

CHAPTER 2945
DEPARTMENT OF CORRECTIONS
MUNICIPAL JAIL FACILITIES

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DEFINITIONS AND VARIANCES

2945.0100 DEFINITIONS.

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

Subp. 2. [Repealed, 39 SR 1203]

Subp. 3. **Approved capacity.** "Approved capacity" means the maximum number of detainees 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 detainees residing daily during the last calendar year. Detainees on furlough or hospitalized are excluded.

Subp. 5. **Class I municipal lockup facility.** "Class I municipal lockup facility" means an adult detention facility operated by a municipal government used to confine detainees for more than 48 hours and no more than 72 hours, excluding weekends and holidays.

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

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

Subp. 8. **Class IV municipal lockup facility.** "Class IV municipal lockup facility" means an adult detention facility operated by a municipal government used to confine detainees 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 lockup 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 detainees.

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

Subp. 15a. **Detainee.** "Detainee" means an individual, adult or juvenile, detained or confined in a local facility.

Subp. 16. [Repealed, 39 SR 1203]

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

Subp. 18. [Repealed, 39 SR 1203]

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 lockup 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. [Repealed, 39 SR 1203]

Subp. 23. [Renumbered subp 32a]

Subp. 24. **Local facility.** "Local facility" means any city lockup.

Subp. 25. [Repealed, 39 SR 1203]

Subp. 26. [Repealed, 39 SR 1203]

Subp. 27. **Medication.** "Medication" 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, medication includes prescription and nonprescription medications.

Subp. 28. [Repealed, 39 SR 1203]

Subp. 29. [Repealed, 39 SR 1203]

Subp. 30. [Repealed, 39 SR 1203]

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 written statement declaring mission and purpose.

Subp. 32a. **Prescription medication.** "Prescription medication" means a medication required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

Subp. 33. [Renumbered subp 15a]

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

Subp. 34a. **Special management detainee.** "Special management detainee" means a detainee who presents a serious threat to safety or security of the facility, staff, general detainee population, or self.

Subp. 34b. **Special needs detainee.** "Special needs detainee" means a detainee whose mental or physical condition requires special handling and treatment by staff.

Subp. 35. [Repealed, 39 SR 1203]

Subp. 36. [Repealed, 39 SR 1203]

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

Subp. 38. **Variance.** "Variance" means an exception to a specific rule or rules 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; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.0110 [Repealed, 39 SR 1203]

Published Electronically: *March 2, 2015*

2945.0120 INTENDED USE AND NONCOMPLIANCE.

Subpart 1. **Intended use.** A facility should be used only for classifications for which it is intended. This chapter does not regulate a Class IV municipal lockup facility or municipal police facility that:

- A. includes an administrative processing area used to detain a person for up to four hours;
- B. for a municipal police facility only, is specifically designed to be nonresidential;
- C. has audio capacity, visual capacity, or both;
- D. is normally not locked except for routine security reasons; and
- E. is used long enough for identification, transfer arrangements, or release of a detained person to a responsible person.

Subp. 1a. **Rule compliance.**

A. A Class I municipal lockup facility must comply with rules governing adult detention facilities under chapter 2911.

B. A Class II or III municipal lockup facility must comply with 100 percent of the following rules unless specifically excluded under that rule:

- (1) part 2945.0130, subpart 3;
- (2) part 2945.0510, subpart 1;
- (3) part 2945.0530, subparts 2, 3, 4, 5, and 6;

- (4) part 2945.1000, subparts 2 and 3;
- (5) part 2945.2100;
- (6) part 2945.2510, subpart 2;
- (7) part 2945.2520, subpart 1;
- (8) part 2945.2530, subparts 3 and 6;
- (9) part 2945.2540, subpart 2;
- (10) part 2945.2550, subparts 1 and 4;
- (11) part 2945.3420;
- (12) part 2945.3430;
- (13) part 2945.4700, subpart 1;
- (14) part 2945.4710, subpart 2;
- (15) part 2945.4740, subpart 3;
- (16) part 2945.4750;
- (17) part 2945.5400;
- (18) part 2945.5430, subparts 1, 4, and 5;
- (19) part 2945.5450, subparts 1 and 4, item B;
- (20) part 2945.5455;
- (21) part 2945.5460;
- (22) part 2945.5470; and
- (23) part 2945.5490, subparts 3, 6, 9, and 10.

C. A Class II or III municipal lockup facility must comply with at least 90 percent of parts 2945.0120 to 2945.5490 that are not listed in item B or do not specifically exclude that type of facility. For each rule part, every subpart, item, and subitem is counted as a separate regulatory standard toward the required percentage totals.

Subp. 2. **Noncompliance; unsafe, unsanitary, or illegal conditions.** When conditions do not substantially conform to subpart 1a, or where specific conditions endanger the health, welfare, or safety of detainees or staff, the facility's use is restricted according to Minnesota Statutes, section 241.021, subdivision 1, or legal proceedings to condemn the facility will be initiated according to Minnesota Statutes, section 641.26 or 642.10.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.0130 VARIANCES.

Subpart 1. **Variations; general.** The granting of a variance under this part does not constitute a precedent for any other municipal lockup facility. The granting and denial of all variances shall be in writing

and made within 30 days of the request for a variance. The variance will be granted by the commissioner if, in the licensing procedure or enforcement of the standards in this chapter:

A. requirements for a municipal lockup 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 residents or facility staff;

B. the municipal lockup facility is otherwise in substantial compliance with the standards contained in this chapter or making satisfactory progress toward substantial compliance;

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

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

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

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

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

Subp. 4. **Extension of emergency.** No suspension of rules because of an emergency declared by a facility administrator may exceed seven days unless the administrator obtains the approval of the commissioner for a variance to the rules and the variance is necessary for the protection of the health, security, safety, or well-being of the staff or the persons detained or confined in the institution where the emergency exists.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

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STAFF

2945.0500 [Repealed, 39 SR 1203]

Published Electronically: *March 2, 2015*

2945.0510 Subpart 1. [Renumbered 2945.0530, subp 1a]

Subp. 2. [Renumbered 2945.0530, subp 1b]

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2945.0520 [Renumbered 2945.0530, subp 3a]

Published Electronically: *March 2, 2015*

2945.0530 STAFFING REQUIREMENTS.

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

Subp. 1a. **Discrimination prohibited.** There must not be discrimination based on race, color, religion, sex, or national origin.

Subp. 1b. **Staff selection.** The selection, appointment, and promotion of facility personnel must be based on assessed ability. Custody personnel must be a minimum of 18 years old. Recruitment standards must set forth the basic requirements of ability, preparatory experience, physical condition, and character, and those qualities that may disqualify an individual from selection, appointment, or promotion.

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

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

Subp. 3a. **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 needs for vacations, military leave, jury duty, scheduled training, and similar activities are not unusual circumstances requiring reasonable and prudent exception. Each of these coverage needs must be known to the facility administration with sufficient lead time to allow proactive scheduling to maintain compliance with the 12-hour standard requirements.

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

Subp. 5. **Assistance for dispatch or custody staff person.** In facilities that use the dispatch or custody position as sole supervision, the dispatch or custody staff person must be assisted on duty by another custody staff person when the lockup population exceeds 15.

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.1000 STAFF TRAINING PLAN.

Subpart 1. **Orientation and in-service training plan.** Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. The training plans must be documented and

describe curriculum, methods of instruction, and objectives. In-service training plans should be prepared annually, and orientation training plans must be reviewed and revised to changing conditions.

Subp. 2. [Repealed, 39 SR 1203]

Subp. 3. **Other health and safety training.** Each facility shall develop a training program which provides instruction in the following areas:

- A. procedures for responding to health-threatening situations;
 - B. recognition of signs and symptoms, and knowledge of action required in potential emergency situations;
 - C. methods of obtaining assistance;
 - D. recognition of signs and symptoms of mental illness, suicide risk, emotional disturbance, and chemical withdrawal;
 - E. procedures for patient transfers to appropriate medical facilities or health care providers;
- and
- F. prevention of communicable diseases.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; L 2013 c 59 art 3 s 21; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.1010 PART-TIME AND RELIEF STAFF.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711*

Published Electronically: *October 8, 2007*

2945.1600 GUIDELINES AND RESPONSIBILITIES.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.1610 POLICY AND PROCEDURE MANUALS.

Policies and procedures concerning the facility's operation must be accessible to employees at the time of employment and when revised. The policy and procedure manual shall be reviewed at least annually.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

RECORDS AND REPORTS

2945.2100 MAINTENANCE OF RECORDS AND REPORTS.

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

- A. admission and release records;
 - B. special occurrence records;
 - C. facility logs;
 - D. detainee personal property records;
 - E. clothing, linen, and laundry records except that this item does not apply to Class III municipal lockup facilities;
 - F. employee personnel records;
 - G. records of staff training;
 - H. food service records;
 - I. medical and dental information identified at intake and treatment provided during detention;
- and
- J. detainee disciplinary records.

Records shall be retained according to city policy. Space must be provided for the safe storage of records.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.2110 [Repealed, 39 SR 1203]

Published Electronically: *March 2, 2015*

2945.2120 [Repealed, 39 SR 1203]

Published Electronically: *March 2, 2015*

2945.2130 ACCESS TO DETAINEE RECORDS.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.2140 DETENTION INFORMATION SYSTEM REQUIREMENTS.

The facility administrator shall designate a staff person to report to the department, at least weekly, information on persons detained in the facility.

Statutory Authority: *MS s 241.021*

History: *39 SR 1203*

Published Electronically: *March 2, 2015*

DETAINEE WELFARE

2945.2500 SEPARATION OF DETAINEES.

Subpart 1. **General.** A combination of separate living spaces, sanitation facilities, activity spaces, cell units, and detention rooms shall be provided to properly segregate detainees.

Subp. 2. **Detainees to be housed separately.**

A. The following detainees must be housed separately:

- (1) female detainees from male detainees;
- (2) juvenile detainees from adult detainees; and
- (3) special management detainees from other detainees.

B. Special needs detainees may need to be housed separately from all other detainees.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.2510 DETAINEES; DISCIPLINE; RESTRAINT.

Subpart 1. **Information to detainees.** Rules for detainee behavior must be posted in a conspicuous place or provided to the detainee.

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

Subp. 3. **Limitations on disciplinary actions.** The delegation of authority to a detainee or group of detainees to exercise the right of punishment over another detainee or group of detainees shall be prohibited.

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

Subp. 4. **Instruments of restraint.** Instruments of restraint must not be used as punishment.

- A. Instruments of restraint must not be used except in the following circumstances:
- (1) as a precaution against escape during a transfer;
 - (2) on medical grounds by direction of a consulting or attending physician or licensed psychologist; or
 - (3) by order of the facility administrator or person in charge in order to prevent a detainee from injuring himself or herself, others, or from damaging property.
- B. The facility administrator shall develop written policies and procedures to govern the use of restraints.
- C. When reasons for restraint under item A no longer exist, the restraints must be removed.
- D. Each incident involving the use of restraints consistent with item A, subitem (2) or (3), must be documented and on file.

Subp. 5. [Repealed, 39 SR 1203]

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.2520 DETAINEE VISITATION.

Subpart 1. **Initial visits for juveniles.** The initial visit for parents, guardians, and attorneys must be permitted at any time. The facility administrator shall address how to regulate access to juvenile detainees by the detainee's parents, guardians, and attorneys in the facility's visiting plan.

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

- A. that detainees be allowed nonmonitored visits with the detainee's attorney; and
- B. that when a visit to a detainee is denied on the belief that the visit might endanger the security of the facility, the action and reasons for denial be documented.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.2530 CORRESPONDENCE.

Subpart 1. [Renumbered subp 5a]

Subp. 1a. **Exclusion.** Class III municipal lockup facilities are excluded from the requirements of subparts 2 to 6.

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

Subp. 3. **Inspection and censorship.** Mail must not be read or censored if it is between a detainee and an elected official, officials of the department, attorneys, or other officers of the court. Inspection of incoming mail from this group is permitted in the presence of the detainee.

Subp. 4. **Money.** Cash, checks, or money orders should be removed from incoming mail and put in the detainee's personal property.

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

Subp. 5a. **Plan for detainee mail.** A facility administrator shall develop a plan for detainee mail consistent with established legal rights of detainees and facility rules which are reasonable and necessary to protect the facility's security.

Subp. 6. **Sacred books.** Upon request, a detainee must be provided a copy of the Bible or sacred book of another religion when available. These books may be made available to detainees by the facility through the local library or other community resources and limited to the detainee's period of confinement.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.

Subpart 1. **Bedding.** After confinement of eight hours, a detainee shall be offered one set of clean, sanitary, and fire-retardant bedding.

Subp. 2. **Laundry.** Mattresses and pillows must be sanitized between each detainee. Sheets must be laundered and blankets cleaned before reissuing them to another detainee.

Subp. 3. **Removing clothing and bedding.** The facility administrator shall develop a policy and procedure for dealing with incidents in which detainees misuse clothing or bedding. Clothing and bedding should be removed from a detainee only when the detainee's behavior threatens the health, safety, or security of self, others, or property. The decision to deprive a detainee of articles of clothing and bedding as a result of the detainee's destruction of those items must be reviewed by the officer in charge during each eight-hour period, and the review must be documented. Clothing and bedding must be returned to the detainee as soon as it is reasonable to believe that the behavior that caused the action will not continue.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.2550 EMERGENCIES AND SPECIAL INCIDENTS.

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

- A. location of alarms and fire fighting equipment;

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

Subp. 2. **Review of emergency policies.** The facility administrator or designee must review the emergency policies quarterly. Facilities with detention staff must have detention staff review the emergency policies quarterly.

Subp. 3. **Reporting of special incidents.** Incidents which endanger the lives or safety of staff or detainees or the physical plant of the facility must be reported. Reports must include the names of staff members and detainees involved, the nature of the special incident, actions taken, and the date and time of the incident. Special incidents include, for example:

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

An incident must be reported to the department within ten days of the date of the incident in a format established by the department.

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

Subp. 4. **Detainee death.** When a detainee's death occurs:

- A. the date, time, and circumstances of the detainee's death must be recorded in the detainee's record;
- B. if the detainee dies in the facility, the medical examiner or sheriff must be notified immediately;
- C. personal belongings must be handled in a responsible and legal manner; and
- D. records of a deceased detainee must be retained for a period of time in accordance with law.

Subp. 5. **Mass arrest.** A facility shall have a written plan that governs procedures to be followed in the event of a mass arrest that exceeds the approved capacity of the facility.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.3400 [Repealed, 39 SR 1203]

Published Electronically: *March 2, 2015*

2945.3410 FREQUENCY OF MEALS.

There must be no more than 14 hours between an evening meal and breakfast. At least three meals must be made available at regular times during each 24-hour period.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.3420 THERAPEUTIC DIETS.

A facility housing detainees in need of medically prescribed therapeutic diets must document that the diets are provided as ordered by the attending physician.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.3430 USE OF FOOD IN DISCIPLINE.

Food must not be withheld as punishment.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.3440 [Repealed, 39 SR 1203]

Published Electronically: *March 2, 2015*

2945.3450 HOT MEAL MINIMUM.

A minimum of one hot meal must be provided for each 24 hours of confinement. Class III municipal lockup facilities are excluded from the requirement of this part.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

SECURITY

2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.

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

- A. the control and recovery of contraband;
- B. the prohibition on firearms in detainee areas; and
- C. that all detainees are personally observed by an employee at least every 30 minutes, but on an irregular schedule; more frequent observation is required for those detainees who are special management or special needs detainees.

Subp. 2. [Repealed, 39 SR 1203]

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.4710 ADMISSIONS.

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

- A. a thorough search of all detainees;
- B. showering and delousing except that Class III municipal lockup facilities must have some type of facilities for detainees to wash up if showers are not available;
- C. an assessment of health status;
- D. classification such as special management;
- E. inventory and secure storage of detainee's property;
- F. fingerprinting and photographing, if appropriate; and
- G. completion of admission form.

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.4720 RELEASES.

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

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

Subp. 3. **No release in severe weather.** No detainee may be released in severe weather in a manner to endanger the detainee's health, safety, or well-being.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.4730 SEARCHES AND SHAKEDOWNS.

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

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.4740 LOCKS AND KEYS.

Subpart 1. **General.** All keys to security locks must be properly tagged and stored in a secure cabinet within a secure area, and out of reach of the detainees or the public. At least one complete set of facility keys must be kept on hand for replacement purposes. Keys that serve a critical security purpose must be easily identifiable and never issued to facility staff except upon order of the facility administrator or person in charge, and in accordance with established procedure. No security keys may be made available to detainees regardless of status. All electronic locking systems must have a manual override. A set of keys must be available outside the secure perimeter in case of an emergency.

Subp. 2. **Regular inspection.** Locks to security doors or gates must be inspected weekly by facility staff to ensure efficient operation. Inspections of locks must be documented.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.4750 DANGEROUS MATERIALS.

Materials dangerous to either security or safety shall be properly secured and labeled and have a material safety data sheet.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.4760 [Repealed, 39 SR 1203]

Published Electronically: *March 2, 2015*

HEALTH AND SANITATION**2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.**

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

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

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

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.5410 [Repealed, 39 SR 1203]

Published Electronically: *March 2, 2015*

2945.5420 HOSPITALIZATION OF A DETAINEE.

Subpart 1. **Policy.** Each facility must have a policy for admission of a detainee to a hospital on the recommendation of the attending physician.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.5430 FIRST AID.

Subpart 1. **First aid and CPR training.** A facility must have a training program to provide instruction on the administration of first aid and cardiopulmonary resuscitation (CPR). All staff must be trained in first aid and CPR at least once every two years.

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

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

Subp. 4. **Medical or dental records.** If a detainee receives medical or dental care while in custody, records must be maintained and include at a minimum:

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

Subp. 5. **Data practices.** The medical record file must be maintained according to the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.5440 PREVENTIVE HEALTH SERVICES.

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

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

Subp. 3. **Bathing.** A detainee must be permitted daily washing. Upon request, detainees shall receive personal hygiene items including, at a minimum, soap, toothbrush, toothpaste, and, if appropriate, feminine hygiene items.

Subp. 4. [Repealed, 39 SR 1203]

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICATION.

Subpart 1. **Prescription medication.** Facility policy shall prohibit stock supplies of prescription medications.

Subp. 2. **Delivery by unlicensed staff.** The delivery of prescription medications by unlicensed staff must be under the direction of a physician.

Subp. 3. **Policy for storage, delivery, and control of medication.** A facility administrator shall develop procedures for the secure storage of medication. The policy must include at a minimum the following storage requirements:

- A. medication be stored in a locked area;
- B. the storage area be kept locked at all times;
- C. medication requiring refrigeration be refrigerated and secured;
- D. detainees not be permitted in the medication storage area;
- E. only staff authorized to deliver medication may have access to keys for the medication storage area;
- F. prescribed medication be kept in its original container, bearing the original label; and
- G. poisons and medication intended for external use be clearly marked and stored separately from medication intended for internal use.

Subp. 4. **Procedures for delivery of medication.**

- A. Each facility must adopt procedures for the delivery of medication.
- B. The procedures must include the following:
 - (1) requirements that medication administered by injection must be administered by a physician, registered nurse, or licensed practical nurse. Diabetics under physician order and direct staff supervision must be permitted to self-administer insulin;
 - (2) requirements that no detainee while receiving prescription medication may receive any nonprescription medication without the approval of the attending physician;
 - (3) procedures for reporting to the physician any adverse reactions to drugs. Any reports shall be included in the detainee's file;
 - (4) procedures for reporting the attending physician a detainee's refusal of prescription medication, and an explanation made in the detainee's record;
 - (5) procedures for ensuring that no detainee is deprived of medication as prescribed because of penalty or staff retaliation;
 - (6) procedures that prohibit the delivery of medication by detainees; and
 - (7) procedures for verifying prescription medication before administering the medication.
- C. Procedures must also include at a minimum the following:
 - (1) medication delivered to a detainee is to be self-administered under staff supervision;
 - (2) there is to be a means for the positive identification of the recipient of medication;

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

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

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

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

Subp. 7. **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 Pollution Control Agency. A notation of the destruction must be made in the detainee's record and a statement of what was destroyed, who destroyed it, and how it was destroyed.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.5455 TUBERCULOSIS SCREENING.

Employees of municipal lockup facilities shall be screened for tuberculosis according to Minnesota Statutes, section 144.445. The facilities shall follow Department of Health requirements for tuberculosis screening of employees.

Statutory Authority: *MS s 241.021*

History: *39 SR 1203*

Published Electronically: *March 2, 2015*

2945.5460 REPORTING SUSPECTED COMMUNICABLE DISEASE.

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

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.5470 SEPARATION OF DETAINEES SUSPECTED OF HAVING A COMMUNICABLE DISEASE.

Detainees suspected of having a communicable disease must be separated from other detainees.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.5480 SPECIAL NEEDS DETAINEES.

A policy must be developed for the management of special needs detainees and include a procedure for managing detainees who are suspected of having special needs or are considered to be a danger to self or others.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

Published Electronically: *March 2, 2015*

2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

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

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

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

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

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

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

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

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

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

Subp. 10. **Fire inspection.** Fire inspections of the facility must be conducted on an annual basis by a state fire marshal or local fire official. Documentation of the inspection and any resulting orders must

be maintained and available for inspection by the regulatory authority. Failure to comply with fire safety requirements shall result in a denial of approval to continue facility operations.

Statutory Authority: *MS s 241.021*

History: *17 SR 711; 39 SR 1203*

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