisoners.** Minimal rules for prisoner behavior must be posted in a conspicuous place or provided to the prisoner.

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

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

The delegation of authority to a prisoner or group of prisoners to exercise the right of punishment over another prisoner or group of prisoners shall be prohibited.

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.2520 PRISONER VISITATION.

Subpart 1. **Initial visits for juveniles (mandatory).** The initial visit for parents, guardians, and attorneys must be permitted at any time.

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

A. That prisoners be allowed nonmonitored visits with the prisoner's attorney.

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

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

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

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

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

G. That visiting must not be audio monitored.

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.2530 CORRESPONDENCE.

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

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

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.

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

Subp. 2. **Laundry (mandatory).** Sheets must be laundered and blankets cleaned before reissuing them to another prisoner.

Subp. 3. **Removing clothing and bedding.** The facility administrator shall develop a policy and procedure for dealing with incidents in which prisoners misuse clothing or bedding. Clothing and bedding should be removed from a prisoner only when the prisoner's behavior threatens the health, safety, or security of self, others, or property. Clothing and bedding must be returned to the prisoner as soon as it is reasonable to believe that the behavior that caused the action will not continue.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.

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

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

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

- 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; and
- E. specification of evacuation routes and procedures.

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

- A. attempted suicide;
- B. suicide;
- C. homicide;
- D. death other than suicide or homicide;
- E. serious injury or illness incurred after detention;
- F. escape or runaway;
- G. fire causing serious damage;
- H. riot;
- I. assaults requiring medical care;
- J. other serious disturbances; or
- K. occurrences of infectious diseases and disposition of the occurrences.

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

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

Subp. 4. **Prisoner death (mandatory).** When a prisoner's death occurs:

- A. the date, time, and circumstances of the prisoner's death must be recorded in the prisoner's record;
- B. if the prisoner dies in the facility, the coroner, medical examiner, or sheriff must be notified immediately;
- C. personal belongings must be handled in a responsible and legal manner;
- D. records of a deceased prisoner must be retained for a period of time in accordance with law; and
- E. the facility administrator shall observe all pertinent laws and allow appropriate investigating authorities full access to all facts surrounding the death.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

FOOD SERVICE

2945.3400 FOOD HANDLING PRACTICES (MANDATORY).

Food service shall be provided according to chapter 4626.

Statutory Authority: *MS s 31.101; 31.11; 144.05; 144.08; 144.12; 157.011; 241.021*

History: *17 SR 711; 23 SR 519*

2945.3410 FREQUENCY OF MEALS.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.3420 THERAPEUTIC DIETS (MANDATORY).

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.3430 USE OF FOOD IN DISCIPLINE (MANDATORY).

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.3440 SUPERVISION OF MEAL SERVING.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.3450 HOT MEAL MINIMUM.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

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

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

- A. the control and recovery of contraband;
- B. the prohibition on firearms in prisoner areas; and
- C. that all prisoners are personally observed by an employee at least every 30 minutes, but on an irregular schedule; more frequent observation is required for those prisoners who are violent, suicidal, mentally disordered, or who demonstrate unusual or bizarre behavior.

Subp. 2. **Additional security policies and procedures.** Written security policies and procedures must also include the following:

- A. visitor and visit control;
- B. search and shakedown schedules and procedures;
- C. escort of prisoners outside security areas;
- D. escape prevention and action plans;
- E. tool, medication, key, and weapon control procedures;
- F. count procedure;
- G. classification of prisoners; and
- H. riot prevention and control procedures.

This subpart is not applicable to Class III and IV municipal holding facilities.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.4710 ADMISSIONS.

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

- A. a thorough search of all admissions and prisoners on release status returning to the facility;
- B. showering and delousing facilities (Class III and IV municipal holding facilities must have some type of facilities for prisoners to wash up if showers are not available);
- C. an assessment of health status;
- D. security classification (not applicable to Class III and IV municipal holding facilities);
- E. inventory of prisoner's property;
- F. fingerprinting and photographing, if appropriate; and
- G. completion of admission form.

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.4720 RELEASES.

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

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.4730 SEARCHES AND SHAKEDOWNS.

Subpart 1. **Visitor searches.** Searches of visitors and their personal belongings brought into the facility must be done in accordance with the facility's written policy and legal procedures.

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

Subp. 3. **Inspection of materials.** All materials delivered to or transported from the facility must be inspected for contraband before distribution and the inspection shall be documented.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.4740 LOCKS AND KEYS.

Subpart 1. **General (mandatory).** All keys to security locks must be properly tagged and stored in a secure cabinet within a secure area, and out of reach of the prisoners or

the public. At least one complete set of facility keys must be kept on hand for replacement purposes. Keys that serve a critical security purpose must be easily identifiable and never issued to facility staff except upon order of the facility administrator or person in charge, and in accordance with established procedure. No security keys may be made available to prisoners regardless of status. All electronic locking systems must have a manual override.

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.4750 DANGEROUS MATERIALS (MANDATORY).

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.4760 COUNT PROCEDURE.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION

2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES (MANDATORY).

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

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

Subp. 3. **Ambulance service.** Ambulance services must be available 24 hours a day.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.5410 POSTING OF AVAILABLE RESOURCES (MANDATORY).

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.5420 HOSPITALIZATION OF A PRISONER.

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.5430 FIRST AID.

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

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

Subp. 3. **Records of illness and injury.** A facility must record all complaints of illness or injury and actions taken.

Subp. 4. **Medical or dental records (mandatory).** Records must be maintained on prisoners under medical or dental care. The records must include at a minimum:

- 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.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.5440 PREVENTIVE HEALTH SERVICES.

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

Subpart 1. **Legend drugs (mandatory).** Facility policy shall prohibit stock supplies of legend drugs.

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

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

- A. medicine be stored in a locked area;
- B. the storage area be kept locked at all times;
- C. medicine requiring refrigeration be refrigerated and secured;

D. prisoners not be permitted in the medicine storage area;

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

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

G. poisons and medicine intended for external use be clearly marked and stored separately from medicine intended for internal use.

Subp. 4. **Procedures for delivery of medicine.** Each facility must adopt procedures for the delivery of medicine.

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

(1) Requirements that medicine administered by injection must be administered by a physician, registered nurse, or licensed practical nurse. Diabetics under physician order and direct staff supervision must be permitted to self-administer insulin.

(2) Requirements that no prisoner while receiving legend drugs may receive any nonlegend drug without the approval of the attending physician.

(3) Procedures for reporting to the physician any adverse reactions to drugs. Any reports shall be included in the prisoner's file.

(4) Procedures for reporting the attending physician a prisoner's refusal of prescribed medicine, and an explanation made in the prisoner's record.

(5) Procedures for ensuring that no prisoner is deprived of medicine as prescribed because of penalty or staff retaliation.

(6) Procedures that prohibit the delivery of medicine by prisoners.

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

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

(1) medicine delivered to a prisoner is to be self-administered under staff supervision;

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

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

(4) procedures for confirming that medicine delivered for oral ingestion has been ingested.

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

Subp. 6. **Medicine given to prisoner upon release.** Prescription medicine belonging to a prisoner must be given to the prisoner or to the appropriate authority upon transfer or release and shall be recorded in the prisoner's file.

Subp. 7. **Destruction of unused prescribed medicine.** Unused prescribed medicine should be destroyed by incineration or by flushing into the sewer system. A notation of the destruction made in the prisoner's record and a statement of what was destroyed, who destroyed it, and how it was destroyed.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.5460 REPORTING SUSPECTED COMMUNICABLE DISEASE (MANDATORY).

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.5470 SEPARATION OF PRISONERS SUSPECTED OF HAVING A COMMUNICABLE DISEASE (MANDATORY).

Prisoners suspected of having a communicable disease must be separated from other prisoners.

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.5480 MENTALLY ILL PRISONERS.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

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

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

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

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

Subp. 5. **Policies and procedures to detect deterioration of building and equipment.** The facility administrator must develop policies and procedures designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions.

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

Subp. 7. **Priority of work requests.** The facility must have a process for prioritizing work requests and reporting to the governing body in an expedient manner.

Subp. 8. **Records of repair.** The facility must have a records system for review of budget and work requests, expenditures, dates and actions pursuant to detection of need, submission of work orders, and completion of requests.

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*