

CHAPTER 2911
DEPARTMENT OF CORRECTIONS
JAIL FACILITIES

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DEFINITIONS; CAPACITY; VARIANCES

2911.0100 INTRODUCTION.

A. This chapter provides minimum standards for public and private correctional facilities throughout the state 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. Facilities may request technical assistance from the department in determining whether they are eligible for a variance to a specific standard under this chapter.

B. 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.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

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 status 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. **Assistant jail administrator.** "Assistant jail administrator" means an administrative officer who assists 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 that allow one or more of the following:

- A. work release;
- B. intermittent sentences;
- C. community service;
- D. sentencing to service requirements;
- E. educational release; or
- F. 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 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 processing of a person charged with or convicted of an offense, and includes procedures such as searching, fingerprinting, photographing, medical screening, and collecting personal history data.

Subp. 8. [Repealed, 38 SR 523]

Subp. 9. **Cell.** "Cell" means a sleeping space in a detention facility for the confinement of not more than two inmates, except as approved by the Department of Corrections.

Subp. 10. **Cellblock or housing unit.** "Cellblock" or "housing unit " means a group of cells immediately adjacent and directly accessible to a dayroom.

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 is known as a holding facility.

Subp. 12. **Class II facility.** "Class II facility" means a secure adult detention facility used to confine inmates before an appearance in court and sentenced inmates for a time not to exceed 90 days. A Class II facility is 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 is 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 is 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 is known as an adult detention center.

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

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

Subp. 18. [Repealed, 38 SR 523]

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 facility policy. This includes items that are authorized but in excess of allowable limits.

Subp. 21. [Repealed, 38 SR 523]

Subp. 22. **Control center.** "Control center" means a secure post within a facility where security activities are monitored and controlled.

Subp. 23. **Controlled substance.** "Controlled substance" means a medication, substance, or immediate precursor in Schedules I to V of Minnesota Statutes, section 152.02.

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

Subp. 25. [Renumbered subp 56a]

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

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

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

Subp. 29. **Disciplinary segregation.** "Disciplinary segregation" means the status assigned an inmate following a hearing in which the inmate was found in violation of 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 ensure the security of the facility.

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. [Repealed, 38 SR 523]

Subp. 34. [Repealed, 38 SR 523]

Subp. 35. **Facility.** "Facility" means a county, multiple county, or private corrections facility of a Class I to Class VI type.

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. [Repealed, 38 SR 523]

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

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

Subp. 39. **Health authority.** "Health authority" means an individual or agency 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. 40. **Health care personnel.** "Health care personnel" means an individual whose primary duty is to provide health services in accordance with their respective license. The individual must be a RN, LPN, nurse practitioner, physician, or physician assistant.

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

Subp. 42. **Holding area.** "Holding area" means a cell or room used to hold one or more persons temporarily.

Subp. 43. [Repealed, 38 SR 523]

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

Subp. 45. **Individual with a disability.** "Individual with a disability" means 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 or detainee.** "Inmate" or "detainee" means an individual, adult, or juvenile, detained or confined in a Class I to Class VI facility.

Subp. 47. [Repealed, 38 SR 523]

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 assessment of existing conditions made to determine the facility's compliance with this chapter.

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

Subp. 50. [Renumbered subp 58a]

Subp. 51. **Life safety code.** "Life safety code" means minimum standards for fire safety published and updated by the National Fire Protection Association and other authorities having jurisdiction.

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

Subp. 53. [Repealed, 38 SR 523]

Subp. 54. [Repealed, 38 SR 523]

Subp. 55. **Medication.** "Medication" 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, medication includes prescription and nonprescription medications.

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

Subp. 56b. **Override.**

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

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

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

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 written statement declaring mission and purpose.

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

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. [Repealed, 38 SR 523]

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

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

Subp. 65. [Repealed, 38 SR 523]

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

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

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

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. [Repealed, 38 SR 523]

Subp. 69. **Substantially conform.** "Substantially conform" means a compliance rating of 100 percent on rules under part 2911.0300, subpart 5a, item B, and 90 percent compliance on rules under part 2911.0300, subpart 5a, item C.

Subp. 70. [Repealed, 38 SR 523]

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

Subp. 72. [Repealed, 38 SR 523]

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; L 2013 c 62 s 32; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.0300 INTENDED USE AND NONCONFORMANCE WITH RULES.

Subpart 1. **Intended use.** A facility shall be used only according to its classification, Class I to Class VI, as 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 compliance with a rule part, subpart, or item as designated under subpart 5a in order to meet approval requirements for continued operation unless the commissioner waives the part, subpart, or item. The commissioner shall assess a facility based on compliance with rules applicable to the facility's classification at the time of the facility's last inspection.

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.

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

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

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 that 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 DOC 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 DOC, 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 compliance with the rules under subpart 5a, item B, cannot be achieved because of serious life-safety and physical plant deficiencies, the commissioner shall specify a duration of time, known as the sunset authorization period, after which the facility will no longer have the authority to operate.

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

Subp. 5. [Repealed, 38 SR 523]

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

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

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

- (1) 2911.0100, item B;
- (2) 2911.0300
- (3) 2911.0400, subparts 2 and 4;
- (4) 2911.0800;
- (5) 2911.0900, subparts 1, 2, 8, 9, 10, 11, 12, 18, 25, and 26;
- (6) 2911.1000;
- (7) 2911.1900;

- (8) 2911.2100;
- (9) 2911.2300;
- (10) 2911.2500;
- (11) 2911.2600, subpart 1;
- (12) 2911.2700, subparts 3 and 4;
- (13) 2911.2850, subparts 1 and 2;
- (14) 2911.2900;
- (15) 2911.3100, subpart 2;
- (16) 2911.3200;
- (17) 2911.3300, subparts 3, item C, and 5;
- (18) 2911.3650, subpart 4;
- (19) 2911.3700, subparts 1, 2, 3, and 5;
- (20) 2911.3800;
- (21) 2911.3900, subpart 1;
- (22) 2911.4000;
- (23) 2911.4100, subpart 1;
- (24) 2911.4400;
- (25) 2911.4500;
- (26) 2911.4600;
- (27) 2911.2525, subparts 1 and 2;
- (28) 2911.2550;
- (29) 2911.5300;
- (30) 2911.5550;
- (31) 2911.5450;
- (32) 2911.5000, subparts 4 and 5;
- (33) 2911.5800, subparts 1, 2, 3, 4, 6, 8, and 11;
- (34) 2911.5900;
- (35) 2911.6000, subpart 2, and 2911.6200, subpart 1a;
- (36) 2911.1350;
- (37) 2911.6200, subparts 1b, 2, and 6;
- (38) 2911.2750;
- (39) 2911.6400;
- (40) 2911.6500;
- (41) 2911.6600;

- (42) 2911.6700;
- (43) 2911.6800;
- (44) 2911.6900;
- (45) 2911.7000;
- (46) 2911.7100, subparts 1 and 3;
- (47) 2911.7200;
- (48) 2911.7300, subpart 1;
- (49) 2911.7500; and
- (50) 2911.7600.

C. A facility must comply with at least 90 percent of parts 2911.0330 to 2911.7600 that are not listed in item B.

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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.0330 APPROVED CAPACITY.

Subpart 1. [Repealed, 38 SR 523]

Subp. 2. **Approved bed capacity.** Approved bed capacity, excluding holding areas and beds designed for disciplinary or administrative segregation purposes, shall be based on the following criteria:

- A. single occupancy cells 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; and
- D. double occupancy cells shall provide a minimum of 70 square feet of floor space.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.0340 DESIGN CAPACITY.

Subpart 1. **Design capacity.** The "design capacity" of a facility is determined by the number of beds in the facility as calculated in the same manner as for approved bed capacity with the addition of holding cells and those beds designed for segregation or special management purposes.

Subp. 2. [Repealed, 38 SR 523]

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.0350 [Repealed, 38 SR 523]

Published Electronically: *December 20, 2013*

2911.0360 OPERATIONAL BED CAPACITY.

The operational bed capacity of the facility shall be a percentage of the approved bed capacity level 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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.0370 VARIANCE BED CAPACITY.

When a variance is authorized by the Department of Corrections pursuant to part 2911.0400, subpart 1, the facility may exceed its bed capacity level.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.0400 VARIANCES.

Subpart 1. **Variances, generally.** The granting of a variance under this part for one facility 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 shall be granted by the commissioner if, in the licensing procedure or enforcement of 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 financial 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 the variance will not preclude the facility from making satisfactory progress toward substantial conformity with this chapter;

D. granting 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 this chapter to the fullest extent possible.

Subp. 2. **Emergency notification.** When a facility administrator declares an emergency, the applicable rules may be suspended during the duration of the emergency. The facility administrator or designee shall notify the DOC in writing within 72 hours of an emergency that results in the suspension of any rule under this chapter.

Subp. 3. [Repealed, 38 SR 523]

Subp. 4. **Suspension limit.** A suspension of rules because of an emergency declared by a facility administrator or a designee shall not 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:

A. 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; or

B. when an emergency public safety issue has occurred.

Subp. 5. [Renumbered 2911.3700 subp 6]

Subp. 6. [Renumbered 2911.3700 subp 7]

Subp. 7. **Notification.** The facility administrator or a designee shall notify the DOC 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 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 have a written plan that requires the use of available contract per diem bed space in DOC-approved facilities within a 125-mile radius. The plan shall require the following.

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 have 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; 38 SR 523*

Published Electronically: *December 20, 2013*

PERSONNEL STANDARDS

2911.0600 STAFF RECRUITMENT.

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. Recruitment

standards shall also establish factors that may disqualify an applicant. Discrimination shall be prohibited consistent with Minnesota Statutes, section 363A.08.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.0700 EMPLOYEE EVALUATION.

Consistent with Minnesota Statutes, 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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.0800 EXTRA DUTY.

An employee shall be scheduled for no 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.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.0900 STAFFING REQUIREMENTS.

Subpart 1. **Staffing plan and staffing analysis.** The facility administrator shall prepare and retain a staffing plan.

The staffing plan shall identify:

- A. jail personnel assignments for:
 - (1) facility administration and supervision;
 - (2) facility programs including exercise and recreation;
 - (3) inmate admission, booking, supervision, and custody;
 - (4) support services including medical, food service, maintenance, and clerical; and
 - (5) other jail-relevant functions such as escort and transportation of inmates;
- B. the days of the week that the assignments are filled;
- C. the hours of the day that the assignments are covered; and

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

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.

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

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

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 who 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. **Assistant jail administrator.** Where the custodial responsibility of inmates exceeds 60, an assistant jail administrator shall be required. Assistant jail administrators shall not be classified as custody personnel whose primary duties are supervision of inmates.

Subp. 8. **Staff person in charge.** Facility administration shall designate a staff person to be in charge at all times in the absence of administrative staff from the facility.

Subp. 9. **Condition of custody staff person on duty.** An inmate shall not 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.

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

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 that detract from their primary responsibilities for ongoing supervision of inmates.

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 five.

Subp. 13. [Repealed, 38 SR 523]

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

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

A. A facility with a design capacity of 60 or fewer beds shall meet the staffing ratios in this item. For inmate supervision, the overall facilitywide minimum ratio of custody staff to inmates shall be 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.

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

- (1) 1 to 60 inmates for direct supervision housing units with lockdown capability;
- (2) 1 to 48 inmates for direct supervision dormitories;
- (3) 1 to 40 for indirect or podular inmate supervision; and
- (4) 1 to 25 inmates for linear housing areas.

C. A facility administrator may apply for a specific variance from the staffing requirements in this subpart from the commissioner. 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. [Repealed, 38 SR 523]

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

A. internal escort, rover, or movement officers in sufficient numbers as determined in the approved staffing plan under this subpart 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 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 posted on each floor occupied by inmates; and

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

Class I to Class VI facility staff shall not be used for the external transportation of inmates or court security 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.

Subp. 19. **Class I exemptions.** Class I facilities are exempt from the requirement in subpart 18, except those facilities 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, program staffing needs comply with subpart 4;
- B. 31 to 60, one full-time program staff person; and
- C. over 60, program staffing needs are addressed as part of the overall facility staffing plan.

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 that 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 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 that 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.

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.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

STAFF TRAINING

2911.1000 TRAINING PLAN.

A facility administrator or designee 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 and 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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.1100 [Renumbered 2911.1200 subpart 1]

Published Electronically: *December 20, 2013*

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

Subpart 1. **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 before being independently assigned to a particular job. Persons in this category are given an additional 16 hours of training each subsequent year of employment.

Subp. 2. **Regular or daily inmate contact.** A facility shall have a written policy and procedure that provides that all new clerical and 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 before 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 applicable emergency procedures;
- D. interpersonal relations and communication skills; and
- E. first aid.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

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 the 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 and suicide precautions;
- D. vulnerable inmates;
- E. response to resistance 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 and communication skills;
- L. diversity training;
- M. distribution of medications;
- N. right to know; and
- O. blood-borne pathogens and communicable diseases.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.1350 MEDICAL TRAINING FOR CUSTODY STAFF.

By policy and procedure a training program shall be established by the facility administrator in cooperation with the health authority, that provides instruction in the following areas:

- A. first aid training for custody personnel responsible for the supervision, safety, and well-being of prisoners;
- B. recognition of signs and symptoms of illness and knowledge of action required in potential emergency situations;

C. 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;

D. methods of obtaining assistance;

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523; L 2014 c 312 art 27 s 77*

Published Electronically: *July 3, 2014*

2911.1400 ADMINISTRATIVE AND MANAGERIAL STAFF TRAINING.

A facility shall have a written policy and procedure that provides that the facility's administrative and managerial staff receive at least 16 hours of orientation. Orientation training shall include, at a minimum, general management and related subjects, data practices, decision-making processes, labor law, employee-management relations, the interaction of elements of the criminal justice system, and relationships with other service agencies. After orientation, a facility's administrative and managerial staff shall receive at least 16 hours of training annually.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.1500 PROGRAM STAFF TRAINING.

A facility shall have 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, educational, and recreational programs;

D. inmate and staff rules and regulations;

E. rights and responsibilities of inmates;

F. emergency procedures;

G. interpersonal relations;

H. interaction of elements of the criminal justice system; and

I. first aid.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

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 2911.1200 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; 38 SR 523*

Published Electronically: *December 20, 2013*

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*

Published Electronically: *December 20, 2013*

JOB DESCRIPTIONS AND POLICIES AND PROCEDURES

2911.1800 JOB DESCRIPTIONS.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.1900 POLICY AND PROCEDURE MANUALS.

A facility shall have a written policy and procedure manual that is electronically available to staff and relevant regulatory authorities and 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 this chapter;
- 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;
- O. inmate activities, programs, and services; and
- P. a written suicide prevention and intervention plan.

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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.2000 [Repealed, 38 SR 523]

Published Electronically: *December 20, 2013*

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

Space shall be provided for the safe storage of records.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.2200 FILING AND DISPOSITION OF INMATE RECORDS.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.2300 PRIVACY OF AND ACCESS TO INMATE RECORDS.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

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 DOC in a manner consistent with requirements in the DOC's Statewide Supervision System, Detention Entry Guide (2010) and any amendments, which is incorporated by reference, subject to frequent change, and available at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. Detention information system reporting requirements shall be met in an accurate manner daily.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

INMATE WELFARE

2911.2500 SEPARATION OF INMATES.

Subpart 1. **General.** A combination of separate housing units inclusive of special management areas, general population, and minimum security areas and cells, dormitories, and dayroom spaces shall be provided to properly segregate inmates pursuant to Minnesota Statutes, section 641.14.

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

- A. female and male inmates;
- B. community custody inmates such as work release or sentencing to service;

- C. inmates requiring disciplinary segregation;
- D. inmates requiring administrative segregation;
- E. juveniles who do not meet Minnesota statutory requirements for placement with adults;
- F. special management, general population, and minimum security inmates as considered appropriate to the facilities design intent and classification system; and
- G. inmates classified as mentally ill or special needs inmates in a manner consistent with Minnesota Statutes, section 253B.05.

Subp. 2. **Supervision of coeducational activities.** Direct supervision of coeducational activities shall be provided at all times.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.2525 ADMISSIONS.

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

- A. obtaining and documenting available emergency medical information within two hours of admission;
- B. verification of court commitment papers or other legal documentation of detention. Verification shall include checking the date of admission, duration of confinement, and specific charges;
- C. a search of the inmate and the inmate's possessions;
- D. inventory and storage of the inmate's personal property;
- E. initial medical screening to include an assessment of the inmate's health status, including any medical or mental health needs;
- F. telephone calls made by the inmate during the booking and admission process and prior to assignment to other housing areas;
- G. shower and hair cleansing;
- H. issue of bedding, clothing, and personal hygiene items according to the rule requirements applicable to the anticipated length of stay of the inmate;
- I. photographing and fingerprinting including notation of identifying marks or unusual characteristics such as birthmarks or tattoos;
- J. interviewing to obtain the following identifying data:
 - (1) name and aliases of person;
 - (2) current address, or last known address;
 - (3) health insurance information;
 - (4) gender;
 - (5) age;

- (6) date of birth;
- (7) place of birth;
- (8) race;
- (9) present or last place of employment;
- (10) emergency contact including name, relation, address, and telephone number; and
- (11) additional information concerning special custody requirements or special needs;

K. initial classification of the inmate and assignment to a housing unit;

L. an assigned booking number; and

M. Social Security number, driver's license number, or state identification number, if available.

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.

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

A. a method for all newly admitted inmates to receive orientation information in a manner the inmates can understand; and

B. documentation by a statement that is signed and dated by the inmate that the inmate completed orientation.

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.2550 RELEASES.

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

A. verification of identity;

B. verification of authority to release;

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

D. arrangements 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.** An inmate shall not be released in severe weather in a manner to endanger the inmate's health, safety, or well-being.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

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, participation in facility programs, and use of any overrides. 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. severity of current charges, convictions, or both;
- E. degree of escape risk;
- F. potential risk of safety to others and self;
- G. institutional disciplinary history;
- H. serious offense history;
- I. 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
- J. special management inmate status.

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, override functions, and major changes in programs. The plan shall include an appeal process for classification decisions. The use of any override shall be documented.

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; 38 SR 523*

Published Electronically: *December 20, 2013*

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 commissary 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. There shall be procedures in place to address the language barriers of non-English-speaking inmates.

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

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 of admission, excluding weekends and holidays.

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.

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.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.2750 INMATE HYGIENE.

Subpart 1. **Personal hygiene.** The facility administrator or designee shall have and implement a written policy for personal hygiene practices of all inmates to include 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;
- D. shampoo;
- E. shaving equipment;
- F. materials essential to feminine hygiene;
- G. comb; and

H. toilet paper.

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.2800 ADMINISTRATIVE SEGREGATION.

Subpart 1. **Administrative segregation.** Each facility administrator or designee 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. [Repealed, 38 SR 523]

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

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; and

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

Subp. 5. [Repealed, 38 SR 523]

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

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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.2850 INMATE 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.

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

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 for more than 30 continuous days subsequent to a disciplinary hearing shall be reviewed, approved, and documented by the facility administrator or designee at least once every 30 days, and the facility shall develop written policy, procedure, and practice that 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. an inmate placed in segregation for an alleged rule violation shall have a disciplinary 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
- G. the facility administrator or designee can order immediate segregation when it is necessary to protect the inmate or others. This action is reviewed and documented within three working days.

Subp. 4. **Other limitations on disciplinary actions.** A facility shall have written policy, procedure, and practice that 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 or designee shall have 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. When appropriate, alternative clothing and bedding shall be issued;
- B. clothing and bedding shall be returned to the inmate as soon as it is reasonable to believe the behavior that 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 have written policy and procedure, that 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 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 response to resistance; and

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.2900 GRIEVANCE PROCEDURE.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3000 [Repealed, 38 SR 523]

Published Electronically: *December 20, 2013*

2911.3100 INMATE ACTIVITIES AND PROGRAMS.

Subpart 1. **Written plan.** A facility administrator or designee shall have and implement a written plan for the constructive scheduling of inmate time. The plan shall:

A. identify programs offered in the facility and when the programs are offered;

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

C. be consistent with established legal rights of inmates, type and status of inmates detained in the facility, and rule requirements associated with the facility's classification;

D. provide 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, provide comparable opportunities for participation in programs and services; and

F. require documentation of programs offered and inmates participating in programs.

Subp. 2. **Practice of religion.** A facility shall have written policy and procedures that grant an inmate the right to practice that inmate's religion.

Subp. 2a. **Arrangements for religious services and counseling.** 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 the qualifications to assist the facility administrator in arranging for religious services and counseling as requested.

No inmate shall be required to attend religious services. 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 rights or privileges within the facility.

The facility administrator or designee in cooperation with the chaplain or community religious resource, 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 resources, or volunteers, the chaplains or community religious resource 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 resource.

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

Bibles or sacred books of another religion may be made available to inmates by the facility, through local library or other community resources and limited to the inmate's period of confinement.

Subp. 3. **Library service.** The facility administrator or designee 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 shall have a designated staff person who coordinates and supervises library services.

Subp. 4. **Education.** A facility shall have a written policy and procedure that provides 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 specifically designed and equipped for educational or vocational programming.

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 providing services for inmate chemical dependency issues.

Subp. 6. **Work assignments for adults.** Class II to Class VI facilities shall have 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 must provide:

A. that 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. that sentenced inmates shall not be compelled to work more than ten hours per day;

D. that work shall not be required of an inmate that cannot be done by the inmate due to physical limitations;

E. 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 or designee shall have a plan providing opportunities for physical exercise and recreational activities for all inmates consistent with the facility's classification and design. Class I facilities are exempt from this requirement.

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

Policy and procedure shall provide:

A. 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;

B. recreational opportunities a minimum of five days per week;

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

D. outdoor recreational space and equipment 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;

E. passive and active recreation needs and equipment for a variety of inmates consistent with the facility's classification and offenders served. As an example, activity needs of geriatric, disabled, or geriatric and disabled offenders shall be addressed;

F. inmates in segregation with a minimum of one hour a day, seven days a week, of exercise outside the inmates' cells, unless security or safety considerations dictate otherwise; and

G. discretionary access by inmates on segregation status 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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3200 INMATE VISITATION.

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

- A. attorney/client interviews allowed in a manner consistent with Minnesota Statutes, section 481.10;
- B. a schedule of visiting hours that includes the days and times for visits that includes visits 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. that 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) a minimum of three separate and distinct visiting days per week; and
 - (2) 20 minutes' duration minimum for each visit 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. that any area used for inmate visiting may be subject to audio monitoring, recording, or both. The facility shall use signs and the inmate handbook to inform the inmate about audio monitoring and recording. Professional visits shall not be audio recorded, unless a court order has been issued;
- J. that policies for parents, guardians, and attorneys visiting juveniles are unrestrictive as administratively possible and the initial visit of a juvenile by parents, guardians, and attorneys be permitted at any time;
- K. picture identification of visitors be required for identification purposes;
- L. that juvenile children be allowed to visit parents, regardless of 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; and
- M. facility policy and procedures setting forth criteria for authorized friend visiting.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3300 CORRESPONDENCE.

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

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

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

- A. inmate letters, both incoming and outgoing, may be opened and inspected for contraband;
- B. inmates are notified in writing when incoming or outgoing letters are rejected; and
- C. letters shall not be read or censored if they are between an inmate and an elected official, officials of the DOC, 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.

Subp. 4. **Money.** Cash, cashiers checks, or money orders received from incoming mail shall be processed according to facility policy.

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 must provide that an indigent inmate is provided with a system enabling the inmate to send a minimum of two letters or postcards per week to individuals not listed in subpart 3, item C.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3400 TELEPHONE ACCESS.

A facility shall have 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.

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. Nonlegal calls may be made at the expense of the inmate. The minimum time allowed per call

shall be ten minutes except where there are substantial reasons to justify limitations. Nonlegal telephone conversations may be monitored and recorded.

Reasons for denial of telephone access shall be documented.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3500 VOLUNTEERS.

When 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, with emphasis on 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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3600 CLOTHING AND PROPERTY.

Subpart 1. [Renumbered 2911.3650 subp 2]

Subp. 2. [Renumbered 2911.3650 subp 3]

Subp. 3. [Renumbered 2911.3650 subp 4]

Subp. 4. [Renumbered 2911.3675 subp 3]

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

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

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 have written policy, procedure, and practice that 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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3650 INMATE UNIFORM ISSUE AND BEDDING ALLOWANCE.

Subpart 1. **Bedding and linen.** An inmate admitted to the facility shall be issued one bath towel, one washcloth, one clean, 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, if applicable.

Subp. 2. **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. 3. **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. 4. **Issue.** The facility shall provide socks and suitable outer garments and undergarments.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3675 LAUNDRY SERVICES AND LINEN EXCHANGE.

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES.

Subpart 1. **Emergency plan.** A facility shall have 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:

- 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) drills shall be conducted even when evacuation of extremely dangerous inmates may not be included;

- C. specific assignments and tasks for personnel;
- D. persons and emergency departments to be notified;
- E. procedure for evacuation of inmates; and
- F. arrangements for temporary confinement of inmates.

Subp. 2. **Quarterly review of emergency procedures.** There shall be a review of emergency procedures once every three months. The review shall include:

- 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 evacuation of inmates.** A facility shall have a written policy and procedure that specifies the means for the prompt evacuation of inmates from an area of emergency.

Subp. 4. **Reporting of unusual occurrences.** Incidents of an unusual or serious nature shall be reported within ten days of the incident in writing to the Department of Corrections in the format required by the department. 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 DOC include such occurrences as:

- A. attempted suicide;
- B. suicide;
- C. homicide;
- D. death, by means other than suicide or homicide;
- E. serious injury or illness subsequent to detention including incidents resulting in hospitalization for medical care;
- F. hospitalization associated with mental health needs;
- G. attempted escape or escape from a secured facility;
- H. incidents of fire requiring medical treatment of staff or inmates or a response by a local fire authority;
- I. riot;
- J. assaults of one inmate by another that result in criminal charges or outside medical attention;
- K. assaults of staff by inmates that result in criminal charges or outside medical attention;
- L. injury to inmates through response to resistance by staff controlling inmate behavior;

M. 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

N. reporting of all notices of intent to file litigation against the facility resulting from matters related to the detention or incarceration of an inmate;

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

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

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

Subp. 5. **Inmate death.** A facility shall have a written policy and procedure that specifies actions to be taken in the event of an inmate death. When an inmate death occurs:

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 specified by county policy;

E. the facility administrator or designee shall ensure observance of 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.

Subp. 6. **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 the plan.

Subp. 7. **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.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

FOOD SERVICE

2911.3800 FOOD HANDLING PRACTICES.

Food service shall be provided according to Minnesota Department of Health rules.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.3900 DIETARY ALLOWANCES.

Subpart 1. **Generally.** Nutritional needs of adult inmates, and juvenile inmates housed in an adult facility, shall be met in accordance with inmate needs or as ordered by a medical professional, and meet the dietary allowances contained in this part which are based upon 2005 MyPyramid guidelines for a weekly 2,400 calories per day and meeting the 2002 Dietary Reference Intakes. 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 7.

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

- A. two to three ounces cooked weight or three to four ounces raw weight of any meat without bone, such as beef, veal, pork, lamb, poultry, and variety meats such as liver or giblets;
- B. two slices prepared luncheon meat equal to two to three ounces by weight;
- C. two eggs;
- D. two to three ounces cooked weight of fresh or frozen fish or shellfish, or one-half cup canned fish;
- E. one-half cup cooked dry beans, peas, or lentils;
- F. one ounce of nuts or seeds or two tablespoons of peanut butter;
- G. 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; or
- H. two ounces of equivalent meat alternate, such as textured vegetable protein, as certified by the United States Department of Agriculture, Nutrition Standards in the National School Lunch and School Breakfast Programs, Code of Federal Regulations, title 7, parts 210 and 220.

Subp. 3. **Dairy group.** A minimum of two servings per day of dairy shall be provided for adults, with four servings required for juveniles and pregnant females. This includes milk that is pasteurized and fortified with vitamins A and D (fluid, evaporated, dry), cheese, yogurt, and ice cream. One serving per day may be from foods other than fluid milk. A serving is equivalent to eight ounces of fluid milk and provides at least 250 mg calcium, such as:

- A. 1-1/4 ounce American cheese;
- B. eight ounces yogurt;
- C. two cups ice cream; or
- D. eight ounces milk alternate beverage, fortified with a minimum of 250 mg calcium and vitamins A and D.

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

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

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

Subp. 5. [Repealed, 38 SR 523]

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

A. one slice of bread or one ounce of bread product, such as sliced bread, buns, biscuits, muffins, pancakes, waffles, sweet rolls, stuffing, crackers, or bagels;

B. one-half cup cooked cereal, pasta, rice, or egg noodles;

C. three-fourths cup dry cereal;

D. one six-inch tortilla; or

E. three cups popped popcorn.

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

Subp. 8. **Additional servings.** Additional servings of the foods in subparts 2 to 4 may be used to meet caloric requirements, in addition to soups, beverages, desserts, and condiments. Added sugars should be limited to reasonable amounts recommended for a healthy diet.

Subp. 9. [Repealed, 38 SR 523]

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

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. The review and findings shall be documented and on file.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.4100 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 day's total nutrition requirements.

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.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.4200 THERAPEUTIC DIETS.

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.4300 RELIGIOUS DIETS.

A facility shall have a written policy and procedure that provides for special diets or meal accommodations for inmates whose religious beliefs require adherence to religious dietary laws. Creation of religious diets shall involve a dietitian and strive to meet the nutritional guidelines under part 2911.3900.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.4400 USE OF FOOD IN DISCIPLINE.

Food shall not be withheld as punishment.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.4500 SUPERVISION OF MEAL SERVING.

Meals shall be served under the direct supervision of staff.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.4600 MENU RECORDS.

All menus shall be planned, dated, and available for review at least one week in advance. Notations shall be made of any substitutions in the meals actually served, and substitutions shall be of equal nutritional value.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.4700 [Renumbered 2911.4800 subp 5]

Published Electronically: *December 20, 2013*

2911.4800 COMMISSARY.

Subpart 1. **List of approved commissary items to be purchased by staff member at local store.** A facility with an approved capacity of more than 50 inmates shall establish, maintain, and operate a commissary. The facility shall have a written policy and procedure regarding commissary operation that must allow an inmate to purchase approved items not furnished by the facility. Class I facilities are not required to provide commissary services.

Subp. 2. [Repealed, 38 SR 523]

Subp. 3. [Repealed, 38 SR 523]

Subp. 4. [Repealed, 38 SR 523]

Subp. 5. **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; 38 SR 523*

Published Electronically: *December 20, 2013*

SECURITY

2911.4900 SECURITY INSPECTION.

The facility shall have a written policy and procedure to require the facility administrator or designee to inspect all areas within the security perimeter, and equipment at least monthly and initiate corrective action if needed.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.4950 RESPONSE TO RESISTANCE.

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

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

- A. used as punishment; and
- B. applied for any longer time than is necessary.

Subp. 3. **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 the health authority 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. for routine inmate movement.

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

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

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

- A. except in an emergency situation, firearms are not permitted within the secure perimeter; and
- B. there shall be a secure weapons locker located outside the security perimeter of the facility.

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

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

Statutory Authority: *MS s 241.021*

History: *38 SR 523*

Published Electronically: *December 20, 2013*

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

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

Subp. 2. [Repealed, 38 SR 523]

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

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

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

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. If a well-being check does not occur due to an emergency, it must be documented in the jail log and have supervisory review and approval.

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, or as mentally ill, or those experiencing withdrawal from drugs or alcohol.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.5100 [Renumbered 2911.2525]

Published Electronically: *December 20, 2013*

2911.5200 [Renumbered 2911.2550]

Published Electronically: *December 20, 2013*

2911.5300 SEARCHES, SHAKEDOWNS, AND CONTRABAND CONTROL.

Subpart 1. **Contraband control.** A facility shall have a written policy and procedure that provides for searches of facilities, inmates, and inmate property to control contraband and provide for its disposition.

Subp. 2. **Body searches.** A facility shall have a written policy and procedure that provides for pat, strip, and body cavity searches in accordance with law.

Subp. 3. **Facility access.** A facility shall have a written policy and procedure that must specify the circumstances under which persons and personal property may be searched.

Persons who seek to enter the security perimeter of the facility shall not be permitted admission if they refuse to submit to a requested search.

Subp. 4. **Daily inspections.** A facility shall be inspected at least daily for contraband, evidence of breaches in security, and inoperable security equipment, and shall document the inspection.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.5400 [Renumbered 2911.5550]

Published Electronically: *December 20, 2013*

2911.5450 DANGEROUS MATERIALS.

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.5500 [Renumbered 2911.5450]

Published Electronically: *December 20, 2013*

2911.5550 LOCKS AND KEYS.

Subpart 1. **General.** Keys or other access control devices 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.

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.

Subp. 2. **Lock policy.** A facility shall have a written policy and procedure that requires that all security perimeter entrances, control center doors, and housing unit 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.

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.5600 [Repealed, 38 SR 523]

Published Electronically: *December 20, 2013*

2911.5700 Subpart 1. [Renumbered 2911.5000 subp 4]

Subp. 2. [Renumbered 2911.5000 subp 5]

Published Electronically: *December 20, 2013*

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 that 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.

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

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

- A. emergency evacuation of the inmate from within the facility;
- B. use of an emergency medical vehicle, available on a 24-hour basis;
- 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 health-trained 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 have a written policy and procedure that requires medical screening is performed and recorded by trained staff on all inmates on admission to the facility. The findings are to be recorded in a manner approved by the health authority. The screening process shall include procedures relating to:

- A. Inquiry into:
 - (1) current illness and health problems, including dental emergencies, and other infectious diseases;
 - (2) medication taken and special health requirements;
 - (3) use of alcohol and other drugs that 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;
 - (5) other health problems designated by the health authority; and
 - (6) signs and symptoms of active tuberculosis to include weight loss, night sweats, persistent cough lasting three weeks or longer, coughing up blood, low grade fever, fatigue, chest pain, prior history of active tuberculosis disease, and results of previous tuberculin skin or blood testing.
- B. Observations of:
 - (1) behavior that includes state of consciousness, mental status, appearance, conduct, tremor, and sweating; and
 - (2) body deformities, trauma markings, body piercings, 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 care follow-up.** A facility shall develop written policy and procedures that require that an inmate who presents with a chronic or persistent medical condition be provided with a health care follow-up.

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

Subp. 9. **Sick call.** A facility shall develop a written policy and procedure that requires 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 60 inmates, sick call is held once per week at a minimum;
- B. in medium sized facilities of 60 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.

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.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

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.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.6000 FIRST AID.

Subpart 1. [Repealed, 38 SR 523]

Subp. 2. **First aid equipment.** Facility policy shall require that first aid kits are available in designated areas of the facility.

Subp. 3. [Renumbered 2911.6200 subp 1a]

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.6100 [Renumbered 2911.1350]

Published Electronically: *December 20, 2013*

2911.6200 MEDICAL AND DENTAL RECORDS.

Subpart 1. [Renumbered subp 1b]

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

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

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

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

Subp. 2a. **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. 3. **Available information.** Medical record file information available to health-trained staff and custody personnel shall minimally include summary medical information provided by the health authority or health care personnel that 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. [Repealed, 38 SR 523]

Subp. 5. [Renumbered subp 2a]

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

A. summaries or copies of the health record are 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; and

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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.6300 [Renumbered 2911.2750]

Published Electronically: *December 20, 2013*

2911.6400 DELIVERY, SUPERVISION, AND CONTROL OF MEDICATION.

In consultation with the health authority, a facility administrator shall have a written policy and procedure for the secure storage, delivery, administration, and control of medication according to parts 2911.6500 to 2911.6800.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.6500 STORAGE.

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

Subp. 2. **Refrigeration.** Medication requiring refrigeration shall be refrigerated and secured and the temperature checked daily. There must be separate refrigeration for medications only.

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

Subp. 4. **Medication.** Stock supplies of prescription medications may be maintained at the discretion and upon the approval of the facility's health authority. Prescription medication shall be kept in its original container, bearing the original label. Poisons and medication intended for external use shall be clearly marked. A limited quantity of life-saving prescription medications as approved by the medical authority may be maintained in emergency kits.

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

Subp. 6. **Needles and other medical sharps.** There shall be a written policy and procedure for the control and disposal of medical sharps and supplies. Medical sharps and supplies when used or stored in inmate housing areas shall be accounted for and secured in a locked area.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.6600 DELIVERY.

Subpart 1. **Delivering medication.** A person delivering medication to an inmate must do so under the direction of the responsible health authority or health care personnel.

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

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

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

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 approved by the health care authority.

Subp. 6. **Deliveries by health-trained staff.** Medication shall be delivered to an inmate by health-trained staff. An inmate shall administer the inmate's medication under staff supervision.

Subp. 7. **Identification procedures.** There shall be a written procedure for the identification of the recipient of the medication.

Subp. 8. **Oral ingestion procedures.** There shall be procedures for confirming that medication delivered for oral ingestion has been ingested.

Subp. 9. **Adverse reaction reports.** There shall be procedures for health-trained staff to report any adverse reaction incidents to health care personnel. The adverse reaction to a drug shall be documented.

Subp. 10. **Refusal of prescribed medications.** There shall be procedures for health-trained staff to report an inmate's refusal of prescribed medication to the attending physician, responsible physician, or health care personnel. The refusal and directives by the health care personnel shall be documented.

Subp. 11. **No medication deprivation punishment.** An inmate shall not be deprived of medication as a means of punishment.

Subp. 12. **Inmate medication delivery prohibited.** Delivery of medication by inmates is prohibited.

Subp. 13. [Repealed, 38 SR 523]

Subp. 14. **Expiration of medication order.** Health care personnel shall be notified of impending expiration of a medication order so that it can be determined whether the medication should be continued or altered.

Subp. 15. **Nonprescription medication.** Over-the-counter nonprescription medication available to inmates shall be approved by health care personnel. Delivery of nonprescription medication by custody staff shall be documented.

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

- A. medications identified and approved by the health authority as appropriate for self-administration and storage in an inmate's cell;
- B. procedures for an inmate's overdose of the medication;
- C. consequences if too much medication is found in the inmate's possession;
- D. how the distribution of medications under this subpart is going to be documented; and
- E. nonprescription medications, if any, that are available to inmates through vending machines or commissary.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.6700 ADMINISTRATION.

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

Subp. 2. **Insulin.** Insulin-dependent diabetic inmates shall be permitted to self-administer insulin under direct health-trained staff supervision.

Subp. 3. **Topical medication.** Topical medications and eye or ear drops may be permitted for inmate self-administration as directed and observed by health care personnel.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.6800 CONTROL.

Subpart 1. **Records.** Records of receipt, the quantity of the drugs, and the disposition of all prescription medications shall be maintained in detail to enable an accurate accounting.

Subp. 2. **Verifying prescription medications.** An inmate's own supply of prescription medications brought into the facility shall be verified prior to dispensing.

Subp. 3. **Prescribed medication upon transfer or release.** 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 medications should not be released with the inmate. The action taken shall be documented.

Subp. 4. **Destruction of medication.** The destruction of medication on expiration dates or when retention is no longer necessary or suitable must be consistent with requirements of the Minnesota Pollution Control Agency.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.6900 MEDICAL RESEARCH.

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.7000 TUBERCULOSIS SCREENING; SEPARATION OF INMATES WITH INFECTIOUS DISEASE.

Subpart 1. **Policy.** A facility shall have a written policy and procedure that addresses the management of serious and infectious diseases. This policy and procedure shall be updated as new information becomes available.

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.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

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.

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 mentally ill and dangerous to the public, and those defined as individuals with disabilities.

Subp. 3. **Management of inmates.** A policy and procedure shall be developed for the management of inmates with special needs and shall include:

A. procedures that 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; and

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.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; L 2005 c 56 s 2; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.7200 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Subpart 1. **General.** A facility shall have a policy and procedure that provides that the facility shall:

A. be kept in good repair to protect the health, comfort, safety, and well-being of inmates and staff;

B. document weekly sanitation inspections; and

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

Subp. 2. **Maintenance plan.** A written housekeeping plan for all areas of the physical plant shall provide 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; and

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

Subp. 3. **Department rules.** Plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions comply with rules of:

A. the Minnesota State Building Code;

B. the Minnesota Fire Marshal's Office;

C. the Minnesota Department of Health;

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

E. other local government.

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

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

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

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.

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

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 facility 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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.7400 POLICIES AND PROCEDURES TO DETECT DETERIORATION OF BUILDING AND EQUIPMENT.

The facility administrator or designee shall have 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; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.7500 ELIMINATION OF CONDITIONS CONDUCTIVE TO VERMIN AND PESTS.

The facility shall have a written plan for the control and elimination of vermin and pests.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*

2911.7600 WASTE DISPOSAL.

Facility policy shall ensure that the facility provides a waste disposal system.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

Published Electronically: *December 20, 2013*