

**2945.0100 DEFINITIONS.**

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

Subp. 2. **Administrative segregation.** "Administrative segregation" means the physical separation of prisoners prone to escape, prone to assault staff or other prisoners, likely to need protection from other prisoners or themselves, or determined to have a mental illness or a developmental disability and in need of special care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subp. 36. **Substantially conform.** "Substantially conform" means comply with 100 percent of the items in this chapter identified as mandatory and with 70 percent of all items identified as directory in this chapter which are applicable to the facility's classification. To calculate compliance one point will be assigned to each standard and/or each subpart of a standard.

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

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

**Statutory Authority:** *MS s 241.021*

**History:** *17 SR 711; L 2002 c 221 s 50; L 2005 c 56 s 2; L 2013 c 59 art 3 s 21*

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