

Minnesota Attorney General: Administrative Rules Proceedings

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STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JACK G. YOUNG
Commissioner of Corrections

DATE: 2/13/81

ATTN : JAMES M. BRADFORD
Assistant Attorney General

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 6-4692

SUBJECT: In the Matter of the Proposed Adoption of the Rules of the Department of Corrections Governing Minimum Standards for Secure Juvenile Detention Facilities

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

JSA/gy

Enc.

cc: Duane Harves, Chief Hearing Examiner
Susan Robertson, LCRAR

CORR-81-001-PE

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, on January 14, 1981, the Chief Hearing Examiner issued an Order on the above-referenced rules, finding that the defects in the rules as enumerated by the Hearing Examiner in his report of December 30, 1980, had been corrected; and

WHEREAS, the Department of Corrections submitted the rules to the Attorney General and, on February 3, 1981, the Attorney General recommended that certain of the rules be amended; and

WHEREAS, the Department of Corrections has now resubmitted the rules to the Chief Hearing Examiner pursuant to the rovisions of Minn. Stat. § 15.0412, subd. 4e to determine whether the changes would be substantial changes as defined in Minn. Stat. § 15.0412 and Rule 9 MCAR § 2.11 ; and

WHEREAS, the Chief Hearing Examiner, upon review of the changes required by the Attorney General finds that the changes would not constitute substantial changes.

NOW, THEREFORE, upon receipt of this Order, the Department of Corrections has the responsibility of submitting the complete hearing record and the rules as adopted by the Department of Corrections to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, subd. 4e and 4f.

Dated: February 11, 1980.

DUANE R. HARVES
Chief Hearing Examiner

#665

Rule Hill

ATTORNEY GENERAL

JACK YOUNG, Commissioner
Department of Corrections

February 3, 1981

ATTN: JAMES N. BRADFORD
Assistant Attorney General

JERRY S. ANDERSON
Special Assistant
Attorney General

296-4692

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Corrections Governing Secure Juvenile Detention Facilities

The rules in the above-referenced matter have not been approved by this office and are being returned. In most cases, the reason for disapproval is the improper form of the rules, that is, numerous instances of what appear to be typographical errors were found. The following is a list of the apparent errors discovered by this office during its review of these rules.

1. These rules are the Rules as Adopted and should be referred to as such, rather than as Amended Proposed Rules.

2. § 2.505 U. Pursuant to the Report of the Hearing Examiner, paragraph 7, "and Country Home School" should be deleted. This rule, however, does not reflect this deletion.

3. § 2.509 A. Each of the four "it's" should be "its."

4. § 2.509 B. Should a comma be inserted after the word "detention" in the second line for clarity of meaning?

5. § 2.509 C. In the fourth line the word "it's" should be "its." Also, as with the above comment, should a comma be inserted after the word "detention" for clarity of meaning in the fifth line?

6. § 2.509 D. The first sentence of this section is unclear and should be rewritten.

7. § 2.512 A.2. The semicolon at the end of this subsection should be a period.

8. § 2.515 B.6. The words "and character" have been omitted from the end of this subsection without any indication as to whether the omission is intentional. It would appear that the words should be reinserted. See Report of the Hearing Examiner, paragraph 7.

9. § 2.515 D. As a result of the change from "assigned" to "scheduled," the word "to" apparently should be changed to "for."

10. § 2.515 E.2.e. "Maintenence" should be "Maintenance."

11. § 2.518 A.2. For clarity of meaning, the sentence should be rewritten, possibly adding the words "adjust to" at the end of the second line.

12. § 2.518 B. A hyphen should be inserted at the end of the word "train" in the third line.

13. § 2.527 D.1. In the third line, the comma after "privileges" should be deleted and reinserted after the word "residents" on the same line.

14. § 2.527 D.3.b. The word "centers'" should be "center's."

15. § 2.527 D.6.b. Subsection 6 discusses instruments of restraint and sets forth a number of examples of such instruments of restraint. Subsection 6.b., however, introduces for the first time the use of chemical agents. The question that arises is whether chemical agents are considered similar to handcuffs, chains, irons, and straightjackets. If not, a more explicit description of chemical agents, their purpose, and possible circumstances of use may be necessary.

16. § 2.527 F.3.d. The word "parents" should be "parents'."

17. § 2.527 I.8.d. The word "govern" should be "governing."

18. § 2.530 B.3. In the citation to MCAR, the bracket that appears in the first sention number should be replaced with a "1."

19. § 2.533 F.2. "deliterious" should be "deleterious."

20. § 2.536 H.4. "residents" should be "resident's."

21. § 2.536 I.5. "providing" should be "provided."

22. § 2.536.J.1. Delete the comma after the word "medical" in the second line.

23. § 2.536 L.2. "asignment" should be "assignment" and "priviledges" should be "privileges."

24. § 2.536 M.2. This section refers to "such segregation," yet segregation is not listed as a means of dealing with a mentally ill resident. Therefore, § 2.536 M. is vague and must be rewritten.

25. § 2.536 M.3. Because the reference to a certified consulting psychologist was deleted from § 2.536 M.2, it would appear that the reference to a certified consulting psychologist should be deleted from this section also.

26. § 2.539 A. In the fifth line, "facilities" should be "facility's."

27. § 2.539 B. Delete the apostrophe after the word "its."

28. § 2.539 E.19. The word "medicade" apparently should be "medicaid."

29. § 2.539 E.20 "tattos" should be "tattoos."

30. § 2.539 F.2.i. "Visitors" should be "Visitors'."

31. § 2.539 K. For clarity, in the third line, the word "systems" either should be "system's" or should be followed by a comma.

32. § 2.542 A., B., C. Each of these three subsections appears to refer to something in general, which does not appear at the beginning of this rule. For clarity, the three subsections should be rewritten or some material should be inserted prior to the subsections.

After consideration of the above comments and agency action, if any, these rules may be resubmitted for our review. This office has retained copies of all pertinent documents in this matter, and therefore on resubmission you need only include a new or supplemental Order Adopting and the original and two copies of the new Rules as Adopted. At the time of resubmission, please include a memorandum specifying that the rules are being resubmitted so that we may obtain our initial file in this matter.

Also, please be advised that the Chief Hearing Examiner requests that any changes that are made in the rules subsequent to his review, other than those that go only to form, be resubmitted to him. Therefore, we suggest that you contact that office regarding any substantive changes made in the rules.

If you have any questions concerning the issues raised in this memorandum, please do not hesitate to contact me.

JSA:mb

cc: Duane Harves
Susan Robertson

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULES OF THE DEPARTMENT OF CORRECTIONS GOVERNING MINIMUM STANDARDS FOR SECURE JUVENILE DETENTION FACILITIES

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Hearing Examiner, Peter Erickson, Office of Administrative Hearings, State of Minnesota on the 8th day of October, 1980 at 9:00 A.M., and again on the 26th day of November, 1980 at 9:00 A.M., after proper notice required by Minn. Stat. § 15.0412 (1978) was served upon all persons, associations and other interested groups registered with the Department of Corrections for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules and the reasonableness thereof.

Whereas the rule was returned from the Attorney General's Office on the 4th day of February, 1981, having been denied without further amendments, the rule was amended per recommendations and resubmitted to the Office of Administrative Hearings.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minimum Standards for Secure Juvenile Detention Facilities are adopted this 9th day of February, 1981, pursuant to authority vested in me by Minn. Stat. § 241.021, Subd. 1, (1978).

Jack G. Young
Commissioner of Corrections

RULES AS ADOPTED GOVERNING SECURE JUVENILE DETENTION FACILITIES

February 5, 1981

DEPARTMENT OF CORRECTIONS

266 Metro Square Building
7th and Robert Streets
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John R. McLagan, Director/
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11 MCAR § 2.501 Introduction

A. Section 1, Minn. Stat. § 241.021, subd. 1, as amended by Laws of 1978, ch. 778, provides that the Commissioner of Corrections shall promulgate rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are intended to fulfill that requirement for secure juvenile detention facilities.

B. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, subd. 1, and to provide a framework for inspection and licensing of secure juvenile detention facilities.

11 MCAR § 2.505 Definitions. For the purpose of these rules:

A. "Absconder" shall mean any person who departs from the custody of a secure detention facility or the grounds thereof, without lawful authority and includes the failure to return to custody following temporary leave granted for a specific purpose or limited period.

B. "Administrative Segregation" shall mean the physical separ-

ation of those juveniles who are determined to be prone to escape, prone to assault staff or other juveniles or likely to need protection from other juveniles.

C. "Approved Capacity" shall mean the number of residents or occupants for which any room, unit, building, facility or combination thereof was planned, designed and approved for in compliance with the rules herein contained.

D. "Average Daily Population" shall mean the average number of residents (juveniles) residing daily during the last calendar year. Unless expressly stated otherwise, the term "Average Daily Population" as used in these rules shall not include juveniles who are not housed in the facility for at least a portion of the day for which such "Average Daily Population" is computed. As examples, juveniles on temporary release status or hospitalized need not be considered in such computation.

E. "Child Care Worker" shall mean those staff with titles such as correctional officer, counselor, child care supervisor, or equivalent, whose primary duties are the day-to-day or ongoing supervision of juvenile residents of a local facility.

F. "Commissioner" shall mean Commissioner of the Minnesota Department of Corrections or his designee.

G. "Controlled Substance" shall mean a drug, substance or immediate precussor in Schedules I through V of Minn. Stat., ch. 152. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor or tobacco.

H. "Department of Corrections" or "Department" shall mean Minnesota State Department of Corrections.

I. "Disciplinary Segregation" shall mean that status assigned a juvenile as a consequence of or means of control resulting from a violation of facility rules or statute which consists of confinement in a room, or housing unit separate from the general population of the facility.

J. "Emergency" shall mean any significant incident or disruption of normal facility procedures, routines or activities such as fire, riot, natural disaster, suicide, escape, assault on staff, medical emergency, or other similar occurrences.

K. "Existing Facility" shall mean any facility in existance and being used for the secure detention of juveniles prior to the effective date of these rules.

L. "Facility Administrator" unless expressly stated otherwise, shall mean administrator, superintendent, director or other individual who has been assigned, designated or delegated re-

sponsibility and authority for the administration and operation of a local facility.

M. "Holding Area" shall mean a cell or room in the facility used to hold one or more persons temporarily while they are awaiting such things as release, booking, court appearance, transportation, interrogation, or other similar temporary holds.

N. "Inspection" shall mean an on-site viewing and assessment of existing conditions and their relationship to minimum standards.

O. "Legend Drug" shall mean a drug which is required by federal law to bear the following statement: "Caution" Federal law prohibits dispensing without prescription."

P. "Local Facility" shall mean any public or privately operated secure juvenile detention facility.

Q. "Medicine" shall mean any remedial agent that has the property of curing, preventing, treating or mitigating diseases, or that is used for that purpose. For the purpose of these rules, medicine shall include legend and non-legend drugs.

R. "Policy" shall mean a statement declaring mission, purpose, and ideological position.

S. "Procedure" shall mean a statement establishing the action plan to accomplish policy.

T. "Resident" shall mean any juvenile detained and residing in any local detention facility governed by these rules.

U. "Secure Juvenile Detention Facility" shall mean a physically restricting facility, including a detention home.

V. "Substantially Conform" as used in 11 MCAR § 2.509 D., shall mean compliance with 70 percent or more of all rules applicable to a facility's classification as stated herein and, additionally, shall mean compliance with 70 percent or more of all rules applicable to a facility's classification in each section of these rules. 'Section' as used in this definition means the entire area or subject matter under a given rule, e.g., 11 MCAR § 2.501, or 2.505.

W. "Variance" shall mean the waiver of one or more of the standards prescribed by the Commissioner of Corrections for a specified period of time.

11 MCAR § 2.509 Inspections, intended use and non-conformance with rules

A. Annual inspections. Each juvenile correctional facility required to be licensed by Minn. Stat. § 241.021 will be inspected at least once annually. Each facility and its books and records pertaining to its operation and the care, custody and protection of its residents, shall be accessible at all times for inspection by the Commissioner or his designee. All reports relating to the condition of the facility and its conformity with the standards established by the Commissioner will be made in accordance with these rules.

B. Intended use. No secure juvenile detention facility organized and established for the detention, care and treatment of children and youth adjudicated to be delinquent shall be used for the temporary detention of children and youth alleged to be delinquent and awaiting the judicial process until licensed to do so by the Commissioner.

C. Revocation of license for non-conformance. Revocation of license proceedings shall be commenced when conditions in the facility are likely to endanger the health, welfare or safety of the residents or staff. After revocation of its license, the facility shall not be used for the detention, care and training of children and youth, unless otherwise provided by order of the District Court, or unless relicensed.

D. Issuance of license. A license shall be granted to a county, municipality or agency thereof operating a facility, if the

facility is in substantial conformance with rules stated herein or is making satisfactory progress towards substantial conformance and if the interests and well-being of children and youth received therein are protected. The license shall remain in force one year unless sooner revoked.

E. Separate license. If a facility offers both secure detention and rehabilitation programs, it will need to meet the licensing standards for both secure detention and residential facilities.

F. Posted license. The license(s) of each secure juvenile detention facility shall be conspicuously posted in an area where residents are admitted to the facility.

G. Severability. If any article, section, subsection, sentence, clause or phrase of these rules is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Department of Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these rules.

11 MCAR § 2.512 Variances

A. Variances. The granting of a variance under this section shall not constitute a precedent for any other juvenile detention facility. The Commissioner shall grant a variance if, in the licensing procedure or enforcement of the standards the Commissioner finds that:

1. To require a particular juvenile detention facility to comply strictly with one or more of the provisions will result in undue hardship;

2. The juvenile detention facility is otherwise in compliance with said standards and their general purpose and intent.

B. Emergency suspensions of rules. Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any rule herein prescribed in the event of any emergency.

1. Only rules directly affected by the emergency may be suspended.

2. The facility administrator shall notify the Department of Corrections in writing within seventy-two (72) hours of a suspension of any rule.

3. No suspension shall exceed seven days without the approval of the Commissioner of Corrections.

11 MCAR § 2.515 Personnel standards

A. Staff health.

1. All employees shall, prior to employment and annually thereafter, show freedom from tuberculosis by a report of either a standard Mantoux tuberculin test or chest x-ray.

2. If the Mantoux test is positive or contra-indicated, a chest x-ray shall be taken. The results of these tests shall be reported in writing and made a part of the staff member's personnel record.

3. Any staff member with a contagious disease shall not be permitted to work in the facility until such time that a physician certifies that the staff member's condition will permit his return to work without endangering the health of other staff and residents.

4. The facility administrator shall require that a staff member have a medical examination when there is reason to believe a contagious disease exists.

B. Recruitment.

1. The selection, appointment and promotion of facility personnel shall be made on the basis of assessed ability.

2. All employees who have direct client contact and responsibility, and are employed after the effective date of these rules shall be at least eighteen (18) years of age.

3. Other employees or volunteers under eighteen (18) years of age shall be under direct supervision.

4. Any service personnel other than facility staff, including offenders from adult correctional institutions, occasionally performing work in the facility shall perform services only intermittently and under direct and continuous supervision of facility staff when such personnel are in areas permitting contact with juveniles.

5. Recruitment standards shall be reasonable and geared to reach the widest possible work force.

6. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience and physical condition.

7. A criminal record check shall be conducted on all new employees to ascertain whether there are criminal acts which have a specific relationship to job performance.

C. Employee evaluation.

1. Every employee shall satisfactorily complete a probationary period on the job before appointment is made permanent.

2. Each employee shall be evaluated at least once during their probationary period and annually thereafter.

3. Evaluations shall be in writing, discussed with the employee, and made a part of the employee's personnel record.

D. Extra duty. No employee shall be scheduled for duty for two (2) consecutive work periods except in a documented emergency, or where unusual circumstances require reasonable and prudent exception.

E. Staffing requirements.

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

2. Minimum staff requirements. The following are minimal staff requirements for each facility:

a. Facility administrator: There shall be a single administrator or chief executive of each facility. Where the average daily population of residents exceeds fifty (50), the administrator shall have an assistant. In the absence of the facility administrator, a staff person shall be designated as person in charge. The facility shall not be left without such on-site supervision.

b. Staff presence. No person shall be housed in the facility without a staff person on duty, present in the facility, awake and alert at all times, capable of responding to reasonable needs of the residents.

c. Sex of staff. Staff members shall not be placed in positions of responsibility for the supervision and welfare of residents of the opposite sex in circumstances that can be described as invasion of privacy, degrading or humiliating to the resident. Where staff of one sex are used as program resource personnel with residents of the opposite sex, backup staff of the residents' sex must be on duty, awake and alert in the facility to provide assistance as needed without delay.

d. Relief staff. Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to insure that security, supervision of residents, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities. Part-time and relief staff shall complete orientation training appropriate to their assigned responsibilities.

e. Maintenance personnel. Maintenance personnel shall be employed to perform preventive, routine and emergency maintenance functions.

f. There is a staffing plan which provides increased staff during program periods; there are a minimum of two staff on duty at all times in the facility, one of whom is female when females are housed in the facility.

g. Educational/vocational staff shall be provided consistent with 5 MCAR § 1.0122.

h. Volunteer coordinator. Where the facility utilizes the service of volunteers:

(1) The facility administrator shall designate a staff person to coordinate and be responsible for volunteer services utilized by the facility.

(2) There shall be a system for official registration and identification of volunteers.

(3) Volunteers shall agree in writing to abide by all facility policies, particularly those relating to confidentiality.

(4) Written policies shall specify that volunteers perform professional services only when certified or licensed to do so.

(5) Written policies and procedures shall provide that the administrator curtails, postpones or discontinues the services

of a volunteer or volunteer organization when there are substantial reasons for doing so.

i. There is a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel, who are required to familiarize themselves with it.

11 MCAR § 2.518 Staff training

A. Training plan. Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provisions for continuing in-service training programs for all employees and volunteers.

1. The training shall be documented and be descriptive of course curriculum, methods of instruction and objectives of instruction.

2. In-service training plans shall be prepared annually and orientation training plans reviewed and revised as necessary to adjust to changing conditions.

B. Orientation training. Written policy and procedures shall provide that full-time staff or volunteers who work in direct and continuing contact with residents receive forty (40) hours of training. Such training shall be satisfactorily completed prior to regular shift assignment and shall include, at a minimum:

1. Human relations and communication skills;

2. Crisis intervention;

3. Special needs of youth;

4. Problem-solving and guidance;

5. Facility's philosophy for handling troubled youth;

6. Residents' rules and regulations;

7. Rights and responsibilities of residents;

8. Grievance and disciplinary procedures;

9. Security procedures;

10. Physical restraint procedures;

11. Supervision of residents;

12. Report writing;

13. Significant legal issues;

14. Interaction of elements of the juvenile justice system;

15. Relationships with other agencies;

16. Fire emergency procedures; and

17. First aid and life-sustaining functions.

C. In-service training. All child care workers, management and professional personnel shall complete a minimum of forty (40) hours of in-service training per year.

D. Management training. All management personnel and facility administrators who have not completed comparable training or who have not had two (2) or more years administrative experience shall complete at least the orientation training appropriate to the facility's classification and an additional forty (40) hours of facility management training within the first year in their position.

E. Space and equipment required for the training and staff development program shall be provided.

11 MCAR § 2.521 Staff deployment, job descriptions, work assignments, post orders, policies and procedures

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

1. These shall be readily available to all employees with copies on file in the administrator's office.

2. Each employee shall be thoroughly familiar with his duties and responsibilities.

B. Work assignments. Work assignments shall be consistent with qualifications as stated in job descriptions and the approved staffing plan of the facility.

C. Channels of communication. The facility administrator shall develop and maintain channels of communication with employees which include:

1. Availability of written personnel policies to employees;

2. Regularly scheduled meetings of supervisory personnel;

3. Regularly scheduled meetings between supervisors and subordinates;

4. Probationary and annual employee evaluations;

D. Staff policies and procedures. The facility administrator shall develop written policies and procedures to cover emergency situations, such as escape, fire, medical emergencies, procedural statements concerning admission and release of residents, schedules

for laundry, feeding, canteen, visiting, security checks and other events of significant bearing on the consistency of operations.

E. Policy and procedure manuals. All policies and procedures concerning the facility's operation shall be made available to all employees at the time of employment and as revised thereafter in policy and procedure manuals. Such manuals shall be available at a secure location to all staff within the facility.

F. Personnel policies. Written personnel policies shall be developed by the facility administrator and governing body which specify hours of work, vacations, illness, sick leave, holidays, retirement, employee health service, group insurance, evaluation procedures, promotions, personal hygiene practices, attire, conduct, disciplinary actions and other items which will enable employees to perform their duties properly.

G. Availability of rules. Copies of all rules relating to the facility and its operation shall be made available to all personnel of the facility.

1. All personnel shall be instructed in the requirements of the law and rules pertaining to their respective duties.

2. Such instruction shall be documented and on file.

3. Assistance with respect to developing conditions necessary to comply with rules shall be provided by the Commissioner of Corrections when requested.

H. Public information plan. Each facility administrator shall develop a written plan for dissemination of information to the public, to other government agencies, and to the news media.

I. Merit system and collective bargaining. Nothing in this rule shall be construed so as to prevent the establishment of job descriptions, work assignments, channels of communications, or personnel policies by, through or in cooperation with the appropriate merit system or collective bargaining agreement.

11 MCAR § 2.524 Records and reports

A. Maintenance of records and reports. Each facility shall maintain accurate and complete records, reports and statistics necessary for the conduct of its operation. The following records, reports and statistics shall be maintained:

1. Admission and release records;

2. Resident personal property records;

3. Records of reports submitted to the Department;

4. Clothing, linen and laundry records;

5. Records of budget requests and work orders;

6. Unusual occurrence records;

7. Records of policies and procedures;

8. Records of correspondence with the Department;

9. Employee personnel records;

10. Records of staff training;

11. Accounting records;

12. Food service records;

13. Daily log;

14. Medical and dental records;

15. Programming records;

16. Disciplinary records.

B. Storage and preservation of records. Space shall be provided for the safe storage of records at the facility's record keeping or control center and in general storage.

1. Records shall be filed so as to be organized and readily retrievable.

2. All resident records shall be preserved as required by law.

C. Filing and disposition of records. Resident records shall be readily retrievable. The records of released residents shall be promptly completed and filed in the facility.

D. Confidentiality of and access to resident records. Confidentiality of resident records and resident access to factual (non-confidential) data in their personal files shall be kept and provided in conformity with state law.

11 MCAR § 2.527 Resident welfare

A. Separation. A combination of separate living spaces, sanitation facilities, activity spaces and detention rooms shall be provided to properly segregate juvenile males from juvenile females.

1. Separation of male and female juveniles shall provide complete separation of their living and sanitation facilities to the extent necessary to insure their privacy from residents of the opposite sex.

2. Facility administrators of juvenile detention facilities that house both male and female juveniles shall develop and schedule coeducational activities and programs and provide selected coeducational services that are in the best interest of the children. Such coeducational activities, programs, and/or services shall be supervised by trained staff at all times, consistent with personnel rules stated herein.

B. Classification. Such criteria as sex, age, delinquent sophistication, assaultiveness, degree of security or escape risk, and other criteria designed to provide for the protection and safety of the residents, staff, and the community will be used at the discretion of the facility administrator. The established criteria used will be in writing and available for review at the time of annual inspection.

C. Information to residents.

1. Copies of rules and regulations shall be made available to all residents throughout their confinement concerning the following:

a. Rules and regulations governing conduct and disciplinary consequences;

b. Procedures for obtaining personal hygiene and canteen items;

c. Policies governing visiting, correspondence, bathing, laundry, and clothing and bedding exchange.

2. Each resident, within twenty-four (24) hours of admission, shall either be provided with a copy of the program options and activities provided in the facility as well as the outside resources available, or interviewed and advised of same by program staff.

3. Each of the above shall be explained to those residents who are unable to read or have any questions regarding same.

4. Legal rights. Residents shall be advised of their legal rights with respect to detention or confinement by facility personnel. Every resident admitted to any facility shall be advised of the official charge or legal basis for detention.

D. Administrative segregation. Each facility administrator shall develop and implement policies and procedures for the use of administrative segregation.

1. Administrative segregation shall consist of separate and secure housing, but shall not involve any deprivation of amenities or privileges normally afforded other residents, except to the extent that the protection of the resident, staff or public justify the necessity of such deprivation.

2. Any resident placed on administrative segregation shall be reviewed by the facility administrator or his designee within eight (8) hours or whenever the original circumstances that placed him/her in such a status have been altered. Continuation of such status shall require documented approval of the facility administrator or his designee.

3. Discipline plan.

a. All facilities shall have a resident discipline plan, which explains clearly the consequences or administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review and the review process.

b. The facility administrator shall include in the disciplinary plan a system of due process which has been reviewed and approved by the appropriate legal advisor for the detention center's governing body.

4. Disciplinary segregation (room restriction).

a. Disciplinary segregation shall be used only after and in accordance with due process procedures.

b. The status of any resident placed in disciplinary segregation subsequent to a due process hearing shall be reviewed by the facility administrator or his designee at least once every twenty-four (24) hours. If continued disciplinary segregation is deemed necessary, this decision shall be documented, as shall each subsequent review every twenty-four (24) hours.

c. Any resident placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within twenty-four (24) hours of such segregation (exclusive of holidays and weekends) unless cause can be shown for delays, which shall be documented. As examples:

(1) Resident requests for delay;

(2) Logistically impossible as in the case of mass disturbances.

5. Other limitations on disciplinary actions.

a. The disciplinary rooms shall have minimum furnishings and space specified in these standards.

b. Residents shall be issued clothing and bedding as specified in these standards excepting that those residents who persist in the destruction of bedding, clothing or self with same, may be deprived of such articles. The decision to deprive residents of such articles of clothing and bedding shall be reviewed by the shift supervisor during each eight (8) hour period, unless specified orders to the contrary have been issued by the facility administrator or his designee or on the advice of a licensed physician or psychologist.

c. The delegation of authority to any resident or group of residents to exercise the right of punishment over any other resident or group of residents is expressly prohibited.

d. No resident shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene.

6. Instruments of restraint. Instruments of restraint, such as handcuffs, chains, irons and straitjacket shall never be applied as punishment.

a. Instruments of restraint shall 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 psychologist;

(3) By order of the facility administrator or person in charge, if other methods of control fail, in order to prevent a resident from injuring himself or others or from damaging property.

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

c. Such instruments shall not be applied for any longer time than is strictly necessary.

d. Each incident involving the use of restraints consistent with D.6. a.(2) or D.6.a.(3) shall be documented and retained on file.

e. Any detention personnel authorized to utilize restraints shall receive appropriate training in the useage of such restraints. Such training shall be documented and on file.

7. Disciplinary records. The keeping of a record of all disciplinary infractions and punishment administered therefore is mandatory. This requirement shall be satisfied by retaining copies of rule violation reports and reports of the disposition of each.

E. Activities

1. Activities plan. Each facility administrator shall develop and implement a written plan for the constructive scheduling of resident time.

a. The plan shall be consistent with established legal rights of residents.

b. Such a plan shall include consideration of the following:

(1) The facility's rated capacity;

(2) The security needs of residents confined. Activities and amenities shall be consistent with the needs and behavior of residents and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the welfare of residents.

2. Provisions for religious services and counseling. Residents shall be afforded an opportunity to participate in religious services and counseling on a voluntary basis.

a. The facility administrator shall arrange with the clergy within the area to conduct religious services and provide counseling if requested.

b. Residents requesting private interviews or counseling (not capable of being audio monitored), regarding religious, personal or family problems with accredited clergy, nuns, seminarians and laypersons active in community church affairs, shall be afforded this opportunity within such regulations as are reasonable and necessary to protect the facility's security.

c. No resident shall be required to attend religious services and religious services shall be held in such a location that the residents who do not wish to participate are not exposed to the service.

d. Any resident desiring to read the Bible will be provided with a copy of the same.

e. Attendance or lack of attendance at religious services shall not be considered as a basis for any right or privilege within the facility.

3. Library service. The facility administrator of each facility shall develop and implement a plan for library service including provisions for:

a. Access to current leisure reading material such as books, magazines and newspapers;

b. Textbooks necessary to complete a course of study and legal books and references requested by residents shall be provided upon request to the extent resources permit. The facility's governing body shall not be responsible for purchasing legal books and references.

4. Education program. Education programs shall be consistent with State Department of Education rules and statutory requirements governing juvenile education.

5. Work assignments - juveniles.

a. It is appropriate for juveniles to be required to perform such duties as making beds, cleaning own rooms, cleaning group living areas and cleaning activity areas.

b. They shall not be required to perform such duties as personal services to staff, cleaning or maintaining areas away from the facility, replacing employed staff.

c. Care shall be taken not to require any juvenile to do work they cannot perform for physical reasons.

6. Canteen. See the Food Service section of these standards.

7. Exercise and recreation. Each facility administrator shall develop and implement a plan providing for opportunities for

physical exercise and recreational activites for all residents. At a minimum, such a plan shall include the following:

a. Such regulations as are reasonable and necessary to protect the facility's security and the residents' welfare;

b. Provisions for a minimum of two (2) hours daily of organized and supervised physical exercise and recreational activities and leisure time activities, excluding time spent watching television, for all residents. Organized and supervised means preplanned exercise or activities supervised by staff qualified to direct same;

c. Provisions for indoor space and equipment for active recreation;

d. Provisions for outdoor recreational space, equipment and supportive staff for outdoor recreational programming.

8. Leisure services. Each facility administrator shall develop and implement a plan and provisions for leisure time activities, equipment and materials.

F. Visiting plan. Each facility administrator shall develop and implement a resident visiting plan. Such plan shall be in writing and shall include the following:

1. Security provisions consistent with security rules stated herein;

2. Provisions for resident consultation with their attorneys at the place of confinement at reasonable times and for such periods as are reasonable. Attorney visits shall not be monitored;

3. The administrator shall uniformly set the numbers of permissable visits for each resident and the number of visitors permitted for each visit.

a. Although visits must be governed by administrative constraints and space availability, parents' or guardians' visiting policies shall be as unrestrictive as practical. The child's parent, guardian or child care worker and attorney shall be permitted to make an initial visit to the facility at any time.

b. Juvenile detention facilities shall provide at least three opportunites each week for parental visits, in addition to the initial visit.

c. Visiting hours shall be regularly scheduled and offer both evening and daytime hours on weekdays and at least one (1) time on weekends.

d. Provisions in the plan shall allow for exceptions to the regularly scheduled hours to accommodate for parents' work

schedules or business, illnesses or emergencies within the family, or special family functions.

e. Child-parent visits arranged with attorneys in preparation of a legal case, or by the court, probation officer, caseworker, or other bonafide professional, in the development of a plan for treatment or placement of the child, shall be in addition to the number of required visiting opportunities.

4. Visits shall be allowed for identified members of a resident's immediate family, his counsel, clergyman, and others who would be helpful in planning for the child.

5. The administator may deny a visit to a resident when he has reasonable grounds to believe that the visit might endanger the security of the facility. Reasons for denial of a visit shall be in writing with a copy being issued to the resident, the person attempting to visit and the file within the facility.

6. Visitors shall register, giving names, addresses and relationship to resident.

7. Any area used for resident visiting with audio monitoring capabilities shall be posted with a written notice of same.

8. Visits conducted in resident's living areas shall not conflict with the normal activities of residents not receiving visitors.

G. Correspondence and telephone. Each facility administrator shall develop and implement a plan for the handling of resident mail and resident telephone useage consistent with established legal rights of juveniles and reasonable and necessary facility regulations to protect the facility's security.

H. Juvenile clothing, bedding and laundry services.

1. Clothing.

a. Each resident shall have neat, clean clothing appropriate for the season. Such clothing shall be provided by the agency if the youth does not have it.

b. Clothing used to supplement resident's personal clothing shall be of a non-jail/non-uniform type. Facility clothing should not be used on an ongoing basis. Residents shall be allowed to wear personal clothing to the extent reasonable and necessary regulations of the facility permit.

c. Clothing shall be exchanged at least twice each week or more often as necessary.

d. The facility shall have available a sufficient quantity and variety of clothing to insure each resident has neat, clean clothing appropriate to the season.

e. Residents' excess personal clothing shall be returned to designated family members or stored in a manner which prevents mildew and other damage and properly identified, inventoried and secured. Residents possessing excess personal property shall sign and receive a copy of the inventory record for such property and indicate their agreement or disagreement with such records.

2. Linens and bedding.

a. Each resident admitted to the facility shall have made available the following:

(1) One (1) bath towel, one (1) hand towel, one (1) washcloth;

(2) One (1) clean, firm, fire-retardant mattress;

(3) Polyurethane foam mattresses shall not be used in the facility;

(4) Two (2) sheets or one (1) sheet and a clean mattress cover;

(5) Sufficient clean blankets to provide comfort under existing temperature conditions.

(6) One (1) pillow and one (1) pillow case, anti-allergenic if required or requested.

b. Clean linens shall be furnished at least once each week, or more frequently to maintain cleanliness.

c. Bedding and linens which are worn out or unfit for further use shall not be used.

d. Residents not admitted to living units who are detained in holding rooms utilized solely for the purpose of intake and release processing need not be issued linens and bedding.

3. Removal of clothing and bedding.

a. It may be deemed necessary by the facility administrator or person in charge to remove clothing and/or bedding from a resident if the behavior of the resident threatens the safety and/or security of the individual, others, or the facility.

b. As such action implies that all reasonable steps have been taken without success to insure the safety and well being of the resident as well as the security of the facility, an unusual occurrence report shall be completed and filed.

4. Laundry services.

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

b. The collection, storage and transfer of clean and soiled clothing, bedding and linen shall be accomplished in a manner which will minimize the danger of disease transmission. Care shall be taken to maintain separation of clean and soiled linens and clothing.

c. Where laundry service is obtained from an outside agency or establishment, such service shall be provided under a written agreement which shall specify that the service meets standards required by the State Department of Health.

d. Residents' personal clothing and other non-linen items shall be laundered in accordance with appropriate washing procedures for the various fabrics.

I. Emergencies and unusual occurrences.

1. Emergency plan. The facility administrator shall develop a written disaster plan with procedures for the protection and evacuation of all persons in the case of fire, explosion, flood, tornado, or other emergencies.

a. The plan shall be developed for each facility and its type of occupancy with the assistance and advice of at least the local fire and/or rescue authority (Civil Defense).

b. The plan shall include information and procedures relative to: locations of alarm signals and fire fighting equipment, testing of equipment by a local fire official at least quarterly, frequency of drills, assignment of specific tasks and responsibilities of the personnel on each shift, persons and local emergency department to be notified, precautions and safety measures during tornado alerts, procedures for evacuation of residents during emergencies when necessary, and arrangements for temporary emergency confinement and care in the community in the event of a total evacuation.

c. Copies of the disaster plan containing basic emergency procedures shall be available at a secure central security station to all staff within the facility.

d. Copies of a detailed disaster plan shall be available to all supervisory personnel.

2. There shall be an automatic fire alarm and heat and smoke detection system approved by the state fire marshal or recognized state authority and tested on a regular basis.

3. Security policies and procedures. Emergency planning shall be sufficient to provide immediate and effective action in the event of any emergency. All such planning shall be inclusive of policies and procedures designed to protect the public by securely detaining residents who present a danger to the community or to themselves.

4. Other emergency planning. In addition to development of a disaster plan as outlined in I.1., emergency planning shall be sufficient to provide immediate and effective action in the event of hostage incidents, escape and escape attempts, suicide and attempted suicide, any illness or accident deemed an emergency, power failure, major resident disturbances, assaults and outbreaks of contagious disease or epidemic.

5. If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

6. Plans shall be developed and maintained sufficient to maintain the health, safety and security of residents and facility during brief or extended losses of light, heat or communications.

7. Emergency procedures meeting. There shall be a meeting of all employees on each shift at least once every three (3) months to discuss and review emergency procedures used in the facility. The agenda of the meeting shall cover:

a. Assignment of persons to specific tasks and responsibilities in case of emergency situations;

b. Instructions relating to 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. Such routes shall be distinctly marked, continuously illuminated and kept clear and in useable condition.

8. Unusual occurrences. All incidents or attempted incidents of an unusual or serious nature which involve, or endanger the lives or physical welfare of facility staff or residents shall be reported to the Department within ten (10) days in writing.

a. Such report shall include the name(s) of person(s) involved (staff and residents), nature of unusual occurrence, actions taken, and the time of occurrence.

b. Unusual occurrences shall include:

(1) Suicide;

(2) Homicide;

(3) Death (other than suicide or homicide);

(4) Serious injury or illness (accidental, self or other inflicted, incurred subsequent to detention);

(5) Escape;

(6) Fire;

(7) Riot

(8) Assaults on staff or residents;

(9) Other serious disturbances;

(10) Occurrences of infectious diseases and disposition.

c. Unusual occurrences shall be reported to the Minnesota Department of Corrections. The form for reporting shall be obtained from the Department of Corrections.

d. Written plans governing space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the juvenile detention facility shall be developed; these plans are to be reviewed at least annually and updated if necessary.

e. In the event of an emergency such as serious illness, accident, imminent death or death, the resident's parents, guardians or other significant others who maintain a close relationship with him shall be notified.

9. Resident death. When a resident's death occurs:

a. The date, time and circumstances of the resident's death shall be recorded in the resident's record.

b. If the resident dies in the facility, the coroner's office shall be notified.

c. Personal belongings shall be handled in a responsible and legal manner.

d. Records of a deceased resident shall be retained for a period of time in accordance with law.

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

11 MCAR § 2.530 Food service

A. General requirements. The goals of food service in each facility shall be to provide food and beverages to residents that are

nutritionally adequate, that are palatable, that are produced in a manner to prevent foodborn illness, are of adequate quantity and variety, are served at appropriate temperatures and are prepared by methods which conserve nutritional value.

B. Food handling practices.

1. Any food service provided in a correctional facility shall be in accordance with the provisions of the Minnesota Department of Health rules (7 MCAR §§ 1.161-1.165) governing food service and beverage service establishments.

2. Wherever the food service in a facility is limited to serving ten residents or less, variances from the requirements include substitution of certain domestic type equipment for commercial type.

3. When food is catered into the facility, it shall be obtained from a source acceptable to the Minnesota Department of Health pursuant to 7 MCAR §§ 1.161-1.165.

C. Dietary service. The food and nutritional needs of residents shall be met. Providing each resident the specific serving per day from each of the following four food groups will satisfy this requirement.

1. The food service plan is reviewed and approved by a physician or certified dietician.

2. All facilities shall have menu planning sufficient to provide each resident the following specified food servings per day:

a. Meat or protein group. Two (2) or more servings per day. A serving of meat or protein is defined as:

(1) 2-3 ounces cooked, lean, edible meat

(2) 2 medium eggs

(3) 4 tablespoons peanut butter

(4) 1 cup dry beans

b. Milk group. Two (2) or more servings per day. A serving is defined as:

(1) 1 cup of milk

(2) 1 ounce of cheese

(3) 1/2 cup cottage cheese

c. Cereal and bread group. Four or more servings per day. A serving is defined as:

(1) 1/2 to 1 slice of bread

(2) 1/2 to 3/4 cup cereal

(3) 1/2 to 3/4 cup rice

(4) 1/2 to 3/4 cup of pasta

d. Fruit and vegetable group. Four or more servings per day. A serving is defined as:

(1) 1/2 cup potatoes

(2) 1/2 cup cooked vegetables

(3) 4 pieces raw vegetables

(4) 1/2 cup fruit

(5) 1 cup juice (citrus)

D. Frequency of meals. There shall not be more than fourteen (14) hours between a substantial evening meal and breakfast. At least three (3) meals shall be made available at regular times during each twenty-four (24) hour period.

E. Therapeutic diets. Any facility housing residents in need of medically prescribed therapeutic diets shall have documentary evidence that such diets are provided for as ordered by the attending physician.

F. Where juveniles' religious beliefs require their adherence to dietary laws, efforts shall be made to provide such special diets.

G. Use of food in discipline. Food shall not be withheld as a punishment for unacceptable behavior.

H. Supervision of meal serving. All meals shall be served under the direct supervision of staff.

I. The designated food service supervisor shall receive training in food service operations prior to assuming this reponsibility.

J. Menu records. Menus shall be posted a week in advance. Records of food purchased and menus shall be filed for one (1) year.

K. Hot meal minimum. A minimum of one (1) hot meal shall be provided for each twenty-four (24) hours of confinement.

L. Canteen services shall be available to residents on a twice per week basis. Facilities which do not operate a canteen shall implement a system whereby residents have the opportunity to purchase or obtain sundry items on a twice per week basis.

M. Budgeting, purchasing and accounting.

1. Each facility administrator shall, in cooperation with the local unit of government or governing body and food service supervisor, establish policies and procedures for budgeting, purchasing and accounting.

2. Such policies and procedures shall include:

a. A food expenditure cost accounting system designed to isolate cost per meal per resident.

b. Policies and procedures for estimating food service requirements in advance of their need.

c. Consideration of resident eating habits and food waste.

d. Consideration of facilities for storage and refrigeration as well as accepted storage periods for dry, canned and perishable foods.

e. Such other items as the administrator deems appropriate.

N. Containers and food storage.

1. Food containers. All food or food products, prepared or in bulk shall be stored in seamless containers after opening of the original container. Dry milk and milk products after opening shall be stored in seamless, air-tight containers.

2. Storage of non-perishable food. Non-perishable food, and single-service articles shall be stored off the floor on washable shelving in a ventilated room. It shall be protected from dust, flies, rodents, vermin, overhead leakage and other sources of contamination, and shall be placed away from areas with excessive heat.

3. Storage of perishable and potentially hazardous food. All perishable food (fresh fruit and vegetables) and potentially hazardous food (meat and dairy products) shall be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage. Meat and dairy products shall be stored at forty (40) degrees Fahrenheit or below, and fruit and vegetables at fifty (50) degrees Fahrenheit or below. When stored together, the lower temperature shall apply. Temperatures shall be monitored by an accurate thermometer.

4. Prohibited storage. The storage of detergents, cleaners, pesticides and other non-food items, including employees' personal items, is prohibited in food storage areas.

5. Returned food. Returned portions of food and beverages from individual servings shall not be reused unless such food or beverage is served in a sealed wrapper or container which has not been unwrapped or opened.

6. Ice. Ice shall be stored and handled in a sanitary manner. Stored ice shall be kept in an enclosed container. If an ice scoop is used, the scoop shall be stored in a separate compartment to prevent the handle from contact with ice.

O. Transport of food. Food shall be covered during transport through non-dietary areas, but need not be covered when served in a contiguous dining area. The food service system shall be capable of maintaining hot foods at one-hundred-fifty (150) degrees Fahrenheit or higher; cold food at forty (40) degrees or lower. A dumbwaiter or conveyor, which cab or carrier is used for the the transport of soiled linen or soiled dishes, shall not be used for the transport of food.

11 MCAR § 2.533 Security

A. Policies and procedures. Security policies and procedures shall be developed by the administrator to cover the following:

1. Control and recovery of contraband;

2. Delivery and service procedure;

3. Prohibition on firearms and other weapons in resident areas;

4. Search procedures;

5. Escort of residents outside security area;

6. One-half (1/2) hour interval security inspection routines when residents are not under direct supervision.

B. Admissions

1. The intake procedure conducted by the admitting officer for all admissions shall provide for a thorough search of the resident and belongings. In the event of all new admissions, a shower (delousing if indicated), an assessment of health status and physical needs, an inventory of resident's property, properly recorded and signed by the owner as correct, and completion of an admission form shall be completed.

2. No juvenile shall be received by the staff of a facility until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed identifying the purpose for detention. The arresting or escorting officer shall be required to sign his name and title on a form which is part of the intake and record.

3. All intake procedures shall be conducted in a manner and location that assures the personal privacy of the resident and the confidentiality of the transaction from unauthorized personnel.

C. Releases.

1. Upon release of a resident, the property of the resident, unless held for authorized investigation or litigation, shall be returned with a signed receipt acknowledging same.

2. No resident shall be released in inclement weather without proper clothing to insure health and safekeeping.

3. Residents shall be permitted to make arrangements for transportation prior to their release.

D. Contraband control searches.

1. Visitors who seek to enter the security area of the facility shall not be permitted admission whenever they refuse to submit to a requested search conducted by a staff member of the same sex.

2. The facility shall be regularly inspected for contraband; evidence of breaches in security; inoperable security equipment.

3. All materials delivered to or transported from the facility shall be inspected for contraband prior to distribution.

E. Locks and keys.

1. When not in use, all keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, out of reach from the residents or the public. At least one new complete set of facility keys shall be kept on hand for replacement purposes.

a. 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 in accordance with established procedure.

b. No security keys shall be made available to residents.

2. All locks to security doors or gates shall be inspected regularly to insure their efficient operation.

a. No lock to a security door or gate shall be permitted to be broken, inoperable, or left in an unsuitable condition for any unnecessary period of time.

b. No resident shall be placed in a room or area which has inoperable locks.

F. Weapons, tools, equipment, medications, hazardous substance.

1. Firearms or other dangerous weapons, regardless of condition, shall not be located within the resident areas of the facility.

2. Materials which can be deleterious to security, safety and health shall be properly secured, inventoried and dispensed.

3. When not in use, all tools shall be kept in locked storage areas. Security precautions shall be developed and implemented on any tools entering and/or leaving the facility.

4. Hazardous substances shall be stored outside the resident's living areas. Cleaning substances which can be so described shall be handled only by staff or residents under direct staff supervision.

G. Count procedure. Each facility shall have a written statement specifying the system to be used for regularly counting the number of residents under its jurisdiction.

1. Systems for counting shall include a master count board indicating the total number at all times and immediately report changes as they occur.

2. A separate log book shall be kept to serve as a check and validation to the count board.

3. Formal counts shall be completed with an official entry made in the daily log after each mass movement or change in areas and/or at least once each eight (8) hours.

11 MCAR § 2.536 Environmental-personal health and sanitation

A. Availability of medical and dental resources.

1. Each facility shall have a licensed physician(s) or medical resources such as a hospital or clinic designated for the medical supervision, care and treatment of residents. The facility shall insure twenty-four (24) hour a day availability of consultation, advice and emergency service response. Such resource(s) shall be located in the same or a nearby community.

2. The local health department or a designated physician shall, not less than annually, inspect the facility with respect to sanitation and health conditions.

3. Each facility shall have emergency dental care available to residents. Such dental care shall be available in the same or nearby community.

4. Ambulance services shall be available on a twenty-four hour a day basis.

B. Receiving. Health screening shall be performed on all residents upon admission to the facility and before placed in the general population, and recorded on a printed screening form approved by the responsible physician which includes inquiry into:

1. Possibility of pregnancy;

2. Possibility of venereal disease;

3. Current illnesses and health problems including those specific to females;

4. Medications taken and special health requirement;

5. Status of immunizations;

6. Screening of other health problems designated by the responsible physician;

7. Behavioral observation, including state of consciousness and mental status;

8. Notation of body deformities, trauma markings, bruises, lesions, ease of movement, or jaundice;

9. Condition of skin and body orifices, including rashes and infestations; and

10. Disposition/referral of residents to qualified medical personnel on an emergency basis.

C. Sick call.

1. Each facility shall provide space, staff, and a procedure for daily sick call for the purpose of insuring residents the opportunity to report and receive appropriate medical services for illness or injury.

2. A resident shall be examined by trained medical personnel within a reasonable period of time if the resident is visibly ill, chronically ill, or whenever it is suspected that medical attention is necessary.

3. If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

D. Posting of available resources. A listing of the medical, dental and ambulance resources designated for use by the facility and the telephone numbers of same shall be posted at each staff station in the facility. Such list shall clearly indicate what resource(s) is (are) available at any time of the day or night.

E. Hospitalization of a resident.

1. Each facility administrator shall insure the availability of hospital services in the same or nearby community permitting admission of a resident without delay on the recommendation of the attending physician.

2. When a resident requires hospitalization, he shall be guarded on a twenty-four (24) hour per day basis unless the following conditions have been satisfied:

a. The resident has been deemed not in need of custody supervision, or

b. The resident has been medically incapacitated in the opinion of the attending physician, or

c. The facility administrator has retained legal responsibility for the custody of the resident, or

d. The hospital administrator and facility administrator mutually agree that a guard is unnecessary to the reasonable assurance of the resident's custody.

F. Written standard operating procedures approved by the responsible physician shall exist for the following:

1. Obtaining medical consent;

2. Receiving screening;

3. Health appraisal data collection;

4. Non-emergency medical services;

5. Obtaining dental services;

6. Emergency medical and dental services;

7. Deciding the emergency nature of illness or injury;

8. Dental screening, prevention, examination and treatment;

9. Provision of medical and dental prosthetics;

10. Rendering first aid;

11. Notification of next of kin or legal guardian in case of serious illness, injury or death;

12. Providing chronic care;

13. Providing convalescent care;

14. Providing medical preventive maintenance;

15. Screening, referral and care of mentally ill and retarded residents;

16. Making staff aware of special medical problems;

17. Implementing the special medical program;

18. Immunization, where necessary;

19. Delousing procedures;

20. Detoxification procedures; and

21. Pharmaceuticals.

G. First aid.

1. All child care workers responsible for the supervision, safety and well-being of residents shall be trained in emergency first aid procedures.

2. At least one person per shift shall have training in receiving, screening, basic life support, cardiopulmonary resuscitation (CPR), and recognition of symptoms of the illnesses most common to the facility.

3. All facilities shall have a minimum of one (1) first aid kit located at the facility's control center or primary staff station.

4. The first aid kit shall be inspected by a designated staff person at least once every three (3) months to assess the need for replenishment of supplies.

H. Medical and dental records.

1. Each facility shall record all complaints of illness or injury with actions taken pursuant to same.

2. Medical or dental records shall be maintained on any resident under medical or dental supervision, care or treatment while confined. Minimally, such records shall include appropriate information with respect to resident limitations or disabilities, instructions relative to resident care, written orders for all medications with stop dates, treatment, therapeutic diets, extent or restriction of activity, and the time, date, and medical or dental person involved in any examination, treatment or consultation with respect to the resident.

3. Medical and dental directives related to resident care shall be available to staff on duty for consultation in case of illness and for recording administration of medication.

4. A statement concerning the resident's medical or dental condition shall be obtained from the attending physician or dentist on any resident under medical or dental care.

I. Preventive health services.

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

2. All staff and volunteers shall adhere to established policies and procedures relating to personal hygiene practices including clean attire.

3. Delousing materials and procedures shall be approved through consultation with trained medical personnel.

4. Each resident shall be permitted daily bathing or showering.

5. Residents shall be provided personal hygiene items at facility expense.

J. Delivery, supervision and control of medicines.

1. Delivery of medicine shall be conducted only by licensed medical or nursing personnel or by facility staff members who have been trained in the delivery of medications.

2. The delivery of legend drugs by unlicensed staff shall be under the ultimate supervision of a consulting physician.

3. The facility administrator, in consultation with the licensed physician shall develop plans, establish procedures and accessories for the secure storage, delivery, supervision and control of medicine. Such plans, procedures, space and accessories shall include the following:

a. Storage.

(1) All medicines shall be kept in a locked medicine cabinet or locked medicine room. The storage facility shall be kept locked at all times when not in use.

(2) Medicine requiring refrigeration shall be stored in a secure manner in a refrigerator.

(3) Residents shall not be allowed in any room used for the storage of medicine without direct staff supervision.

(4) Only staff authorized to deliver medicine shall have access to keys for medicine storage areas.

(5) Stock supplies of legend (prescription-type) drugs shall not be maintained.

(6) All prescribed medicine shall be stored in its original container, bearing the original label.

(7) All poisons and medicine intended for external use shall be clearly so marked and shall be stored separate from medicine intended for internal use.

b. Delivery control. The following shall be established in written policy form:

(1) Diabetics with permission of the attending physician may self-administer insulin injections under staff supervision.

(2) All other medicine administered by injection may be given only by a physician, registered nurse, or licensed practical nurse.

(3) Unless ordered otherwise by the attending physician, all other medicine delivered to residents shall be self-administered under staff supervision.

(4) Means for the positive identification of the recipient of all medicine.

(5) Procedures for assuring that prescribed medicine will be delivered in accordance with physician instructions at the correct time and in the prescribed dose.

(6) No resident while receiving legend drugs shall receive any non-legend drugs without the approval of the attending physician.

(7) Procedures for confirming that medicine delivered for oral ingestion has been ingested.

(8) Procedures for recording the fact that the prescribed dose has been delivered and by whom.

(9) Procedures whereby adverse reactions to drugs are reported at once to the attending physician and an explanation made in the resident's record.

(10) Procedures whereby resident refusal of prescribed medicine is reported to the attending physician and an explanation made in the resident's record.

(11) Procedures for insuring that no resident is deprived of medicine as prescribed because of penalty or staff retaliation.

(12) Procedures which prohibit the delivery of medicine by residents.

(13) Procedures whereby a physician is contacted prior to the next prescribed medicine dosage time for instructions on all newly admitted residents who are either in possession of prescribed medicine or indicate a need for such.

c. Recording of legend drugs entering the facility. Records of receipt, the quantity of such drugs, and of the disposition of all legend drugs shall be maintained in sufficient detail to enable an acccurate accounting at any time.

4. If authorized by the attending physician, prescribed medicine belonging to resident shall be given to them when released or to appropriate authorities when transferred. This shall be recorded in the resident's record.

5. Unused portions of prescribed medicine shall be destroyed by incineration or by flushing into the sewer system.

a. Such destruction shall be performed by the facility administrator or his designee and witnessed by a staff member.

b. A notation of the destruction shall be made in the resident's record and shall include the name and quantity of the drug destroyed and shall be signed by the facility administrator or his designee and staff witness.

6. Unused portions of controlled substances shall be handled by contacting the Minnesota Board of Pharmacy.

7. Methadone programs shall not be made available unless in compliance with all existing laws governing such programs.

8. Written policy prohibits the facility from conducting medical or pharmaceutical testing for experimental or research purposes.

K. Reporting suspected contagious disease. When no physician is in attendance, it shall be the duty of the facility administrator, or other person in charge of any institution or any other person having knowledge of any individual believed to have or suspected of having any disease, presumably contagious, to report immediately the name and address of any such person to the local health officer. Until official action on such has been taken, strict isolation shall be maintained.

L. Isolation for contagious disease.

1. Residents who are suspected of having a contagious disease shall be detained in isolation for only that period of time necessary to obtain advice and consultation from a physician concerning the resident's status and recommendations for care. Continuation of such isolation shall be determined by the attending physician.

2. A resident placed in isolation for medical reasons shall not be deprived of any more privileges, rights or amenities than is consistent with his classification prior to such assignment except to the extent that such privileges, rights or amenities would endanger the health of staff, other residents, or the public.

M. Mentally ill residents.

1. Screening and referral for care shall be provided to mentally ill or retarded juveniles. The responsible physician shall provide a written list of symptoms or behavior indicative of mental illness and retardation for staff training and shall designate, in advance, specific referral sources.

2. If the facility administrator or his designee determines a resident to be mentally ill, a licensed physician's opinion (preferably a psychiatrist) shall be secured as soon as possible, but not more than eight (8) hours after such determination.

3. If a licensed physician's opinion is supportive of the facility administrator or his designee, and if practical and feasible, such resident shall be transferred to a medical facility designated by the county and approved by the State Department of Health for diagnosis, treatment, and evaluation of such suspected mental illness pursuant to Minn. Stat. § 253A.04, Emergency Hospitalization of Mentally Ill and Mentally Deficient Persons.

N. Housekeeping, sanitation and plant maintenance.

1. General requirement. The entire facility inclusive of every building, structure or enclosure utilized by the facility - walls, floors, ceiling, registers, fixtures, equipment and furnishings shall be kept in good repair and so maintained as to protect the health, comfort, safety and well-being of residents and staff.

2. Established plan. The person (facility administrator, building superintendent, or county maintenance engineer) responsible for plant maintenance, housekeeping and sanitation shall develop and implement a written plan with identified policies and procedures for same.

3. Inspections. The facility administrator shall develop and implement a written plan for the daily inspection of the facility with respect to housekeeping, sanitation, and plant maintenance. Such inspections shall be recorded.

4. Budget. The facility administrator shall submit a list of probable repairs and expenditures for routine housekeeping supplies, repairs, and special requests related to physical plant maintenance, housekeeping and sanitation at the beginning of each month, or as part of an annual budget request to the facility's governing body.

5. Work requests.

a. The facility administrator in cooperation with the facility's governing body shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards and unsanitary conditions in the early stages of their development and provide for their repair, correction or modification so that such conditions are eliminated to the extent required by rules contained herein.

b. Such policies and procedures shall include:

(1) Requiring facility staff to report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs as they are observed.

(2) A process whereby work requests are prioritizied and filed with the governing body by the facility administator in an expedient manner.

(3) A records system allowing review of budget and work requests, expenditures, dates and actions, pursuant to detection of need, submission of work orders and completion of requests.

6. Insect and rodent control. Any condition on the site or in the facility conductive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately. Cleaning,

renovation, or fumigation by licensed pest control operators for the elimination of such pests shall be used when necessary.

11 MCAR § 2.539 Juvenile detention programs

A. Statement of program objectives. Each facility administrator shall prepare in written form a statement of program objectives and goals. Such objectives and goals shall be developed with the input of local juvenile justice personnel including judges, probation officers and others as deemed appropriate by the facility's governing body and administrator. A copy of the statement of program objectives shall be retained on file in the facility.

B. Program plan. Each facility administrator shall develop and implement a plan for programming and service consistent with its stated program objectives.

C. Program space, equipment and materials. Provisions for program space, equipment and materials shall be consistent with the facility's statement of program objectives, program plan and applicable rules stated herein.

D. Intake policies and procedures.

1. Each juvenile is assigned a counselor or probation officer at intake.

2. Each facility administrator shall develop in written form intake policies and procedures that clearly indicate the facility's goals and objectives, programs and services offered and resident eligibility requirements for admission to the facility. This will be done in a form suitable for distribution to staff, residents, referral sources, funding agencies and the general public. Such policies and procedures shall include the following:

a. Clearly defined age limits for admittance to the facility.

b. Regular meetings and case conferences between the staff of probation agencies, shelter facilities, the court, the local law enforcement agency, and the detention facility staff to develop and maintain sound interagency policies and procedures.

c. Statutory provisions for admission to the secure juvenile detention facilities must be adhered to.

d. Referral sources must be informed of reasons for ineligibility and where possible, should be referred to other agencies for services.

e. The administrator, in consultation with the referral agency, shall be responsible for exercising discretion within his legal authority, in the type of resident admitted to the facility in accordance with the admission policies of the facility.

E. An admittance form is completed for every juvenile admitted to the facility and contains the following information:

1. Court case number (if any) and detention facility admission number;

2. Date and time of admission and release;

3. Name and nicknames;

4. Last known address;

5. Legal status (authority for detention);

6. Name of attorney, if any;

7. Name, title and signature of delivering officer;

8. Specific charge(s);

9. Sex;

10. Date of Birth;

11. Place of birth;

12. Race or nationality;

13. Education and school attended;

14. Employment, if any;

15. Religion;

16. Health status;

17. Medical consent forms;

18. Name, relationship, address and phone number of parent(s)/guardian(s)/person(s) juvenile resides with at time of admission;

19. Drivers license number, social security number and medicaid number;

20. Date of petition;

21. Court and disposition if any;

22. Space for remarks (to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattoos); and

23. Person recording data.

F. Case Records.

1. Case records shall be safeguarded from unauthorized and improper disclosure.

2. The contents of case records shall be identified and separated according to an established format. The case record includes the following information:

a. Initial intake information form;

b. Documented legal authority to accept juvenile;

c. Information on referral source;

d. Record of court appearances;

e. Medical record;

f. Signed release of information forms;

g. A record of cash and valuables held;

h. Notations of temporary absences from the facility;

i. Visitors' names and dates of visits;

j. A record of telephone calls;

k. Probation officer or caseworker assigned;

l. Progress reports on program involvement;

m. Program rules and disciplinary policy signed by juvenile;

n. Grievance and disciplinary record;

o. Referrals to other agencies; and

p. Final discharge or transfer report.

G. Program resource identification. Each facility administrator shall develop an inventory of on-site and community resources that are essential to the successful accomplishment of the facility's program objectives. Such inventory shall be descriptive of community resource agency services, eligibility requirements and other information considered appropriate to potential users of same. The inventory shall be reviewed at least once annually and revised as appropriate.

H. Crisis intervention. Each facility administrator shall develop and implement a plan for crisis intervention and utilization of professionally qualified facility staff or community resource personnel appropriate to resident needs.

I. Citizens advisory committee. Written policy and procedure shall provide for a citizens advisory committee representing appropriate elements of the community such as civic leaders, businessmen, professionals and at least one member from the local governing body.

J. Program evaluation. Written policy and procedure shall provide for periodic evaluations of facility programs and services to determine their contribution to the objectives and goals of the facility.

K. Biennial report. The facility shall furnish an information statement to the parent agency at least biennially which is used to report on the system's objectives, programs, resident population, budget, major developments, problems, and future plans.

11 MCAR § 2.542 Administration

A. The administration shall have available to it the services of a qualified fire and safety officer to review all policies and procedures related to safety and fire prevention.

B. Written policy and procedure shall govern inventory control of property, equipment and other assets.

C. There shall be a procedure to provide insurance coverage for the physical plant and equipment, as well as personal and property injury to employees, volunteers, residents, and third parties.

APPROVED AS TO FORM AND LEGALITY

2-13 1981

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 13 1981
Joan Anderson Growe
Secretary of State
3:19 PM

SF-00006-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Corrections

TO : Judith Wehrwein
Attorney General's Office
Department of Administration

DATE: February 11, 1981

FROM : John R. McLagan, Director
Standards Development Unit

PHONE: 6-6041

SUBJECT: Adoption of Rules Governing Secure Juvenile Detention Facilities

The Rules Governing Secure Juvenile Detention Facilities is being resubmitted for approval by your office. Included in this package, please find an original and two copies each of the following:

1) The Order Adopting Rules;
2) The Rule as Adopted;
3) A memo showing changes made in the rule; and
4) The Chief Hearing Examiner's findings of No Substantial Change.

JRM/bs

enc

RECEIVED
FEB 17 1981
ADMINISTRATIVE AGENCIES

AMENDMENTS TO THE SECURE JUVENILE DETENTION FACILITY RULE

AS RECOMMENDED BY THE ATTORNEY GENERAL'S OFFICE

February 6, 1981

The following is a list of recommendations made by the Attorney General's Office in regard to the adoption of the Secure Juvenile Detention Facility Rule, and the actions taken to comply:

1. These rules are the Rules as Adopted and should be referred to as such, rather than as Amended Proposed Rules.

   Amended as recommended.

2. § 2.505 U. Pursuant to the Report of the Hearing Examiner, paragraph 7, "and County Home School" should be deleted.

   Amended as recommended.

3. § 2.509 A. Each of the four "it's" should be "its."

   Amended as recommended.

4. § 2.509 B. Should a comma be inserted after the work "detention" in the second line for clarity of meaning?

   Amended as recommended.

5. § 2.509 C. In the fourth line the word "it's" should be "its." Also, as with the above comment, should a comma be inserted after the word "detention" for clarity of meaning in the fifth line?

   Amended as recommended.

6. § 2.509 D. The first sentence of this section is unclear and should be rewritten.

   Amended as follows:

   D. Issuance of license. ~~Where the facility substantially conforms to rules stated herein or is making satisfactory progress toward substantial conformance and that the interests and wellbeing of the children and youth received therein are protected, a license to a county, municipality or agency thereof operating such facility shall be granted.~~ A license shall be granted to a county, municipality or agency thereof operating a facility, if the facility is in substantial conformance with rules stated herein or is making satisfactory progress towards substantial conformance and if the interests and well-being of children and youth received therein are protected. The license shall remain in force one year unless sooner revoked.

7. § 2.512 A.2. The semicolon at the end of this subsection should be a period.

Amended as recommended.

8. § 2.515 B.6. The words "and character" have been omitted from the end of this subsection without any indication as to whether the omission is intentional. It would appear that the words should be reinserted.

The original intent was to have omitted this phrase. (See memo to Peter Erickson, December 5, 1980.)

9. § 2.515 D. As a result of the change from "assigned" to "scheduled," the word "to" apparently should be changed to "for."

Amended as recommended.

10. § 2.515 E.2.e. "Maintenence" should be "Maintenance."

Amended as proposed.

11. § 2.518 A.2. For clarity of meaning, the sentence should be rewritten, possibly adding the words "adjust to" at the end of the second line.

Amended as recommended.

12. § 2.518 B. A hyphen should be inserted at the end of the word "train" in the third line.

Amended as proposed.

13. § 2.527 D.1. In the third line, the comma after "privileges" should be deleted and reinserted after the word "residents" on the same line.

Amended as recommended.

14. § 2.527 D.3.b. The word "centers'" should be "center's."

Amended as recommended.

15. § 2.527 D.6.b. Subsection 6 discusses instruments of restraint and sets forth a number of examples of such instruments of restraint. Subsection 6.b., however, introduces for the first time the use of chemical agents. The question that arises is whether chemical agents are considered similar to handcuffs, chains, irons, and straightjackets. If not, a more explicit description of chemical agents, their purpose, and possible circumstances of use may be necessary.

The phrase "and chemical agents" was deleted.

16. § 2.527 F.3.d. The word "parents" should be "parents'."

Amended as recommended.

17. § 2.527 I.8.d. The word "govern" should be "governing."

Amended as recommended.

18. § 2.530 B.3. In the citation to MCAR, the bracket that appears in the first section number should be replaced with a "1."

Amended as recommended.

19. § 2.533 F.2. "deliterious" should be "deleterious."

Amended as recommended.

20. § 2.536 H.4. "residents" should be "resident's."

Amended as recommended.

21. § 2.536 I.5. "providing" should be "provided."

Amended as recommended.

22. § 2.536 J.1. Delete the comma after the word "medical" in the second line.

Amended as recommended.

23. § 2.536 L.2. "asignment" should be "assignment" and "priviledges" should be "privileges."

Amended as recommended.

24. § 2.536 M.2. This section refers to "such segregation," yet segregation is not listed as a means of dealing with a mentally ill resident. Therefore, § 2.536 M. is vague and must be rewritten.

The word "segregation" was replaced with "determination".

25. § 2.536 M.3. Because the reference to a certified consulting psychologist was deleted from § 2.536 M.2., it would appear that the reference to a certified consulting psychologist should be deleted from this section also.

The phrase "certified consulting psychologist or" has been deleted.

26. § 2.539 A. In the fifth line, "facilities" should be "facility's."

Amended as recommended.

27. § 2.539 B. Delete the apostrophe after the word "its."

Amended as recommended.

28. § 2.539 E.19. The word "medicade" apparently should be "medicaid."

Amended as recommended.

29. § 2.539 E.22 "tattos" should be "tattoos."

Amended as recommended.

30. § 2.539 F.2.i. "Vistors" should be "Visitors'."

Amended as recommended.

31. § 2.539 K. For clarity, in the third line, the word "systems" either should be "system's" or should be followed by a comma.

The word "systems" has been amended to read "system's".

32. § 2.542 A., B., C. Each of these three subsections appears to refer to something in general, which does not appear at the beginning of this rule. For clarity, the three subsections should be rewritten or some material should be inserted prior to the subsections.

Amended as follows:

A. The ~~facility~~ administration shall have ~~has~~ available to it the services of a qualified fire and safety officer to ~~who~~ reviews all policies and procedures related to safety and fire prevention.

B. Written policy and procedure shall govern inventory control of property, equipment ~~stores~~ and other assets.

C. There shall be ~~is~~ a procedure to provide insurance coverage ~~for the facility, which includes coverage~~ for the physical plant, and equipment, as well as ~~and~~ personal and property injury to employees, volunteers, residents and third parties.

JRM/bs

Corrections

Peter Erickson, Hearing Examiner
Office of Administrative Hearings

December 5, 1980

John R. McLagan, Director
Standards Development Unit

6-6041

Amended Proposed Rules Governing Secure Juvenile Detention Facilities

Included in this package, please find the "Amended Proposed Rules Governing Secure Juvenile Detention Facilities" dated December 5, 1980 and a listing of all amendments made to the rule since the last published rule of August 8, 1980.

Please note in section 11 MCAR § 2.505 DEFINITIONS, with the exception of the term "Secure Juvenile Detention Facility" there have been no revisions, however, all of the terms in this section have been alphabetized.

If you have any questions or comments concerning this matter, please don't hesitate to contact me.

JRM/bs

enc

Proposed Amendments to the
Juvenile Detention Facility Rule
as of August 8, 1980

11 MCAR § 2.501

D. "Secure Juvenile Detention Facility" shall mean a physically restricting facility, including a detention home ~~and county home school~~.

rationale: This definition is less confusing and consistent with M.S. 260.015, Subd. 16.

11 MCAR § 2.515

A.3. Any staff member with a ~~communicable~~ contagious disease shall not be permitted to work in the facility until such time that a physician certifies that the staff member's condition will permit his return to work without endangering the health of other staff and residents.

rationale: The Department of Corrections is in agreement with Council 6 that this is a better clarification.

A.4. The facility administrator shall require that a staff member has a medical examination when there is reason to believe a ~~communicable~~ contagious disease exists.

rationale: The Department of Corrections is in agreement with Council 6 that this is a better clarification.

B.6. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience and physical condition ~~and character~~.

rationale: The Department of Corrections is in agreement with Council 6 that this is more definable to the purpose of the rule.

D. Extra duty. No employee shall be ~~assigned~~ scheduled to duty for two (2) consecutive work periods except in a documented emergency, or where unusual circumstances require reasonable and prudent exception.

rationale: The Department of Corrections is in agreement with Council 6 that this is a better clarification.

Our File No. 665

1/26 J McLagan requested submit Cert. of Compliance 1/28 submitted

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1/14/81
DATE FOR REVIEW 1.24.81
DATE DUE 2.3.81

Adopted w/a hearing X
Adopted w/o a hearing
Temporary rule

Approved ____ Disapproved 2/3 Returned to Agency ✓

Resubmitted 2/12 Due 2/22 23
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State ____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting

✓ Notice of Intent to Solicit Outside Opinion

✓ (A) Order for rulemaking (B) ✓
10.8.80 Date of Hearing 11.26.80

N/A Certificate of Board's Authorizing Resolution

✓ (A) Notice of rulemaking (B) ✓
(A) ? Sufficiency (B) ✓

✓ (B) Affidavit of Mailing Notice of rulemaking
(B) ✓ At least 30 days prior to (2nd) hearing/~~adoption~~

✓ Mailing list ~~Certificate~~

✓ Publication in State Register not submitted but see HE 2 and 4,
10.20.80 At least 30/~~20~~ days prior to hearing/~~adoption~~

✓ Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
✓ Approving H.E.'s Report
✓ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

N/A Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit (Statement re) of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

✓ Affidavit of Deletion from Register

✓ Affidavit of Delegation

Adopted -
AG copy.

Introduction pages 1-3 not included in Rules as Proposed as mailed, but were printed in SR Sept 1. 80

AMENDED PROPOSED RULES GOVERNING SECURE JUVENILE DETENTION FACILITIES

January 6, 1981

DEPARTMENT OF CORRECTIONS

266 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

John R. McLagan, Director/
Standards Development Unit
Dennis L. Falenschek, Director/
Inspection & Enforcement Unit
612/296-6041

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11 MCAR § 2.501 Introduction

A. Section 1, Minn. Stat. § 241.021, subd. 1, as amended by Laws of 1978, ch. 778, provides that the Commissioner of Corrections shall promulgate rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are intended to fulfill that requirement for secure juvenile detention facilities.

B. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, subd. 1, and to provide a framework for inspection and licensing of secure juvenile detention facilities.

11 MCAR § 2.505 Definitions. For the purpose of these rules:

Definitions have been alphabetized HE 7

A. "Absconder" shall mean any person who departs from the custody of a secure detention facility or the grounds thereof, without lawful authority and includes the failure to return to custody following temporary leave granted for a specific purpose or limited period.

B. "Administrative Segregation" shall mean the physical separ-

ation of those juveniles who are determined to be prone to escape, prone to assault staff or other juveniles or likely to need protection from other juveniles.

C. "Approved Capacity" shall mean the number of residents or occupants for which any room, unit, building, facility or combination thereof was planned, designed and approved for in compliance with the rules herein contained.

D. "Average Daily Population" shall mean the average number of residents (juveniles) residing daily during the last calendar year. Unless expressly stated otherwise, the term "Average Daily Population" as used in these rules shall not include juveniles who are not housed in the facility for at least a portion of the day for which such "Average Daily Population" is computed. As examples, juveniles on temporary release status or hospitalized need not be considered in such computation.

E. "Child Care Worker" shall mean those staff with titles such as correctional officer, counselor, child care supervisor, or equivalent, whose primary duties are the day-to-day or ongoing supervision of juvenile residents of a local facility.

F. "Commissioner" shall mean Commissioner of the Minnesota Department of Corrections or his designee.

G. "Controlled Substance" shall mean a drug, substance or immediate precussor in Schedules I through V of Minn. Stat., ch. 152. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor or tobacco.

H. "Department of Corrections" or "Department" shall mean Minnesota State Department of Corrections.

I. "Disciplinary Segregation" shall mean that status assigned a juvenile as a consequence of or means of control resulting from a violation of facility rules or statute which consists of confinement in a room, or housing unit separate from the general population of the facility.

J. "Emergency" shall mean any significant incident or disruption of normal facility procedures, routines or activities such as fire, riot, natural disaster, suicide, escape, assault on staff, medical emergency, or other similar occurrences.

K. "Existing Facility" shall mean any facility in existance and being used for the secure detention of juveniles prior to the effective date of these rules.

L. "Facility Administrator" unless expressly stated otherwise, shall mean administrator, superintendent, director or other individual who has been assigned, designated or delegated re-

sponsibility and authority for the administration and operation of a local facility.

M. "Holding Area" shall mean a cell or room in the facility used to hold one or more persons temporarily while they are awaiting such things as release, booking, court appearance, transportation, interrogation, or other similar temporary holds.

N. "Inspection" shall mean an on-site viewing and assessment of existing conditions and their relationship to minimum standards.

O. "Legend Drug" shall mean a drug which is required by federal law to bear the following statement: "Caution" Federal law prohibits dispensing without prescription."

P. "Local Facility" shall mean any public or privately operated secure juvenile detention facility.

Q. "Medicine" shall mean any remedial agent that has the property of curing, preventing, treating or mitigating diseases, or that is used for that purpose. For the purpose of these rules, medicine shall include legend and non-legend drugs.

R. "Policy" shall mean a statement declaring mission, purpose, and ideological position.

(509

S. "Procedure" shall mean a statement establishing the action plan to accomplish policy.

T. "Resident" shall mean any juvenile detained and residing in any local detention facility governed by these rules.

U. "Secure Juvenile Detention Facility" shall mean a physically restricting facility, including a detention home and county home school.

not deleted see HE7 ?

V. "Substantially Conform" as used in 11 MCAR § 2.509 D., shall mean compliance with 70 percent or more of all rules applicable to a facility's classification as stated herein and, additionally, shall mean compliance with 70 percent or more of all rules applicable to a facility's classification in each section of these rules. 'Section' as used in this definition means the entire area or subject matter under a given rule, e.g., 11 MCAR § 2.501, or 2.505.

HE7

W. "Variance" shall mean the waiver of one or more of the standards prescribed by the Commissioner of Corrections for a specified period of time.

11 MCAR § 2.509 Inspections, intended use and non-conformance with rules

A. Annual inspections. Each juvenile correctional facility required to be licensed by Minn. Stat. § 241.021 will be inspected at least once annually. Each facility and it's books and records pertaining to it's operation and the care, custody and protection of it's residents, shall be accessible at all times for inspection by the Commissioner or his designee. All reports relating to the condition of the facility and it's conformity with the standards established by the Commissioner will be made in accordance with these rules.

B. Intended use. No secure juvenile detention facility organized and established for the detention care and treatment of children and youth adjudicated to be delinquent shall be used for the temporary detention of children and youth alleged to be delinquent and awaiting the judicial process until licensed to do so by the Commissioner.

C. Revocation of license for non-conformance. Revocation of license proceedings shall be commenced when conditions in the facility are likely to endanger the health, welfare or safety of the residents or staff. After revocation of it's license, the facility shall not be used for the detention care and training of children and youth, unless otherwise provided by order of the District Court, or unless relicensed.

D. Issuance of license. Where the facility substantially conforms to rules stated herein or is making satisfactory progress

toward substantial conformance and that the interests and wellbeing of the children and youth received therein are protected, a license to a county, municipality or agency thereof operating such facility shall be granted. The license shall remain in force one year unless sooner revoked.

E. Separate license. If a facility offers both secure detention and rehabilitation programs, it will need to meet the licensing standards for both secure detention and residential facilities.

F. Posted license. The license(s) of each secure juvenile detention facility shall be conspicuously posted in an area where residents are admitted to the facility.

G. Severability. If any article, section, subsection, sentence, clause or phrase of these rules is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Department of Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these rules.

11 MCAR § 2.512 Variances

A. Variances. The granting of a variance under this section shall not constitute a precedent for any other juvenile detention facility. The Commissioner shall grant a variance if, in the licensing procedure or enforcement of the standards the Commissioner finds that:

1. To require a particular juvenile detention facility to comply strictly with one or more of the provisions will result in undue hardship;

2. The juvenile detention facility is otherwise in compliance with said standards and their general purpose and intent;

B. Emergency suspensions of rules. Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any rule herein prescribed in the event of any emergency.

1. Only rules directly affected by the emergency may be suspended.

2. The facility administrator shall notify the Department of Corrections in writing within seventy-two (72) hours of a suspension of any rule.

3. No suspension shall exceed seven days without the approval of the Commissioner of Corrections.

11 MCAR § 2.515 Personnel standards

A. Staff health.

1. All employees shall, prior to employment and annually thereafter, show freedom from tuberculosis by a report of either a standard Mantoux tuberculin test or chest x-ray.

2. If the Mantoux test is positive or contra-indicated, a chest x-ray shall be taken. The results of these tests shall be reported in writing and made a part of the staff member's personnel record.

3. Any staff member with a HE7 contagious disease shall not be permitted to work in the facility until such time that a physician certifies that the staff member's condition will permit his return to work without endangering the health of other staff and residents.

4. The facility administrator shall require that a staff member have a medical examination when there is reason to believe a HE7 contagious disease exists.

B. Recruitment.

1. The selection, appointment and promotion of facility personnel shall be made on the basis of assessed ability.

2. All employees who have direct client contact and responsibility, and are employed after the effective date of these rules shall be at least eighteen (18) years of age.

3. Other employees or volunteers under eighteen (18) years of age shall be under direct supervision.

4. Any service personnel other than facility staff, including offenders from adult correctional institutions, occasionally performing work in the facility shall perform services only intermittently and under direct and continuous supervision of facility staff when such personnel are in areas permitting contact with juveniles. HE 8

5. Recruitment standards shall be reasonable and geared to reach the widest possible work force.

6. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience and physical condition. "and character" omitted see HE7 ?

7. A criminal record check shall be conducted on all new employees to ascertain whether there are criminal acts which have a specific relationship to job performance.

C. Employee evaluation.

1. Every employee shall satisfactorily complete a probationary period on the job before appointment is made permanent.

2. Each employee shall be evaluated at least once during their probationary period and annually thereafter.

3. Evaluations shall be in writing, discussed with the employee, and made a part of the employee's personnel record.

D. Extra duty. No employee shall be scheduled to duty for two (2) consecutive work periods except in a documented emergency, or where unusual circumstances require reasonable and prudent exception.

E. Staffing requirements.

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

2. Minimum staff requirements. The following are minimal staff requirements for each facility:

a. Facility administrator: There shall be a single administrator or chief executive of each facility. Where the average daily population of residents exceeds fifty (50), the administrator shall have an assistant. In the absence of the facility administrator, a staff person shall be designated as person in charge. The facility shall not be left without such on-site supervision.

b. Staff presence. No person shall be housed in the facility without a staff person on duty, present in the facility, awake and alert at all times, capable of responding to reasonable needs of the residents.

c. Sex of staff. Staff members shall not be placed in positions of responsibility for the supervision and welfare of residents of the opposite sex in circumstances that can be described as invasion of privacy, degrading or humiliating to the resident. Where staff of one sex are used as program resource personnel with residents of the opposite sex, backup staff of the residents' sex must be on duty, awake and alert in the facility to provide assistance as needed without delay.

d. Relief staff. Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to insure that security, supervision of residents, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities. Part-time and relief staff shall complete orientation training appropriate to their assigned responsibilities.

e. Maintenence personnel. Maintenance personnel shall be employed to perform preventive, routine and emergency maintenance functions.

f. There is a staffing plan which provides increased staff during program periods; there are a minimum of two staff on duty at all times in the facility, one of whom is female when females are housed in the facility. HE 11

g. Educational/vocational staff shall be provided consistent with 5 MCAR § 1.0122.

HE 12

h. Volunteer coordinator. Where the facility utilizes the service of volunteers:

(1) The facility administrator shall designate a staff person to coordinate and be responsible for volunteer services utilized by the facility.

(2) There shall be a system for official registration and identification of volunteers.

(3) Volunteers shall agree in writing to abide by all facility policies, particularly those relating to confidentiality.

(4) Written policies shall specify that volunteers perform professional services only when certified or licensed to do so.

(5) Written policies and procedures shall provide that the administrator curtails, postpones or discontinues the services

of a volunteer or volunteer organization when there are substantial reasons for doing so.

HE 12

i. There is a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel, who are required to familiarize themselves with it.

11 MCAR § 2.518 Staff training

A. Training plan. Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provisions for continuing in-service training programs for all employees and volunteers.

1. The training shall be documented and be descriptive of course curriculum, methods of instruction and objectives of instruction.

2. In-service training plans shall be prepared annually and orientation training plans reviewed and revised as necessary to insert "adjust to" changing conditions.

B. Orientation training. Written policy and procedures shall provide that full-time staff or volunteers who work in direct and continuing contact with residents receive forty (40) hours of training. Such training shall be satisfactorily completed prior to regular shift assignment and shall include, at a minimum:

1. Human relations and communication skills;

2. Crisis intervention;

3. Special needs of youth;

4. Problem-solving and guidance;

5. Facility's philosophy for handling troubled youth;

6. Residents' rules and regulations;

7. Rights and responsibilities of residents;

8. Grievance and disciplinary procedures;

9. Security procedures;

10. Physical restraint procedures;

11. Supervision of residents;

12. Report writing;

13. Significant legal issues;

14. Interaction of elements of the juvenile justice system;

15. Relationships with other agencies;

16. Fire emergency procedures; and

17. First aid and life-sustaining functions.

C. In-service training. All child care workers, management and professional personnel shall complete a minimum of forty (40) hours of in-service training per year.

D. Management training. All management personnel and facility administrators who have not completed comparable training or who have not had two (2) or more years administrative experience shall complete at least the orientation training appropriate to the facility's classification and an additional forty (40) hours of facility management training within the first year in their position.

E. Space and equipment required for the training and staff development program shall be provided.

11 MCAR § 2.521 Staff deployment, job descriptions, work assignments, post orders, policies and procedures

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

1. These shall be readily available to all employees with copies on file in the administrator's office.

2. Each employee shall be thoroughly familiar with his duties and responsibilities.

B. Work assignments. Work assignments shall be consistent with qualifications as stated in job descriptions and the approved staffing plan of the facility.

C. Channels of communication. The facility administrator shall develop and maintain channels of communication with employees which include:

1. Availability of written personnel policies to employees;

2. Regularly scheduled meetings of supervisory personnel;

3. Regularly scheduled meetings between supervisors and subordinates;

4. Probationary and annual employee evaluations;

D. Staff policies and procedures. The facility administrator shall develop written policies and procedures to cover emergency situations, such as escape, fire, medical emergencies, procedural statements concerning admission and release of residents, schedules

for laundry, feeding, canteen, visiting, security checks and other events of significant bearing on the consistency of operations.

E. Policy and procedure manuals. All policies and procedures concerning the facility's operation shall be made available to all employees at the time of employment and as revised thereafter in policy and procedure manuals. Such manuals shall be available at a secure location to all staff within the facility.

F. Personnel policies. Written personnel policies shall be developed by the facility administrator and governing body which specify hours of work, vacations, illness, sick leave, holidays, retirement, employee health service, group insurance, evaluation procedures, promotions, personal hygiene practices, attire, conduct, disciplinary actions and other items which will enable employees to perform their duties properly.

G. Availability of rules. Copies of all rules relating to the facility and its operation shall be made available to all personnel of the facility.

1. All personnel shall be instructed in the requirements of the law and rules pertaining to their respective duties.

2. Such instruction shall be documented and on file.

3. Assistance with respect to developing conditions necessary to comply with rules shall be provided by the Commissioner of Corrections when requested.

H. Public information plan. Each facility administrator shall develop a written plan for dissemination of information to the public, to other government agencies, and to the news media.

I. Merit system and collective bargaining. Nothing in this rule shall be construed so as to prevent the establishment of job descriptions, work assignments, channels of communications, or personnel policies by, through or in cooperation with the appropriate merit system or collective bargaining agreement.

11 MCAR § 2.524 Records and reports

A. Maintenance of records and reports. Each facility shall maintain accurate and complete records, reports and statistics necessary for the conduct of its operation. The following records, reports and statistics shall be maintained:

1. Admission and release records;

2. Resident personal property records;

3. Records of reports submitted to the Department;

4. Clothing, linen and laundry records;

5. Records of budget requests and work orders;

6. Unusual occurrence records;

7. Records of policies and procedures;

8. Records of correspondence with the Department;

9. Employee personnel records;

10. Records of staff training;

11. Accounting records;

12. Food service records;

13. Daily log;

14. Medical and dental records;

15. Programming records;

16. Disciplinary records.

B. Storage and preservation of records. Space shall be provided for the safe storage of records at the facility's record keeping or control center and in general storage.

1. Records shall be filed so as to be organized and readily retrievable.

2. All resident records shall be preserved as required by law.

C. Filing and disposition of records. Resident records shall be readily retrievable. The records of released residents shall be promptly completed and filed in the facility.

D. Confidentiality of and access to resident records. Confidentiality of resident records and resident access to factual (non-confidential) data in their personal files shall be kept and provided in conformity with state law.

11 MCAR § 2.527 Resident welfare

A. Separation. A combination of separate living spaces, sanitation facilities, activity spaces and detention rooms shall be provided to properly segregate juvenile males from juvenile females.

1. Separation of male and female juveniles shall provide complete separation of their living and sanitation facilities to the extent necessary to insure their privacy from residents of the opposite sex.

2. Facility administrators of juvenile detention facilities that house both male and female juveniles shall develop and schedule coeducational activities and programs and provide selected coeducational services that are in the best interest of the children. Such coeducational activities, programs, and/or services shall be supervised by trained staff at all times, consistent with personnel rules stated herein.

B. Classification. Such criteria as sex, age, delinquent sophistication, assaultiveness, degree of security or escape risk, and other criteria designed to provide for the protection and safety of the residents, staff, and the community will be used at the discretion of the facility administrator. The established criteria used will be in writing and available for review at the time of annual inspection. HE 13

C. Information to residents.

1. Copies of rules and regulations shall be made available to all residents throughout their confinement concerning the following:

a. Rules and regulations governing conduct and disciplinary consequences;

b. Procedures for obtaining personal hygiene and canteen items;

c. Policies governing visiting, correspondence, bathing, laundry, and clothing and bedding exchange.

2. Each resident, within twenty-four (24) hours of admission, shall either be provided with a copy of the program options and activities provided in the facility as well as the outside resources available, or interviewed and advised of same by program staff.

3. Each of the above shall be explained to those residents who are unable to read or have any questions regarding same.

4. Legal rights. Residents shall be advised of their legal rights with respect to detention or confinement by facility personnel. Every resident admitted to any facility shall be advised of the official charge or legal basis for detention.

D. Administrative segregation. Each facility administrator shall develop and implement policies and procedures for the use of administrative segregation.

1. Administrative segregation shall consist of separate and secure housing, but shall not involve any deprivation of amenities or privileges, normally afforded other residents, except to the extent that the protection of the resident, staff or public justify the necessity of such deprivation.

2. Any resident placed on administrative segregation shall be reviewed by the facility administrator or his designee within eight (8) hours or whenever the original circumstances that placed him/her in such a status have been altered. Continuation of such status shall require documented approval of the facility administrator or his designee.

3. Discipline plan.

a. All facilities shall have a resident discipline plan, which explains clearly the consequences or administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review and the review process.

b. The facility administrator shall include in the disciplinary plan a system of due process which has been reviewed and approved by the appropriate legal advisor for the detention centers' governing body.

4. Disciplinary segregation (room restriction).

a. Disciplinary segregation shall be used only after and in accordance with due process procedures.

b. The status of any resident placed in disciplinary segregation subsequent to a due process hearing shall be reviewed by the facility administrator or his designee at least once every twenty-four (24) hours. If continued disciplinary segregation is deemed necessary, this decision shall be documented, as shall each subsequent review every twenty-four (24) hours.

c. Any resident placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within twenty-four (24) hours of such segregation (exclusive of holidays and weekends) unless cause can be shown for delays, which shall be documented. As examples:

(1) Resident requests for delay;

(2) Logistically impossible as in the case of mass disturbances.

section omitted per HE14

5. Other limitations on disciplinary actions.

a. The disciplinary rooms shall have minimum furnishings and space specified in these standards.

b. Residents shall be issued clothing and bedding as specified in these standards excepting that those residents who persist in the destruction of bedding, clothing or self with same, may be deprived of such articles. The decision to deprive residents of such articles of clothing and bedding shall be reviewed by the shift supervisor during each eight (8) hour period, unless specified orders to the contrary have been issued by the facility administrator or his designee or on the advice of a licensed physician or psychologist.

c. The delegation of authority to any resident or group of residents to exercise the right of punishment over any other resident or group of residents is expressly prohibited.

d. No resident shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene.

6. Instruments of restraint. Instruments of restraint, such as handcuffs, chains, irons and straitjacket shall never be applied as punishment.

a. Instruments of restraint shall 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 psychologist;

(3) By order of the facility administrator or person in charge, if other methods of control fail, in order to prevent a resident from injuring himself or others or from damaging property.

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

c. Such instruments shall not be applied for any longer time than is strictly necessary.

d. Each incident involving the use of restraints consistent with D.6. a.(2) or D.6.a.(3) shall be documented and retained on file.

e. Any detention personnel authorized to utilize restraints shall receive appropriate training in the useage of such restraints. Such training shall be documented and on file.

7. Disciplinary records. The keeping of a record of all disciplinary infractions and punishment administered therefore is mandatory. This requirement shall be satisfied by retaining copies of rule violation reports and reports of the disposition of each.

E. Activities

1. Activities plan. Each facility administrator shall develop and implement a written plan for the constructive scheduling of resident time.

a. The plan shall be consistent with established legal rights of residents.

b. Such a plan shall include consideration of the following:

(1) The facility's rated capacity;

(2) The security needs of residents confined. Activities and amenities shall be consistent with the needs and behavior of residents and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the welfare of residents.

2. Provisions for religious services and counseling. Residents shall be afforded an opportunity to participate in religious services and counseling on a voluntary basis.

a. The facility administrator shall arrange with the clergy within the area to conduct religious services and provide counseling if requested.

b. Residents requesting private interviews or counseling (not capable of being audio monitored), regarding religious, personal or family problems with accredited clergy, nuns, seminarians and laypersons active in community church affairs, shall be afforded this opportunity within such regulations as are reasonable and necessary to protect the facility's security.

c. No resident shall be required to attend religious services and religious services shall be held in such a location that the residents who do not wish to participate are not exposed to the service.

d. Any resident desiring to read the Bible will be provided with a copy of the same.

e. Attendance or lack of attendance at religious services shall not be considered as a basis for any right or privilege within the facility.

3. Library service. The facility administrator of each facility shall develop and implement a plan for library service including provisions for:

a. Access to current leisure reading material such as books, magazines and newspapers;

b. Textbooks necessary to complete a course of study and legal books and references requested by residents shall be provided upon request to the extent resources permit. The facility's governing body shall not be responsible for purchasing legal books and references.

4. Education program. Education programs shall be consistent with State Department of Education rules HE 15 and statutory requirements governing juvenile education.

5. Work assignments - juveniles.

a. It is appropriate for juveniles to be required to perform such duties as making beds, cleaning own rooms, cleaning group living areas and cleaning activity areas.

b. They shall not be required to perform such duties as personal services to staff, cleaning or maintaining areas away from the facility, replacing employed staff.

c. Care shall be taken not to require any juvenile to do work they cannot perform for physical reasons.

6. Canteen. See the Food Service section of these standards.

7. Exercise and recreation. Each facility administrator shall develop and implement a plan providing for opportunities for

physical exercise and recreational activites for all residents. At a minimum, such a plan shall include the following:

a. Such regulations as are reasonable and necessary to protect the facility's security and the residents' welfare;

b. Provisions for a minimum of two (2) hours daily of organized and supervised physical exercise and recreational activities and leisure time activities, excluding time spent watching television, for all residents. Organized and supervised means preplanned exercise or activities supervised by staff qualified to direct same;

c. Provisions for indoor space and equipment for active recreation;

d. Provisions for outdoor recreational space, equipment and supportive staff for outdoor recreational programming.

8. Leisure services. Each facility administrator shall develop and implement a plan and provisions for leisure time activities, equipment and materials.

Section deleted per HE 16

F. Visiting plan. Each facility administrator shall develop and implement a resident visiting plan. Such plan shall be in writing and shall include the following:

1. Security provisions consistent with security rules stated herein;

2. Provisions for resident consultation with their attorneys at the place of confinement at reasonable times and for such periods as are reasonable. Attorney visits shall not be monitored;

3. The administrator shall uniformly set the numbers of permissable visits for each resident and the number of visitors permitted for each visit.

a. Although visits must be governed by administrative constraints and space availability, parents' or guardians' visiting policies shall be as unrestrictive as practical. The child's parent, guardian or child care worker and attorney shall be permitted to make an initial visit to the facility at any time.

b. Juvenile detention facilities shall provide at least three opportunites each week for parental visits, in addition to the initial visit.

c. Visiting hours shall be regularly scheduled and offer both evening and daytime hours on weekdays and at least one (1) time on weekends.

d. Provisions in the plan shall allow for exceptions to the regularly scheduled hours to accommodate for parents work

schedules or business, illnesses or emergencies within the family, or special family functions.

e. Child-parent visits arranged with attorneys in preparation of a legal case, or by the court, probation officer, caseworker, or other bonafide professional, in the development of a plan for treatment or placement of the child, shall be in addition to the number of required visiting opportunities.

4. Visits shall be allowed for identified members of a resident's immediate family, his counsel, clergyman, and others who would be helpful in planning for the child. HE 17

5. The administator may deny a visit to a resident when he has reasonable grounds to believe that the visit might endanger the security of the facility. Reasons for denial of a visit shall be in writing with a copy being issued to the resident, the person attempting to visit and the file within the facility.

6. Visitors shall register, giving names, addresses and relationship to resident.

7. Any area used for resident visiting with audio monitoring capabilities shall be posted with a written notice of same.

8. Visits conducted in resident's living areas shall not conflict with the normal activities of residents not receiving visitors.

G. Correspondence and telephone. Each facility administrator shall develop and implement a plan for the handling of resident mail and resident telephone useage consistent with established legal rights of juveniles and reasonable and necessary facility regulations to protect the facility's security.

H. Juvenile clothing, bedding and laundry services.

1. Clothing.

a. Each resident shall have neat, clean clothing appropriate for the season. Such clothing shall be provided by the agency if the youth does not have it.

b. Clothing used to supplement resident's personal clothing shall be of a non-jail/non-uniform type. Facility clothing should not be used on an ongoing basis. Residents shall be allowed to wear personal clothing to the extent reasonable and necessary regulations of the facility permit.

Section deleted per HE 18

c. Clothing shall be exchanged at least twice each week or more often as necessary.

d. The facility shall have available a sufficient quantity and variety of clothing to insure each resident has neat, clean clothing appropriate to the season.

e. Residents' excess personal clothing shall be returned to designated family members or stored in a manner which prevents mildew and other damage and properly identified, inventoried and secured. Residents possessing excess personal property shall sign and receive a copy of the inventory record for such property and indicate their agreement or disagreement with such records.

2. Linens and bedding.

a. Each resident admitted to the facility shall have made available the following:

(1) One (1) bath towel, one (1) hand towel, one (1) washcloth;

(2) One (1) clean, firm, fire-retardant mattress;

(3) Polyurethane foam mattresses shall not be used in the facility;

(4) Two (2) sheets or one (1) sheet and a clean mattress cover;

(5) Sufficient clean blankets to provide comfort under existing temperature conditions.

(6) One (1) pillow and one (1) pillow case, anti-allergenic if required or requested.

b. Clean linens shall be furnished at least once each week, or more frequently to maintain cleanliness.

c. Bedding and linens which are worn out or unfit for further use shall not be used.

d. Residents not admitted to living units who are detained in holding rooms utilized solely for the purpose of intake and release processing need not be issued linens and bedding.

3. Removal of clothing and bedding.

a. It may be deemed necessary by the facility administrator or person in charge to remove clothing and/or bedding from a resident if the behavior of the resident threatens the safety and/or security of the individual, others, or the facility.

b. As such action implies that all reasonable steps have been taken without success to insure the safety and well being of the resident as well as the security of the facility, an unusual occurrence report shall be completed and filed.

4. Laundry services.

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

b. The collection, storage and transfer of clean and soiled clothing, bedding and linen shall be accomplished in a manner which will minimize the danger of disease transmission. Care shall be taken to maintain separation of clean and soiled linens and clothing.

c. Where laundry service is obtained from an outside agency or establishment, such service shall be provided under a written agreement which shall specify that the service meets standards required by the State Department of Health.

d. Residents' personal clothing and other non-linen items shall be laundered in accordance with appropriate washing procedures for the various fabrics.

section deleted per HE 19

I. Emergencies and unusual occurrences.

1. Emergency plan. The facility administrator shall develop a written disaster plan with procedures for the protection and evacuation of all persons in the case of fire, explosion, flood, tornado, or other emergencies.

a. The plan shall be developed for each facility and its type of occupancy with the assistance and advice of at least the local fire and/or rescue authority (Civil Defense).

b. The plan shall include information and procedures relative to: locations of alarm signals and fire fighting equipment, testing of equipment by a local fire official at least quarterly, frequency of drills, assignment of specific tasks and responsibilities of the personnel on each shift, persons and local emergency department to be notified, precautions and safety measures during tornado alerts, procedures for evacuation of residents during emergencies when necessary, and arrangements for temporary emergency confinement and care in the community in the event of a total evacuation.

c. Copies of the disaster plan containing basic emergency procedures shall be available at a secure central security station to all staff within the facility.

d. Copies of a detailed disaster plan shall be available to all supervisory personnel.

2. There shall be an automatic fire alarm and heat and smoke detection system approved by the state fire marshal or recognized state authority and tested on a regular basis.

3. Security policies and procedures. Emergency planning shall be sufficient to provide immediate and effective action in the event of any emergency. All such planning shall be inclusive of policies and procedures designed to protect the public by securely detaining residents who present a danger to the community or to themselves.

4. Other emergency planning. In addition to development of a disaster plan as outlined in I.1., emergency planning shall be sufficient to provide immediate and effective action in the event of hostage incidents, escape and escape attempts, suicide and attempted suicide, any illness or accident deemed an emergency, power failure, major resident disturbances, assaults and outbreaks of contagious disease or epidemic.

5. If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

6. Plans shall be developed and maintained sufficient to maintain the health, safety and security of residents and facility during brief or extended losses of light, heat or communications.

7. Emergency procedures meeting. There shall be a meeting of all employees on each shift at least once every three (3) months to discuss and review emergency procedures used in the facility. The agenda of the meeting shall cover:

a. Assignment of persons to specific tasks and responsibilities in case of emergency situations;

b. Instructions relating to 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. Such routes shall be distinctly marked, continuously illuminated and kept clear and in useable condition.

8. Unusual occurrences. All incidents or attempted incidents of an unusual or serious nature which involve, or endanger the lives or physical welfare of facility staff or residents shall be reported to the Department within ten (10) days in writing.

a. Such report shall include the name(s) of person(s) involved (staff and residents), nature of unusual occurrence, actions taken, and the time of occurrence.

b. Unusual occurrences shall include:

(1) Suicide;

(2) Homicide;

(3) Death (other than suicide or homicide);

(4) Serious injury or illness (accidental, self or other inflicted, incurred subsequent to detention);

(5) Escape;

(6) Fire;

(7) Riot

(8) Assaults on staff or residents;

(9) Other serious disturbances;

(10) Occurrences of infectious diseases and disposition.

c. Unusual occurrences shall be reported to the Minnesota Department of Corrections. The form for reporting shall be obtained from the Department of Corrections.

d. Written plans govern space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the juvenile detention facility shall be developed; these plans are to be reviewed at least annually and updated if necessary.

e. In the event of an emergency such as serious illness, accident, imminent death or death, the resident's parents, guardians or other significant others who maintain a close relationship with him shall be notified.

9. Resident death. When a resident's death occurs:

a. The date, time and circumstances of the resident's death shall be recorded in the resident's record.

b. If the resident dies in the facility, the coroner's office shall be notified.

c. Personal belongings shall be handled in a responsible and legal manner.

d. Records of a deceased resident shall be retained for a period of time in accordance with law. deletion per HE 20

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

11 MCAR § 2.530 Food service

A. General requirements. The goals of food service in each facility shall be to provide food and beverages to residents that are

nutritionally adequate, that are palatable, that are produced in a manner to prevent foodborn illness, are of adequate quantity and variety, are served at appropriate temperatures and are prepared by methods which conserve nutritional value.

B. Food handling practices.

1. Any food service provided in a correctional facility shall be in accordance with the provisions of the Minnesota Department of Health rules (7 MCAR §§ 1.161-1.165) governing food service and beverage service establishments.

2. Wherever the food service in a facility is limited to serving ten residents or less, variances from the requirements include substitution of certain domestic type equipment for commercial type.

3. When food is catered into the facility, it shall be obtained from a source acceptable to the Minnesota Department of Health pursuant to 7 MCAR §§ 1.161-1.165.

C. Dietary service. The food and nutritional needs of residents shall be met. deletion per HE 22 Providing each resident the specific serving per day from each of the following four food groups will satisfy this requirement.

1. The food service plan is reviewed and approved by a physician or certified dietician.

2. All facilities shall have menu planning sufficient to provide each resident the following specified food servings per day:

a. Meat or protein group. Two (2) or more servings per day. A serving of meat or protein is defined as:

(1) 2-3 ounces cooked, lean, edible meat

(2) 2 medium eggs

(3) 4 tablespoons peanut butter

(4) 1 cup dry beans

b. Milk group. Two (2) or more servings per day. A serving is defined as:

(1) 1 cup of milk

(2) 1 ounce of cheese

(3) 1/2 cup cottage cheese

c. Cereal and bread group. Four or more servings per day. A serving is defined as:

(1) 1/2 to 1 slice of bread

(2) 1/2 to 3/4 cup cereal

(3) 1/2 to 3/4 cup rice

(4) 1/2 to 3/4 cup of pasta

d. Fruit and vegetable group. Four or more servings per day. A serving is defined as:

(1) 1/2 cup potatoes

(2) 1/2 cup cooked vegetables

(3) 4 pieces raw vegetables

(4) 1/2 cup fruit

(5) 1 cup juice (citrus)

D. Frequency of meals. There shall not be more than fourteen (14) hours between a substantial evening meal and breakfast. At least three (3) meals shall be made available at regular times during each twenty-four (24) hour period.

E. Therapeutic diets. Any facility housing residents in need of medically prescribed therapeutic diets shall have documentary evidence that such diets are provided for as ordered by the attending physician.

F. Where juveniles' religious beliefs require their adherence to dietary laws, efforts shall be made to provide such special diets.

G. Use of food in discipline. Food shall not be withheld as a punishment for unacceptable behavior.

H. Supervision of meal serving. All meals shall be served under the direct supervision of staff.

I. The designated food service supervisor shall receive training in food service operations prior to assuming this reponsibility.

J. Menu records. Menus shall be posted a week in advance. Records of food purchased and menus shall be filed for one (1) year.

K. Hot meal minimum. A minimum of one (1) hot meal shall be provided for each twenty-four (24) hours of confinement.

L. Canteen services shall be available to residents on a twice per week basis. Facilities which do not operate a canteen shall implement a system whereby residents have the opportunity to purchase or obtain sundry items on a twice per week basis. HE 23

M. Budgeting, purchasing and accounting.

1. Each facility administrator shall, in cooperation with the local unit of government or governing body and food service supervisor, establish policies and procedures for budgeting, purchasing and accounting.

2. Such policies and procedures shall include:

a. A food expenditure cost accounting system designed to isolate cost per meal per resident.

b. Policies and procedures for estimating food service requirements in advance of their need.

c. Consideration of resident eating habits and food waste.

d. Consideration of facilities for storage and refrigeration as well as accepted storage periods for dry, canned and perishable foods.

e. Such other items as the administrator deems appropriate.

N. Containers and food storage.

1. Food containers. All food or food products, prepared or in bulk shall be stored in seamless containers after opening of the original container. Dry milk and milk products after opening shall be stored in seamless, air-tight containers.

2. Storage of non-perishable food. Non-perishable food, and single-service articles shall be stored off the floor on washable shelving in a ventilated room. It shall be protected from dust, flies, rodents, vermin, overhead leakage and other sources of contamination, and shall be placed away from areas with excessive heat.

3. Storage of perishable and potentially hazardous food. All perishable food (fresh fruit and vegetables) and potentially hazardous food (meat and dairy products) shall be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage. Meat and dairy products shall be stored at forty (40) degrees Fahrenheit or below, and fruit and vegetables at fifty (50) degrees Fahrenheit or below. When stored together, the lower temperature shall apply. Temperatures shall be monitored by an accurate thermometer.

4. Prohibited storage. The storage of detergents, cleaners, pesticides and other non-food items, including employees' personal items, is prohibited in food storage areas.

5. Returned food. Returned portions of food and beverages from individual servings shall not be reused unless such food or beverage is served in a sealed wrapper or container which has not been unwrapped or opened.

6. Ice. Ice shall be stored and handled in a sanitary manner. Stored ice shall be kept in an enclosed container. If an ice scoop is used, the scoop shall be stored in a separate compartment to prevent the handle from contact with ice.

O. Transport of food. Food shall be covered during transport through non-dietary areas, but need not be covered when served in a contiguous dining area. The food service system shall be capable of maintaining hot foods at one-hundred-fifty (150) degrees Fahrenheit or higher; cold food at forty (40) degrees or lower. A dumbwaiter or conveyor, which cab or carrier is used for the the transport of soiled linen or soiled dishes, shall not be used for the transport of food.

11 MCAR § 2.533 Security

A. Policies and procedures. Security policies and procedures shall be developed by the administrator to cover the following:

1. Control and recovery of contraband;

2. Delivery and service procedure;

3. Prohibition on firearms and other weapons in resident areas;

4. Search procedures;

5. Escort of residents outside security area;

6. One-half (1/2) hour interval security inspection routines when residents are not under direct supervision.

B. Admissions

1. The intake procedure conducted by the admitting officer for all admissions shall provide for a thorough search of the resident and belongings. In the event of all new admissions, a shower (delousing if indicated), an assessment of health status and physical needs, an inventory of resident's property, properly recorded and signed by the owner as correct, and completion of an admission form shall be completed.

2. No juvenile shall be received by the staff of a facility until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed identifying the purpose for detention. The arresting or escorting officer shall be required to sign his name and title on a form which is part of the intake and record. HE 24

3. All intake procedures shall be conducted in a manner and location that assures the personal privacy of the resident and the confidentiality of the transaction from unauthorized personnel.

C. Releases.

1. Upon release of a resident, the property of the resident, unless held for authorized investigation or litigation, shall be returned with a signed receipt acknowledging same.

2. No resident shall be released in inclement weather without proper clothing to insure health and safekeeping.

3. Residents shall be permitted to make arrangements for transportation prior to their release.

D. Contraband control searches.

1. Visitors who seek to enter the security area of the facility shall not be permitted admission whenever they refuse to submit to a requested search conducted by a staff member of the same sex.

2. The facility shall be regularly inspected for contraband; evidence of breaches in security; inoperable security equipment.

3. All materials delivered to or transported from the facility shall be inspected for contraband prior to distribution.

E. Locks and keys.

1. When not in use, all keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, out of reach from the residents or the public. At least one new complete set of facility keys shall be kept on hand for replacement purposes.

a. 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 in accordance with established procedure.

b. No security keys shall be made available to residents.

2. All locks to security doors or gates shall be inspected regularly to insure their efficient operation.

a. No lock to a security door or gate shall be permitted to be broken, inoperable, or left in an unsuitable condition for any unnecessary period of time.

b. No resident shall be placed in a room or area which has inoperable locks.

F. Weapons, tools, equipment, medications, hazardous substance.

1. Firearms or other dangerous weapons, regardless of condition, shall not be located within the resident areas of the facility.

2. Materials which can be deliterious to security, safety and health shall be properly secured, inventoried and dispensed.

3. When not in use, all tools shall be kept in locked storage areas. Security precautions shall be developed and implemented on any tools entering and/or leaving the facility.

4. Hazardous substances shall be stored outside the resident's living areas. Cleaning substances which can be so described shall be handled only by staff or residents under direct staff supervision.

G. Count procedure. Each facility shall have a written statement specifying the system to be used for regularly counting the number of residents under its jurisdiction.

1. Systems for counting shall include a master count board indicating the total number at all times and immediately report changes as they occur.

2. A separate log book shall be kept to serve as a check and validation to the count board.

3. Formal counts shall be completed with an official entry made in the daily log after each mass movement or change in areas and/or at least once each eight (8) hours.

11 MCAR § 2.536 Environmental-personal health and sanitation

A. Availability of medical and dental resources.

1. Each facility shall have a licensed physician(s) or medical resources such as a hospital or clinic designated for the medical supervision, care and treatment of residents. The facility shall insure twenty-four (24) hour a day availability of consultation, advice and emergency service response. Such resource(s) shall be located in the same or a nearby community.

2. The local health department or a designated physician shall, not less than annually, inspect the facility with respect to sanitation and health conditions.

3. Each facility shall have emergency dental care available to residents. Such dental care shall be available in the same or nearby community.

4. Ambulance services shall be available on a twenty-four hour a day basis.

B. Receiving. Health screening shall be performed on all residents upon admission to the facility and before placed in the general population, and recorded on a printed screening form approved by the responsible physician which includes inquiry into:

1. Possibility of pregnancy;

2. Possibility of venereal disease;

3. Current illnesses and health problems including those specific to females;

4. Medications taken and special health requirement;

5. Status of immunizations;

6. Screening of other health problems designated by the responsible physician;

7. Behavioral observation, including state of consciousness and mental status;

8. Notation of body deformities, trauma markings, bruises, lesions, ease of movement, or jaundice;

9. Condition of skin and body orifices, including rashes and infestations; and

10. Disposition/referral of residents to qualified medical personnel on an emergency basis.

C. Sick call.

1. Each facility shall provide space, staff, and a procedure for daily sick call for the purpose of insuring residents the opportunity to report and receive appropriate medical services for illness or injury.

section deleted HE 27

2. A resident shall be examined by trained medical personnel within a reasonable period of time if the resident is visibly ill, chronically ill, or whenever it is suspected that medical attention is necessary.

3. If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

D. Posting of available resources. A listing of the medical, dental and ambulance resources designated for use by the facility and the telephone numbers of same shall be posted at each staff station in the facility. Such list shall clearly indicate what resource(s) is (are) available at any time of the day or night.

E. Hospitalization of a resident.

1. Each facility administrator shall insure the availability of hospital services in the same or nearby community permitting admission of a resident without delay on the recommendation of the attending physician.

2. When a resident requires hospitalization, he shall be guarded on a twenty-four (24) hour per day basis unless the following conditions have been satisfied:

a. The resident has been deemed not in need of custody supervision, or

b. The resident has been medically incapacitated in the opinion of the attending physician, or

c. The facility administrator has retained legal responsibility for the custody of the resident, or

d. The hospital administrator and facility administrator mutually agree that a guard is unnecessary to the reasonable assurance of the resident's custody.

F. Written standard operating procedures approved by the responsible physician shall exist for the following:

1. Obtaining medical consent;

2. Receiving screening;

3. Health appraisal data collection;

4. Nonemergency medical services;

5. Obtaining dental services;

6. Emergency medical and dental services;

7. Deciding the emergency nature of illness or injury;

8. Dental screening, prevention, examination and treatment;

9. Provision of medical and dental prosthetics;

10. Rendering first aid;

11. Notification of next of kin or legal guardian in case of serious illness, injury or death;

12. Providing chronic care;

13. Providing convalescent care;

14. Providing medical preventive maintenance;

15. Screening, referral and care of mentally ill and retarded residents;

16. Making staff aware of special medical problems;

17. Implementing the special medical program;

18. Immunization, where necessary;

19. Delousing procedures;

20. Detoxification procedures; and

21. Pharmaceuticals.

G. First aid.

1. All child care workers responsible for the supervision, safety and well-being of residents shall be trained in emergency first aid procedures.

2. At least one person per shift shall have training in receiving, screening, basic life support, cardiopulmonary resuscitation (CPR), and recognition of symptoms of the illnesses most common to the facility.

3. All facilities shall have a minimum of one (1) first aid kit located at the facility's control center or primary staff station.

4. The first aid kit shall be inspected by a designated staff person at least once every three (3) months to assess the need for replenishment of supplies.

H. Medical and dental records.

1. Each facility shall record all complaints of illness or injury with actions taken pursuant to same.

2. Medical or dental records shall be maintained on any resident under medical or dental supervision, care or treatment while confined. Minimally, such records shall include appropriate information with respect to resident limitations or disabilities, instructions relative to resident care, written orders for all medications with stop dates, treatment, therapeutic diets, extent or restriction of activity, and the time, date, and medical or dental person involved in any examination, treatment or consultation with respect to the resident.

3. Medical and dental directives related to resident care shall be available to staff on duty for consultation in case of illness and for recording administration of medication.

4. A statement concerning the residents medical or dental condition shall be obtained from the attending physician or dentist on any resident under medical or dental care.

I. Preventive health services.

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

2. All staff and volunteers shall adhere to established policies and procedures relating to personal hygiene practices including clean attire.

3. Delousing materials and procedures shall be approved through consultation with trained medical personnel.

4. Each resident shall be permitted daily bathing or showering.

5. Residents shall be providing personal hygiene items at facility expense.

J. Delivery, supervision and control of medicines.

1. Delivery of medicine shall be conducted only by licensed medical, or nursing personnel or by facility staff members who have been trained in the delivery of medications. HE 25

2. The delivery of legend drugs by unlicensed staff shall be under the ultimate supervision of a consulting physician.

3. The facility administrator, in consultation with the licensed physician shall develop plans, establish procedures and accessories for the secure storage, delivery, supervision and control of medicine. Such plans, procedures, space and accessories shall include the following:

a. Storage.

(1) All medicines shall be kept in a locked medicine cabinet or locked medicine room. The storage facility shall be kept locked at all times when not in use.

(2) Medicine requiring refrigeration shall be stored in a secure manner in a refrigerator.

(3) Residents shall not be allowed in any room used for the storage of medicine without direct staff supervision.

(4) Only staff authorized to deliver medicine shall have access to keys for medicine storage areas.

(5) Stock supplies of legend (prescription-type) drugs shall not be maintained.

(6) All prescribed medicine shall be stored in its original container, bearing the original label.

(7) All poisons and medicine intended for external use shall be clearly so marked and shall be stored separate from medicine intended for internal use.

b. Delivery control. The following shall be established in written policy form:

(1) Diabetics with permission of the attending physician may self-administer insulin injections under staff supervision.

(2) All other medicine administered by injection may be given only by a physician, registered nurse, or licensed practical nurse.

(3) Unless ordered otherwise by the attending physician, all other medicine delivered to residents shall be self-administered under staff supervision.

(4) Means for the positive identification of the recipient of all medicine.

(5) Procedures for assuring that prescribed medicine will be delivered in accordance with physician instructions at the correct time and in the prescribed dose.

(6) No resident while receiving legend drugs shall receive any non-legend drugs without the approval of the attending physician.

(7) Procedures for confirming that medicine delivered for oral ingestion has been ingested.

(8) Procedures for recording the fact that the prescribed dose has been delivered and by whom.

(9) Procedures whereby adverse reactions to drugs are reported at once to the attending physician and an explanation made in the resident's record.

(10) Procedures whereby resident refusal of prescribed medicine is reported to the attending physician and an explanation made in the resident's record.

(11) Procedures for insuring that no resident is deprived of medicine as prescribed because of penalty or staff retaliation.

(12) Procedures which prohibit the delivery of medicine by residents.

(13) Procedures whereby a physician is contacted prior to the next prescribed medicine dosage time for instructions on all newly admitted residents who are either in possession of prescribed medicine or indicate a need for such.

c. Recording of legend drugs entering the facility. Records of receipt, the quantity of such drugs, and of the disposition of all legend drugs shall be maintained in sufficient detail to enable an acccurate accounting at any time.

4. If authorized by the attending physician, prescribed medicine belonging to resident shall be given to them when released or to appropriate authorities when transferred. This shall be recorded in the resident's record.

5. Unused portions of prescribed medicine shall be destroyed by incineration or by flushing into the sewer system.

a. Such destruction shall be performed by the facility administrator or his designee and witnessed by a staff member.

b. A notation of the destruction shall be made in the resident's record and shall include the name and quantity of the drug destroyed and shall be signed by the facility administrator or his designee and staff witness.

6. Unused portions of controlled substances shall be handled by contacting the Minnesota Board of Pharmacy.

7. Methadone programs shall not be made available unless in compliance with all existing laws governing such programs. delete in HE 14

8. Written policy prohibits the facility from conducting medical or pharmaceutical testing for experimental or research purposes.

HE 26

K. Reporting suspected contagious disease. When no physician is in attendance, it shall be the duty of the facility administrator, or other person in charge of any institution or any other person having knowledge of any individual believed to have or suspected of having any disease, presumably HE 26 contagious, to report immediately the name and address of any such person to the local health officer. Until official action on such has been taken, strict isolation shall be maintained.

HE 26

L. Isolation for contagious disease.

HE 26

1. Residents who are suspected of having a contagious disease shall be detained in isolation for only that period of time necessary to obtain advice and consultation from a physician concerning the resident's status and recommendations for care. Continuation of such isolation shall be determined by the attending physician.

2. A resident placed in isolation for medical reasons shall not be deprived of any more privileges, rights or amenities than is consistent with his classification prior to such asignment except to the extent that such priviledges, rights or amenities would endanger the health of staff, other residents, or the public.

M. Mentally ill residents.

1. Screening and referral for care shall be provided to mentally ill or retarded juveniles. The responsible physician shall provide a written list of symptoms or behavior indicative of mental illness and retardation for staff training and shall designate, in advance, specific referral sources.

2. If the facility administrator or his designee determines a resident to be mentally ill, a licensed physician's opinion (preferably a psychiatrist) shall be secured as soon as possible, but not more than eight (8) hours after such segregation.

3. If a certified consulting psychologist or licensed physician's opinion is supportive of the facility administrator or his designee, and if practical and feasible, such resident shall be transferred to a medical facility designated by the county and approved by the State Department of Health for diagnosis, treatment, and evaluation of such suspected mental illness pursuant to Minn. Stat. § 253A.04, Emergency Hospitalization of Mentally Ill and Mentally Deficient Persons.

N. Housekeeping, sanitation and plant maintenance.

1. General requirement. The entire facility inclusive of every building, structure or enclosure utilized by the facility - walls, floors, ceiling, registers, fixtures, equipment and furnishings shall be kept in good repair and so maintained as to protect the health, comfort, safety and well-being of residents and staff.

2. Established plan. The person (facility administrator, building superintendent, or county maintenance engineer) responsible for plant maintenance, housekeeping and sanitation shall develop and implement a written plan with identified policies and procedures for same.

3. Inspections. The facility administrator shall develop and implement a written plan for the daily inspection of the facility with respect to housekeeping, sanitation, and plant maintenance. Such inspections shall be recorded.

4. Budget. The facility administrator shall submit a list of probable repairs and expenditures for routine housekeeping supplies, repairs, and special requests related to physical plant maintenance, housekeeping and sanitation at the beginning of each month, or as part of an annual budget request to the facility's governing body.

5. Work requests.

a. The facility administrator in cooperation with the facility's governing body shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards and unsanitary conditions in the early stages of their development and provide for their repair, correction or modification so that such conditions are eliminated to the extent required by HE 14 rules contained herein.

b. Such policies and procedures shall include:

(1) Requiring facility staff to report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs as they are observed.

(2) A process whereby work requests are prioritizied and filed with the governing body by the facility administator in an expedient manner.

(3) A records system allowing review of budget and work requests, expenditures, dates and actions, pursuant to detection of need, submission of work orders and completion of requests.

6. Insect and rodent control. Any condition on the site or in the facility conductive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately. Cleaning,

renovation, or fumigation by licensed pest control operators for the elimination of such pests shall be used when necessary.

11 MCAR § 2.539 Juvenile detention programs

A. Statement of program objectives. Each facility administrator shall prepare in written form a statement of program objectives and goals. Such objectives and goals shall be developed with the input of local juvenile justice personnel including judges, probation officers and others as deemed appropriate by the facilities governing body and administrator. A copy of the statement of program objectives shall be retained on file in the facility.

B. Program plan. Each facility administrator shall develop and implement a plan for programming and service consistent with its' stated program objectives.

C. Program space, equipment and materials. Provisions for program space, equipment and materials shall be consistent with the facility's statement of program objectives, program plan and applicable rules stated herein.

D. Intake policies and procedures.

1. Each juvenile is assigned a counselor or probation officer at intake.

2. Each facility administrator shall develop in written form intake policies and procedures that clearly indicate the facility's goals and objectives, programs and services offered and resident eligibility requirements for admission to the facility. This will be done in a form suitable for distribution to staff, residents, referral sources, funding agencies and the general public. Such policies and procedures shall include the following:

a. Clearly defined age limits for admittance to the facility.

b. Regular meetings and case conferences between the staff of probation agencies, shelter facilities, the court, the local law enforcement agency, and the detention facility staff to develop and maintain sound interagency policies and procedures.

c. Statutory provisions for admission to the secure juvenile detention facilities must be adhered to.

d. Referral sources must be informed of reasons for ineligibility and where possible, should be referred to other agencies for services.

e. The administrator, in consultation with the referral agency, shall be responsible for exercising discretion within his legal authority, in the type of resident admitted to the facility in accordance with the admission policies of the facility.

E. An admittance form is completed for every juvenile admitted to the facility and contains the following information:

1. Court case number (if any) and detention facility admission number;

2. Date and time of admission and release;

3. Name and nicknames;

4. Last known address;

5. Legal status (authority for detention);

6. Name of attorney, if any;

7. Name, title and signature of delivering officer;

8. Specific charge(s);

9. Sex;

10. Date of Birth;

11. Place of birth;

12. Race or nationality;

13. Education and school attended;

14. Employment, if any;

15. Religion;

16. Health status;

17. Medical consent forms;

18. Name, relationship, address and phone number of parent(s)/guardian(s)/person(s) juvenile resides with at time of admission;

19. Drivers license number, social security number and medicade number;

20. Date of petition;

21. Court and disposition if any;

22. Space for remarks (to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattos); and

23. Person recording data.

F. Case Records.

1. Case records shall be safeguarded from unauthorized and improper disclosure.

2. The contents of case records shall be identified and separated according to an established format. The case record includes the following information:

a. Initial intake information form;

b. Documented legal authority to accept juvenile;

c. Information on referral source;

d. Record of court appearances;

e. Medical record;

f. Signed release of information forms;

g. A record of cash and valuables held;

h. Notations of temporary absences from the facility;

i. Visitors' names and dates of visits;

j. A record of telephone calls;

k. Probation officer or caseworker assigned;

l. Progress reports on program involvement;

m. Program rules and disciplinary policy signed by juvenile;

n. Grievance and disciplinary record;

o. Referrals to other agencies; and

p. Final discharge or transfer report.

G. Program resource identification. Each facility administrator shall develop an inventory of on-site and community resources that are essential to the successful accomplishment of the facility's program objectives. Such inventory shall be descriptive of community resource agency services, eligibility requirements and other information considered appropriate to potential users of same. The inventory shall be reviewed at least once annually and revised as appropriate.

H. Crisis intervention. Each facility administrator shall develop and implement a plan for crisis intervention and utilization of professionally qualified facility staff or community resource personnel appropriate to resident needs.

I. Citizens advisory committee. Written policy and procedure shall provide for a citizens advisory committee representing appropriate elements of the community such as civic leaders, businessmen, professionals and at least one member from the local governing body.

J. Program evaluation. Written policy and procedure shall provide for periodic evaluations of facility programs and services to determine their contribution to the objectives and goals of the facility.

K. Biennial report. The facility shall furnish an information statement to the parent agency at least biennially which is used to report on the systems objectives, programs, resident population, budget, major developments, problems, and future plans.

11 MCAR § 2.542 Administration

A. The facility administration ~~has~~ available to it the services of a qualified fire and safety officer who reviews all policies and procedures related to safety and fire prevention.

add "shall"

B. Written policy and procedure govern inventory control of property, stores and other assets.

add "shall be"

C. There ~~is~~ a procedure to provide insurance coverage for the facility, which includes coverage for the physical plant, equipment, and personal and property injury to employees, volunteers, residents, and third parties.

CORR-81-001-PE

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, on January 14, 1981, the Chief Hearing Examiner issued an Order on the above-referenced rules, finding that the defects in the rules as enumerated by the Hearing Examiner in his report of December 30, 1980, had been corrected; and

WHEREAS, the Department of Corrections submitted the rules to the Attorney General and, on February 3, 1981, the Attorney General recommended that certain of the rules be amended; and

WHEREAS, the Department of Corrections has now resubmitted the rules to the Chief Hearing Examiner pursuant to the rovisions of Minn. Stat. § 15.0412, subd. 4e to determine whether the changes would be substantial changes as defined in Minn. Stat. § 15.0412 and Rule 9 MCAR § 2.11 ; and

WHEREAS, the Chief Hearing Examiner, upon review of the changes required by the Attorney General finds that the changes would not constitute substantial changes.

NOW, THEREFORE, upon receipt of this Order, the Department of Corrections has the responsibility of submitting the complete hearing record and the rules as adopted by the Department of Corrections to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, subd. 4e and 4f.

Dated: February 11, 1980.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED
ADOPTION OF RULES OF THE MINNESOTA
DEPARTMENT OF CORRECTIONS GOVERNING
SECURE JUVENILE DETENTION FACILITIES

FINDINGS OF
THE COMMISSIONER

On December 31, 1980, Eileen A. Gaiovnik, of the Office of Administrative Hearings served the Report of the Hearing Examiner, Corr.-81-001-PE, upon the Commissioner of the Minnesota Department of Corrections by delivering it to John McLagan. The report submitted by Peter C. Erickson included a section entitled "Findings of Fact" which contained recommended amendments.

After careful review, the Commissioner of the Minnesota Department of Corrections has adopted the recommendations of the Hearing Examiner and amended the rules as attached.

Date January 12, 1981

Jack G. Young
Commissioner of Corrections

AMENDMENTS TO
SECURE JUVENILE DETENTION FACILITY RULE
PER HEARING EXAMINER REPORT OF DECEMBER 30, 1980

11 MCAR § 2.505 Definitions

V. "Substantially Conform" used in 11 MCAR § 2.509 ~~C.~~ D. shall mean compliance with 70 percent or more of all rules applicable to a facility's classification as stated herein and, additionally, shall mean compliance with 70 percent or more of all rules applicable to a facility's classification in each section of these rules. 'Section' as used in this definition means the entire area or subject matter under a given rule, e.g., 11 MCAR § 2.501, or 2.505.

11 MCAR § 2.527 Resident welfare

E.4. Education program. Education programs shall be consistent with State Department of Education rules ~~and regulations~~ and statutory requirements governing juvenile education.

E.7.b. Provisions for a minimum of two (2) hours daily of organized and supervised physical exercise and recreational activities and leisure time activities, excluding time spent watching television, for all residents. Organized and supervised means pre-planned exercise or activities supervised by staff qualified to direct same;

F.1. Reletter as F.

F.1.a. Reletter as F.1.

F.1.b. Reletter as F.2.

F.1.c. Reletter as F.3.

F.1.c.(1) Reletter as F.3.a.

F.1.c.(2) Reletter as F.3.b.

F.1.c.(3) Reletter as F.3.c.

F.1.c.(4) Reletter as F.3.d.

F.1.c.(5) Reletter as F.3.e.

F.1.d. Reletter as F.4.

F.1.e. Reletter as F.5.

F.1.f. Reletter as F.6.

F.1.g. Reletter as F.7.

F.1.h. Reletter as F.8.

11 MCAR § 2.527 Resident welfare, cont.

I.9.d. Records of a deceased resident shall be retained for a period of time in accordance with law ~~and the requirements of the State Records Center~~.

11 MCAR § 2.530 Food service

B.1. Any food service provided in a correctional facility shall be in accordance with the provisions of the Minnesota Department of Health ~~Regulations~~ rules (7 MCAR § 1.161 - 1.165) governing food service and beverage service establishments.

B.3. When food is catered into the facility, it shall be obtained from a source acceptable to the Minnesota Department of Health ~~and transported, handled and served in accordance with provisions of applicable rules of the Department of Health~~ pursuant to 7 MCAR §§ 1.161 - 1.165.

C. Dietary service. The food and nutritional needs of residents shall be met ~~in accordance with their needs and shall meet the dietary allowances as stated in the Recommended Dietary Allowances, Food and Nutrition Research Council, National Academy of Sciences, 9th Edition, 1980.~~ Providing each resident the specific serving per day from each of the following four food groups will satisfy this requirement.

11 MCAR § 2.536 Environmental-personal health and sanitation

J.1. Delivery of medicine shall be conducted only by licensed medical, or nursing personnel or by facility staff members who have ~~successfully completed a Minnesota Department of Corrections approved training program on the "Delivery of Medicine by Unlicensed Personnel"~~ been trained in the delivery of medications.

J.7. Methadone programs shall not be made available unless in compliance with all laws ~~and regulations~~ governing such programs.

K. Reporting suspected ~~communicable~~ contagious disease. When no physician is in attendance, it shall be the duty of the facility administrator, or other person in charge of any institution or any other person having knowledge of any individual believed to have or suspected of having any disease, presumably ~~communicable~~ contagious, to report immediately the name and address of any such person to the local health officer. Until official action on such has been taken, strict isolation shall be maintained.

L. Isolation for ~~communicable~~ contagious disease.

L.1. Residents who are suspected of having a ~~communicable~~ contagious disease shall be detained in isolation for only that period of time necessary to obtain advice and consultation from a physician concerning the resident's status and recommendations for care. Continuation of such isolation shall be determined by the attending physician.

N.5.a. A facility administrator in cooperation with the facility's governing body shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards and unsanitary conditions in the early stages of their development and provide for their repair, correction or modification so that such conditions are eliminated to the extent required by ~~regulations~~ rules contained herein.

11 MCAR § 2.542 Administration

A. has been deleted.

B. has been deleted.

C. Reletter as A.

D. Reletter as B.

E. Reletter as C.

F. has been deleted.

CORR-81-001-PE

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF CORRECTIONS

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Corrections Governing Secure Juvenile Detention Facilities.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Administrative Hearings at 9:00 a.m. on Wednesday, October 8, 1980, in Room 57 of the State Office Building, St. Paul, Minnesota, and at 9:30 a.m. on Wednesday, November 26, 1980 in Room 300, 1745 University Avenue, St. Paul, Minnesota.

James N. Bradford, Assistant Attorney General, appeared as counsel on behalf of the Department of Corrections. Department employees Bruce McManus, Assistant Commissioner; Dennis Falenschek, Director of Inspection and Enforcement; and John McLagan, Director of Standards Development, appeared and testified in support of the proposed rules. The hearing continued until all interested groups or persons had had an opportunity to testify concerning the adoption of the proposed rules.

The Commissioner must wait at least five working days before taking any final action on the rules; during that period, this Report must be made available to all interested persons upon request.

Pursuant to the provisions of Minn. Laws 1980, Ch. 615, § 6, subd. 4d, this Report has been submitted to the Chief Hearing Examiner for his approval. If the Chief Hearing Examiner approves the findings of this Report, he will advise the Commissioner of actions which will correct the defects and the Commissioner may not adopt the rule until the Chief Hearing Examiner determines that the defects have been corrected. However, in the cases where the Chief Hearing Examiner identifies defects which relate to the issues of need or reasonableness, the Commissioner may either adopt the Hearing Examiner's recommendations to cure the defects or, in the alternative, if the Commissioner does not elect to adopt the recommendations, he may submit the proposed rule to the Legislative Commission to Review Administrative Rules for the Commission's advice and comment. Provisions relating to this submission to the Commission may be found in Minn. Laws 1980, Ch. 615, § 6, subd. 4d.

If the Commissioner elects to adopt the recommendations of the Hearing Examiner and makes no other changes and the Chief Hearing Examiner determines that the defects have been corrected, then the Commissioner shall submit the rule to the Attorney General for review of form and legality. If the Commissioner makes changes in the rule other than those recommended by the Hearing Examiner, then he shall submit the rule, with the complete record, to the Chief Hearing Examiner for a review of the changes before adopting it and submitting it to the Attorney General. Procedures relating to this subsequent review by the Chief Hearing Examiner are set forth in Minn. Laws 1980, Ch. 615, § 6, subd. 4e.

When the Commissioner submits the rule to the Attorney General, he shall give notice on the day of submission to all persons who requested that they be informed of the submission to the Attorney General.

Based upon all the record and proceedings herein, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. On July 28, 1980, the Department filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.

2. On September 1, 1980, a Notice of Hearing and a copy of the proposed rules were published at 5 State Register 307.

3. On August 18 and September 10, 1980, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Department of Corrections for the purpose of receiving such notice. Because the persons who received the notice mailed on September 10, 1980, did not have timely notice of the hearing, a second hearing was required. Notice of the second hearing was mailed on October 24, 1980 and published in the State Register on October 20, 1980 at 5 State Register 623.

4. On September 9 1980, the Department filed the following documents:

(a) The Notice of Hearing as mailed.
(b) The Agency's certification that its mailing list was accurate and complete.
(c) The Affidavit of Mailing the Notice to all persons on the Agency's list.
(d) The Statement of Need and Reasonableness.
(e) The names of Department personnel who will represent the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.
(f) A copy of the State Register containing the proposed rules.

The documents were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

5. The record remained open through December 5, 1980, five working days following the close of the second hearing, for the receipt of written comments or statements.

6. Pursuant to Minn. Stat. § 241.021, subd. 1 (1978), the Commissioner of Corrections is directed to promulgate rules ". . . establishing minimum standards for . . . [secure juvenile detention facilities] with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein." The proposed rules are designed to meet that statutory directive.

This Report will not address those rules which are adequately supported in the Statement of Need and Reasonableness. Rather, the only rules which will be discussed are those which have been amended by the Department subsequent to the publication of the proposed rules in the State Register or about which questions of statutory authority, need or reasonableness have been raised.

7. At hearing, the Department made the following clerical amendments to the proposed rules:

11 MCAR § 2.505

D. "Secure Juvenile Detention Facility" shall mean a physically restricting facility, including a detention home ~~and county home school~~.

11 MCAR § 2.515

A.3. Any staff member with a ~~communicable~~ contagious disease shall not be permitted to work in the facility until such time that a physician certifies that the staff member's condition will permit his return to work without endangering the health of other staff and residents.

A.4. The facility administrator shall require that a staff member has (sic) a medical examination when there is reason to believe a ~~communicable~~ contagious disease exists.

B.6. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience and physical condition and character.

D. Extra duty. No employee shall be ~~assigned~~ scheduled to duty for two (2) consecutive work periods except in a documented emergency, or where unsuual circumstances require reasonable and prudent exception.

In addition, all of the terms contained in the definitional section, § 2.505, have been alphabetized. Mr. McLagan testified that these changes merely clarify the intent of the rules. There was no public comment on the amendments. The Examiner also points out that the major subparts of § 2.527 are mislettered and the definition of "substantially conform" contained in § 2.505 incorrectly cites 11 MCAR § 2.509 C. as the standard to which it relates. The correct cite is 11 MCAR § 2.509 D. The Examiner finds that the proposed rules, as amended above, are both needed and reasonable and are not substantially different from the rules as published.

8. Section 2.515 B.4. provides that criminal offenders from adult correctional institutions may work in juvenile detention facilities under the direct supervision of facility staff. Ann Jaede, on behalf of the Crime Control Planning Board, commented that this provision was in violation of the Juvenile Justice and Delinquency Prevention Act of 1974, § 223(a)(13), which prohibits the detention of juveniles in a facility where there is "regular contact" with incarcerated adults. To avoid potential conflict with the Act, the Department amended § 2.515 B.4. as follows:

B.4. Any service personnel other than facility staff, including offenders from adult correctional institutions, occasionally performing work in the facility, shall perform services only intermittently and under direct and continuous supervision of facility staff when such personnel are in areas permitting contact with juveniles.

As amended, the Examiner finds the proposed rule to be both needed and reasonable and not substantially different from the rules as published.

9. Section 2.515 B.7. requires that a criminal record check shall be conducted on all new employees. Opposition to the record check was voiced by Mr. Cavara, Director of the Ramsey County Juvenile Service Center, and Mr. Hammergren, Superintendent of the Hennepin County Juvenile Center, both of whom believe that the record check should be left to the discretion of the detention facility. Mr. Cavara testified that the rule is unnecessary and excessive in that it would require a record check for all corrections personnel regardless of their job relationship to the detained youth. Both Hennepin and Ramsey

Counties utilize voluntary admission of prior records. If an admission is made, then a criminal check may be made.

The Department cites standard #8070 of the American Correctional Association's Manual of Standards for Juvenile Detention Facilities and Services to support the necessity and reasonableness of the rule. The Manual describes the standard as essential because "the facility or parent agency administration should be aware of any criminal conviction(s) which would preclude working with juveniles in a detention setting." Neither the proposed rule nor standard #8070 would preclude the employment of people with criminal backgrounds. Implementation of the rule assures that information regarding criminal history and its accuracy are received, however. The criminal check is easily effected through the Bureau of Criminal Apprehension. The Examiner finds that this rule is necessary and reasonable to establish recruitment standards for employees who work with youth in a confined setting.

10. Section 2.515 E.2.a.(2) provides:

> Persons in charge shall be certified in writing by the facility administrator as physically able, competent, capable and prepared by training to act in an emergency.

Mr. Cavara argued that the term "physically able" could mean a multitude of physical characteristics, i.e., minimum size, dexterity, strength, etc., for which there are no standards to validate their necessity for job performance. The Department concurred with Mr. Cavara, stating that the rule was not needed, and amended proposed E.2.a. as follows:

> E.2.a. Facility administrator: There shall be a single administrator or chief executive of each facility. Where the average daily population of residents exceeds fifty (50), the administrator shall have an assistant. ~~(1) Person in charge.~~ In the absence of the facility administrator, a staff person shall be designated as person in charge. The facility shall not be left without such on-site supervision.
>
> ~~(2) Persons in charge shall be certified in writing by the facility administrator as physically able, competent, capable and prepared by training to act in an emergency.~~

✓ p. 14

The Examiner finds the proposed rule, as amended, to be both needed and reasonable and not substantially different from the rule as published.

11. Section 2.515 E.2.f. requires increased youth care staffing during program hours and that there be a minimum of two youth care workers on duty at all times. Mr. Jerry Soma, Director of the Anoka County Juvenile Center, testified that in facilities which house small populations of youth, it is unnecessary to have two youth care workers on duty at all times. The Department responded by stating that it is necessary to have two personnel or staff on duty at all times but that they need not be youth care workers. The Department amended the rule as follows:

> E.2.f. There is a staffing plan which provides increased ~~youth care staffing~~ staff during program periods; there are a minimum of two ~~youth care workers~~ staff on duty at all times in the facility, one of whom is female when females are housed in the facility;

✓ p. 16

As amended, the Examiner finds the rule to be both necessary and reasonable and not substantially different from the rule as published.

12. Section 2.515 E.2.h. requires staff to devise and implement recreational programs in the detention facilities. Mr. Cavara stated that the term "recreational programs" was unclear and should be defined. In response, the Department amended the proposed rules by deleting paragraph E.2.h. stating that the cost of providing specialized staff was unreasonable in light of the short periods of time the youths spend in confinement.

13. Section 2.527 B.1. provides:

> Juvenile detention facilities shall screen all admissions at intake for the purpose of determining the classification of the new resident which will dictate the living unit assignment and the activities and programs he/she will be permitted to participate in.

Mr. Gary Dosser, Director of the Arrowhead Regional Juvenile Detention Center, testified that it was impossible in a small facility to classify and then separate all admissions, especially in detention centers that do not have separate wings or units. Mr. Cavara opposed the standard because of limited physical facilities, high turnover rates, and the diverse characteristics of admitted juveniles. Consequently, he stated, a formal plan would be meaningless. Mr. Hammergren also testified that implementing the standard would be difficult due to space limitations. In his facility, all residents are initially expected to participate in all phases of the program.

The Department withdrew paragraph B.1. due to the difficulty or impossibility of implementing the requirement. Although the proposed rule is an ACA standard, the Department feels that it might not be as appropriate to Minnesota as it is to larger communities around the country.

14. Section 2.527 G. sets standards for disciplinary isolation, including requirements for medical reports, visual supervision and on-site review. Mr. Soma commented that § 2.527 F. makes a distinction between "disciplinary segregation" and "disciplinary isolation." Although the first term is defined, the second is not. Both Mr. Cavara and Mr. Hammergren questioned the need for medical intervention if it is not required. The Department responded by saying that the provisions on disciplinary isolation were taken from an earlier version of the rule and should have been deleted when the proposed rules were published. The Department feels that disciplinary isolation is an inappropriate concept for detention facilities. Consequently, § 2.527 G. was withdrawn.

15. Section 2.527 K.4. provides:

> Education program shall be consistent with State Department of Education rules and regulations and statutory requirements governing juvenile education.

The Examiner points out that the term "regulations" is no longer correct terminology in Minnesota. Codified state law is either a statute or a rule. Consquently, the words "and regulations" should be stricken from the paragraph above. Additionally, sections 2.530 B.1., 2.536 J.7., and 2.536 N.5.a. use the term "regulations" and require amendment.

16. Section 2.527 K.7. states that the facility administrator shall develop opportunities for physical exercise and recreational activities for the detained youth. Mr. Cavara testified that a clearer definition of what activities constitute "physical exercise" and "recreational activities" is needed to ensure compliance with the two-hour daily minimum standard that is included within the provision. He felt that the standard might be impractical in small facilities because it may impact other programs.

The two-hour minimum standard relates solely to organized and supervised physical exercise and recreational activities. The evidence supporting the two-hour requirement is contained in standard #8358 of the ACA's Manual of Standards which directs:

> There should be opportunities for exercise and constructive leisure time activity for at least two hours on school days and three hours on non-school days, not including time spent watching television. (Emphasis added)

The following provision of the proposed rules, § 2.527 K.8., requires the facilities to develop and implement a plan for leisure time activities. As currently written, the proposed rule does not include leisure time activities within the two-hour minimum standard. Paragraph K.8.a. and b. give examples of what activities constitute leisure time activities and also require that the facilities develop in-room programs for residents confined to their rooms. Mr. Cavara and Mr. Hammergren testified that the term "in-room programs" needed clarification.

The Department contends that the terms "physical exercise" and "recreational activities" are self-defining and need no further clarification. The Examiner agrees that the terms are of common usage and understanding and therefore reasonable.

The Department has withdrawn § 2.527 K.8.a. and b. from the proposed rules stating that paragraphs a. and b. were merely added to clarify the rule but instead have made it more unclear. As amended, K.8. requires that each facility administrator "shall develop and implement a plan and provisions for leisure time activities, equipment and materials." ✓ p. 34

Because the two-hour time requirement does not include leisure time activity as is set out in the supporting documentation, the Examiner finds that the need for and reasonableness of § 2.527 K.7.b. has not been shown. This defect could easily be corrected by amending K.7.b. to read, "Provisions for a minimum of two (2) hours daily of organized . . . activities and leisure time activities, excluding time spent watching television, for all residents. . . ." With the exception of the defect noted, the Examiner finds the proposed rule, as amended by the Department, to be both needed and reasonable and not substantially different from the rule as published. corrected p. 34

17. Section 2.527 F.1.d. (as published, this section is mislettered, and either the preceding paragraphs or this and subsequent ones must be relettered) provides:

> Visits shall be allowed for identified members of a resident's immediate family, his counsel, clergyman, and friends as deemed appropriate by the facility administrator or his designee.

Mr. Hammergren testified that the provision "and friends" is inappropriate because friends should not be allowed to visit youth detained in the centers unless they are part of case planning. The Department agreed with this comment and subsequently amended the rule as follows:

> F.1.d. Visits shall be allowed for identified members of a resident's immediate family, his counsel, clergyman, and ~~friends as deemed appropriate by the facility administrator or his designee~~ others who would be helpful in planning for the child. ✓ p. 36

As amended, the Examiner finds the proposed rule to be both needed and reasonable.

18. Section 2.527 H.1.c. provides that "all offenders admitted to the facility who are assigned to living units are to be issued a set of facility clothing." Mr. Cavara and Mr. Hammergren opposed the rule stating that it contradicts paragraphs H.1.a. and b. which allow residents to wear their own clothing. The Department concurred with those comments and withdrew H.1.c.

19. Section 2.527 H.4.e. requires the laundering of blankets before they are issued to another resident. Mr. Cavara and Mr. Hammergren testified that their respective facilities could not comply with the standard because of the large volume of admissions and rapid turnover. They stated that the physical facilities at their centers are inadequate to launder the number of blankets required for compliance with the rule. Mr. Cavara did not believe that the standard was medically justifiable. Both witnesses agreed that a blanket washing schedule was a more reasonable approach. Based upon these comments, the Department withdrew § 2.527 H.4.e.

withdrawn P. 40

20. Section 2.527 I.9.d. states that "records of a deceased resident shall be retained . . . in accordance with law and the requirements of the State Records Center." The rule is unclear whether the "requirements of the State Records Center" are rules, intra-office policies, or statutory. If the requirements are in rule form or statute, they should be properly cited. If they are in some other form, the proposed rule incorporates by reference without Departmental compliance with Minn. Stat. § 15.0412, subd. 4 (1978), as amended by 1980 Laws, Ch. 615, § 6.

As written, the proposed rule is in violation of substantive provisions of law because it does not specify what requirements are referenced. Section 15.0411, subd. 3, of the Minnesota Statutes, as interpreted by the Attorney General, requires that all rules be specific. There may also be an illegal incorporation by reference in the rule as proposed. These defects can be corrected by either deleting the words "and the requirements of the State Records Center"; or citing the appropriate rules and/or statutes; or citing the appropriate document and complying with the statutory requirements for incorporation by reference.

deleted P. 45

21. Section 2.530 B.3. provides that if food is catered to a facility, it must be obtained "from a source acceptable to the Minnesota Department of Health. . . ." This language is in violation of substantive provisions of law because it is not specific as to the criteria for acceptability by the Health Department. The defect can be corrected by amending the language to read" . . . from a source which has been approved by the Minnesota Department of Health pursuant to 7 MCAR §§ 1.161-1.165. . . ."

Similar language used P. 46

22. Section 2.530 C. states that food and nutritional needs shall meet the dietary allowances set out in the Recommended Dietary Allowances, Food and Nutrition Research Council, National Academy of Sciences, 9th Edition, 1980. The rule goes on to set out specific dietary serving allowances which would satisfy the requirement. The rule appears to say that either the specific rule allowances must be met or the requirements contained in the National Academy of Sciences publication. This is an incorporation by reference and no approval from the Chief Hearing Examiner pursuant to 1980 Laws, Ch. 615, § 6, has been petitioned for by the Department. Consequently, there is a violation of a procedural requirement of law. In order to correct this defect, the Department must comply with the statutory incorporation by reference requirement or delete the reference to the National Academy of Sciences publication.

deleted P. 46

23. Section 2.530 L. provides that all facilities with approved capacities of over 25 shall maintain a canteen in the facility. Mr. Hammergren opposed the rule because of the impracticality of operating a canteen in a short-term facility. He stated that in his facility, snacks and toilet articles are provided or purchased through a token economy system or are provided by parents. The Department contends that a system is needed so that residents could procure canteen items at least twice a week. However, the Department did not argue that it was necessary to have the canteen physically located in the facility. Consequently, the rule was amended as follows:

> L. Canteen services shall be available to residents on a twice per week basis. Facilities which do not operate a canteen shall implement a system whereby residents have the opportunity to purchase or obtain sundry items on a twice per week basis.

✓ p. 49

As amended, the Examiner finds the rule to be both needed and reasonable and not substantially different from the rule as published.

24. Secation 2.533 B.2. provides:

> No juvenile shall be received by the staff of a facility until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed identifying the purpose for detention.

Thomas McGrath and T. Williams from the Office of Ombudsman for Corrections both commented that the proposed rule should require the facilities to obtain the name, title and signature of anyone delivering a juvenile to a facility. Their recommendation is included in the ACA Manual under standard #8120. The inclusion of that standard is designed to protect the rights of delivered juveniles. The Department concurred with those comments and amended the proposed rule by adding the requirement that, "The arresting or escorting officer shall be required to sign his name and title on a form which is part of the intake record." As amended, the Examiner finds the rule to be both needed and reasonable and not substantially different from the rule as published.

✓ added p. 53

25. Section 2.536 J.1. states:

> Delivery of medicine shall be conducted only by licensed medical, or nursing personnel or by facility staff members who have successfully completed a Minnesota Department of Corrections approved training program on the "Delivery of Medicine by Unlicensed Personnel."

Mr. Hammergren raised questions about the proposed standard concerning the nature of the DOC approved training, its funding, who will conduct it, and its length. Both he and Mr. Cavara expressed concerns about nonmedical personnel handling and dispensing medication.

The Department has not established the standards and criteria for the training program as of the date of this Report. Consequently, there is no way to assess the reasonableness of that provision of the proposed rule. The Examiner finds that the Department has not demonstrated the reasonableness of § 2.536 J.1. This defect could be corrected by amending the paragraph to read ". . . or by facility staff members who have been trained in the delivery of medications." Then, when a program is set up by the Department, it could be offered as a method to comply with the rule.

amended p. 65

26. Sections 2.536 K. and L. use the term "communicable disease." That term was changed to "contagious disease" in § 2.515 (See Finding 7) for the

purpose of clarity. For the sake of uniformity, §§ 2.536 K. and L. should also be amended.

27. Section 2.536 C.2. requires that residents' medical complaints be "monitored and responded to daily by medically trained personnel." Mr. Hammergren testified that it would be unreasonable to require that medical personnel be in attendance at the facility seven days a week because it is unnecessary. The Department withdrew this rule, stating that other provisions in the rules which provide for daily sick call will ensure that residents receive appropriate medical services.

28. Section 2.536 M.3. permits either a certified consulting psychologist or a licensed physician to recommend the hospitalization of a resident for the reason of mental illness pursuant to Minn. Stat. § 253A.04. A review of the statute shows that only a licensed physician has the authority to make a commitment to a medical facility. Consequently, the rule was amended to omit certified consulting psychologist. As amended, the Examiner finds the proposed rule to be both needed and reasonable and not substantially different from the rule as published

29. Section 2.542 A. reads as follows:

> A. Facility's governing body. The facility's governing body, county board, city council, or other such governmental unit legally responsible for the facility shall be responsible for its management, control and operation.

All this paragraph says is that whoever is responsible for a secure juvenile detention facility is responsible for it; a tautological statement. Because this language sheds no light on the standards for detention facilities, the Examiner finds that the need for this tautology has not been shown. To correct this defect, the language must be deleted.

30. Section 2.542 B. and F. mandate the internal operating procedures of the governing bodies of public and private detention facilities. These requirements go beyond the statutory authority to promulgate rules "establishing minimum standards for . . . [secure juvenile detention facilities] with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein." See, Wallace v. Commissioner, 289 Minn. 220, 184 N.W. 2d 588 (1971). To correct this defect, §§ 2.242 B. and F. must be deleted.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. The Department of Corrections gave due, timely and adequate legal notice of the second hearing on this matter.

2. All relevant, procedural requirements of law or rule within the meaning of Minn. Laws 1980, Ch. 615, § 6, subds. 4-4f (to be codified as Minn. Stat. § 15.0412, subd. 4-4f) have been met with the exception noted in Finding 22.

3. The Department has documented its statutory authority to promulgate the proposed rules with the exception noted in Finding 30. All other substantive requirements of law or rule have been met with the exceptions noted in Findings 20, 21.

4. The Department has demonstrated the need for and reasonableness of the proposed rules, as amended herein, by an affirmative presentation of facts with the exceptions noted in Findings 16, 25 and 29.

5. Correction of the defects as suggested by the Examiner in Findings 16, 20, 21, 22, 25, 29 and 30, and the amendments already made by the Department to the rules as proposed would not result in a rule which is substantiaally different from the rule as published in the State Register within the meaning of Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d) or 9 MCAR § 2.111.

6. Due to Conclusions 2, 3 and 4, this Report has been submitted to the Chief Hearing Examiner for approval pursuant to Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d).

7. Any Findings which might properly be termed Conclusions, and any Conclusions which might properly be termed Findings, are hereby adopted as such.

Based upon the foreging Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

That the Department of Corrections adopt the proposed rules consistent with the Findings and Conclusions above.

Dated this 30 day of December, 1980.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

PROPOSED RULES GOVERNING SECURE JUVENILE DETENTION FACILITIES

August 8, 1980

DEPARTMENT OF CORRECTIONS

266 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

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11 MCAR § 2.501 Introduction.

A. Section 1, Minn. Stat. § 241.021, subd. 1, as amended by Laws of 1978, ch. 778, provides that the Commissioner of Corrections shall promulgate rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are intended to fulfill that requirement for secure juvenile detention facilities.

B. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, subd. 1, and to provide a framework for inspection and licensing of secure juvenile detention facilities.

11 MCAR § 2.505 Definitions. For the purpose of these rules:

A. "Department of Corrections" or "Department" shall mean Minnesota State Department of Corrections.

B. "Commissioner" shall mean Commissioner of the Minnesota Department of Corrections or his designee.

C. "Local Facility" shall mean any public or privately operated secure juvenile detention facility.

D. "Secure Juvenile Detention Facility" shall mean a physically restricting facility, including a detention home and county home school.

E. "Facility Administrator" unless expressly stated otherwise, shall mean administrator, superintendent, director or other individual who has been assigned, designated or delegated responsibility and authority for the administration and operation of a local facility.

F. "Child Care Worker" shall mean those staff with titles such as correctional officer, counselor, child care supervisor, or equivalent, whose primary duties are the day-to-day or ongoing supervision of juvenile residents of a local facility.

G. "Absconder" shall mean any person who departs from the custody of a secure detention facility or the grounds thereof, without lawful authority and includes the failure to return to custody following temporary leave granted for a specific purpose or limited period.

H. "Emergency" shall mean any significant incident or disruption of normal facility procedures, routines or activities such as fire, riot, natural disaster, suicide, escape, assault on staff, medical emergency, or other similar occurrences.

I. "Approved Capacity" shall mean the number of residents or occupants for which any room, unit, building, facility or combination thereof was planned, designed and approved for in compliance with the rules herein contained.

J. "Average Daily Population" shall mean the average number of residents (juveniles) residing daily during the last calendar year. Unless expressly stated otherwise, the term "Average Daily Population" as used in these rules shall not include juveniles who are not housed in the facility for at least a portion of the day for which such "Average Daily Population" is computed. As examples, juveniles on temporary release status or hospitalized need not be considered in such computation.

K. "Administrative Segregation" shall mean the physical separation of those juveniles who are determined to be prone to escape, prone to assault staff or other juveniles or likely to need protection from other juveniles.

L. "Disciplinary Segregation" shall mean that status assigned a juvenile as a consequence of or means of control resulting from a violation of facility rules or statute which consists of confinement in a room, or housing unit separate from the general population of the facility.

M. "Policy" shall mean a statement declaring mission, purpose, and ideological position.

N. "Procedure" shall mean a statement establishing the action plan to accomplish policy.

O. "Inspection" shall mean an on-site viewing and assessment of existing conditions and their relationship to minimum standards.

P. "Existing Facility" shall mean any facility in existance and being used for the secure detention of juveniles prior to the effective date of these rules.

Q. "Resident" shall mean any juvenile detained and residing in any local detention facility governed by these rules.

R. "Variance" shall mean the waiver of one or more of the standards prescribed by the Commissioner of Corrections for a specified period of time.

S. "Holding Area" shall mean a cell or room in the facility used to hold one or more persons temporarily while they are awaiting such things as release, booking, court appearance, transportation, interrogation, or other similar temporary holds.

T. "Legend Drug" shall mean a drug which is required by federal law to bear the following statement: "Caution" Federal law prohibits dispensing without prescription."

U. "Medicine" shall mean any remedial agent that has the property of curing, preventing, treating or mitigating diseases, or that is used for that purpose. For the purpose of these rules, medicine shall include legend and non-legend drugs.

V. "Controlled Substance" shall mean a drug, substance or immediate precussor in Schedules I through V of Minn. Stat., ch. 152. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor or tobacco.

W. "Substantially Conform" as used in 11 MCAR § 2.509 C., shall mean compliance with 70 percent or more of all rules applicable to a facility's classification as stated herein and, additionally, shall mean compliance with 70 percent or more of all rules applicable to a facility's classification in each section of these rules. 'Section' as used in this definition means the entire area or subject matter under a given rule, e.g., 11 MCAR § 2.501, or 2.505.

11 MCAR § 2.509 Inspections, intended use and non-conformance with rules.

A. Annual inspections. Each juvenile correctional facility required to be licensed by Minn. Stat. § 241.021 will be inspected at least once annually. Each facility and it's books and records pertaining to it's operation and the care, custody and protection of it's residents, shall be accessible at all times for inspection by the Commissioner or his designee. All reports relating to the condition of the facility and it's conformity with the standards established by the Commissioner will be made in accordance with these rules.

B. Intended use. No secure juvenile detention facility organized and established for the detention care and treatment of children and youth adjudicated to be delinquent shall be used for the temporary detention of children and youth alleged to be delinquent and awaiting the judicial process until licensed to do so by the Commissioner.

C. Revocation of license for non-conformance. Revocation of license proceedings shall be commenced when conditions in the facility are likely to endanger the health, welfare or safety of the residents or staff. After revocation of it's license, the facility shall not be used for the detention care and training of children and youth, unless otherwise provided by order of the District Court, or unless relicensed.

D. Issuance of license. Where the facility substantially conforms to rules stated herein or is making satisfactory progress toward substantial conformance and that the interests and wellbeing of the children and youth received therein are protected, a license to a county, municipality or agency thereof operating such facility shall be granted. The license shall remain in force one year unless sooner revoked.

E. Separate license. If a facility offers both secure detention and rehabilitation programs, it will need to meet the licensing standards for both secure detention and residential facilities.

F. Posted license. The license(s) of each secure juvenile detention facility shall be conspicuously posted in an area where residents are admitted to the facility.

G. Severability. If any article, section, subsection, sentence, clause or phrase of these rules is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Department of Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these rules.

11 MCAR § 2.512 Variances.

A. Variances. The granting of a variance under this section shall not constitute a precedent for any other juvenile detention facility. The Commissioner shall grant a variance if, in the licensing procedure or enforcement of the standards the Commissioner finds that:

1. To require a particular juvenile detention facility to comply strictly with one or more of the provisions will result in undue hardship;

2. The juvenile detention facility is otherwise in compliance with said standards and their general purpose and intent;

B. Emergency suspensions of rules. Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any rule herein prescribed in the event of any emergency.

1. Only rules directly affected by the emergency may be suspended.

2. The facility administrator shall notify the Department of Corrections in writing within seventy-two (72) hours of a suspension of any rule.

3. No suspension shall exceed seven days without the approval of the Commissioner of Corrections.

11 MCAR § 2.515 Personnel standards.

A. Staff health.

1. All employees shall, prior to employment and annually thereafter, show freedom from tuberculosis by a report of either a standard Mantoux tuberculin test or chest x-ray.

2. If the Mantoux test is positive or contra-indicated, a chest x-ray shall be taken. The results of these tests shall be reported in writing and made a part of the staff member's personnel record.

3. Any staff member with a communicable disease shall not be permitted to work in the facility until such time that a physician certifies that the staff member's condition will permit his return to work without endangering the health of other staff and residents.

4. The facility administrator shall require that a staff member have a medical examination when there is reason to believe a communicable disease exists.

B. Recruitment.

1. The selection, appointment and promotion of facility personnel shall be made on the basis of assessed ability.

2. All employees who have direct client contact and responsibility, and are employed after the effective date of these rules shall be at least eighteen (18) years of age.

3. Other employees or volunteers under eighteen (18) years of age shall be under direct supervision.

4. Service personnel other than facility staff, including offenders from adult correctional institutions, ~~may~~ perform work in the facility only under direct and continuous supervision of facility staff when such personnel are in areas permitting contact with juveniles.

5. Recruitment standards shall be reasonable and geared to reach the widest possible work force.

6. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience, physical condition and character.

7. A criminal record check shall be conducted on all new employees to ascertain whether there are criminal acts which have a specific relationship to job performance.

C. Employee evaluation.

1. Every employee shall satisfactorily complete a probationary period on the job before appointment is made permanent.

2. Each employee shall be evaluated at least once during their probationary period and annually thereafter.

3. Evaluations shall be in writing, discussed with the employee, and made a part of the employee's personnel record.

D. Extra duty. No employee shall be assigned to duty for two (2) consecutive work periods except in a documented emergency, or where unusual circumstances require reasonable and prudent exception.

E. Staffing requirements.

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

2. Minimum staff requirements. The following are minimal staff requirements for each facility:

a. Facility administrator: There shall be a single administrator or chief executive of each facility. Where the average daily population of residents exceeds fifty (50), the administrator shall have an assistant.

~~(1) Person in charge. In the absence of the facility administrator, a staff person shall be designated as person in charge. The facility shall not be left without such on-site supervision.~~

~~(2) Persons in charge shall be certified in writing by the facility administrator as physically able, competent, capable and prepared by training to act in an emergency.~~ HE 10

b. Staff presence. No person shall be housed in the facility without a staff person on duty, present in the facility, awake and alert at all times, capable of responding to reasonable needs of the residents.

c. Sex of staff. Staff members shall not be placed in positions of responsibility for the supervision and welfare of residents of the opposite sex in circumstances that can be described as invasion of privacy, degrading or humiliating to the resident. Where staff of one sex are used as program resource personnel with residents of the opposite sex, backup staff of the residents' sex must be on duty, awake and alert in the facility to provide assistance as needed without delay.

d. Relief staff. Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to insure that security, supervision of residents, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities. Part-time and relief staff shall complete orientation training appropriate to their assigned responsibilities.

e. Maintenence personnel. Maintenance personnel shall be employed to perform preventive, routine and emergency maintenance functions.

f. There is a staffing plan which provides increased ~~youth care staffing~~ during program periods; there are a minimum of two ~~youth care workers~~ on duty at all times in the facility, one of whom is female when females are housed in the facility. HE 11

g. Educational/vocational staff shall be provided consistent with 5 MCAR § 1.0122.

h. Recreation staff. Each facility with an approved bed capacity of fifty (50) or more shall have a minimum of one (1) staff person designated to develop, implement and coordinate recreational programs for the residents. Such person shall have training and/or experience appropriate to required responsibilities. Facilities with approved bed capacities of less than fifty (50) shall designate a staff person to act as a liaison between the facility and existing community recreational resource agencies or individuals. Such staff person in consultation with such resource agencies or individuals shall develop, implement and coordinate the facilities' recreation programs. Such staff person may serve full or part-time in this capacity at the discretion of the facility administrator. deleted HE 12

i. Volunteer coordinator. Where the facility utilizes the service of volunteers:

(1) The facility administrator shall designate a staff person to coordinate and be responsible for volunteer services utilized by the facility.

(2) There shall be a system for official registration and identification of volunteers.

(3) Volunteers shall agree in writing to abide by all facility policies, particularly those relating to confidentiality.

(4) Written policies shall specify that volunteers perform professional services only when certified or licensed to do so.

(5) Written policies and procedures shall provide that the administrator curtails, postpones or discontinues the services of a volunteer or volunteer organization when there are substantial reasons for doing so.

j. There is a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel, who are required to familiarize themselves with it.

11 MCAR § 2.518 Staff training.

A. Training plan. Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provisions for continuing in-service training programs for all employees and volunteers.

1. The training shall be documented and be descriptive of course curriculum, methods of instruction and objectives of instruction.

2. In-service training plans shall be prepared annually and orientation training plans reviewed and revised as necessary to changing conditions.

B. Orientation training. Written policy and procedures shall provide that full-time staff or volunteers who work in direct and continuing contact with residents receive forty (40) hours of training. Such training shall be satisfactorily completed prior to regular shift assignment and shall include, at a minimum:

1. Human relations and communication skills;

2. Crisis intervention;

3. Special needs of youth;

4. Problem-solving and guidance;

5. Facility's philosophy for handling troubled youth;

6. Residents' rules and regulations;

7. Rights and responsibilities of residents;

8. Grievance and disciplinary procedures;

9. Security procedures;

10. Physical restraint procedures;

11. Supervision of residents;

12. Report writing;

13. Significant legal issues;

14. Interaction of elements of the juvenile justice system;

15. Relationships with other agencies;

16. Fire emergency procedures; and

17. First aid and life-sustaining functions.

C. In-service training. All child care workers, management and professional personnel shall complete a minimum of forty (40) hours of in-service training per year.

D. Management training. All management personnel and facility administrators who have not completed comparable training or who

have not had two (2) or more years administrative experience shall complete at least the orientation training appropriate to the facility's classification and an additional forty (40) hours of facility management training within the first year in their position.

E. Space and equipment required for the training and staff development program shall be provided.

11 MCAR § 2.521 Staff deployment, job descriptions, work assignments, post orders, policies and procedures.

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

1. These shall be readily available to all employees with copies on file in the administrator's office.

2. Each employee shall be thoroughly familiar with his duties and responsibilities.

B. Work assignments. Work assignments shall be consistent with qualifications as stated in job descriptions and the approved staffing plan of the facility.

C. Channels of communication. The facility administrator shall develop and maintain channels of communication with employees which include:

1. Availability of written personnel policies to employees;

2. Regularly scheduled meetings of supervisory personnel;

3. Regularly scheduled meetings between supervisors and subordinates;

4. Probationary and annual employee evaluations;

D. Staff policies and procedures. The facility administrator shall develop written policies and procedures to cover emergency situations, such as escape, fire, medical emergencies, procedural statements concerning admission and release of residents, schedules for laundry, feeding, canteen, visiting, security checks and other events of significant bearing on the consistency of operations.

E. Policy and procedure manuals. All policies and procedures concerning the facility's operation shall be made available to all employees at the time of employment and as revised thereafter in policy and procedure manuals. Such manuals shall be available at a secure location to all staff within the facility.

F. Personnel policies. Written personnel policies shall be developed by the facility administrator and governing body which

specify hours of work, vacations, illness, sick leave, holidays, retirement, employee health service, group insurance, evaluation procedures, promotions, personal hygiene practices, attire, conduct, disciplinary actions and other items which will enable employees to perform their duties properly.

G. Availability of rules. Copies of all rules relating to the facility and its operation shall be made available to all personnel of the facility.

1. All personnel shall be instructed in the requirements of the law and rules pertaining to their respective duties.

2. Such instruction shall be documented and on file.

3. Assistance with respect to developing conditions necessary to comply with rules shall be provided by the Commissioner of Corrections when requested.

H. Public information plan. Each facility administrator shall develop a written plan for dissemination of information to the public, to other government agencies, and to the news media.

I. Merit system and collective bargaining. Nothing in this rule shall be construed so as to prevent the establishment of job descriptions, work assignments, channels of communications, or personnel policies by, through or in cooperation with the appropriate merit system or collective bargaining agreement.

11 MCAR § 2.524 Records and reports.

A. Maintenance of records and reports. Each facility shall maintain accurate and complete records, reports and statistics necessary for the conduct of its operation. The following records, reports and statistics shall be maintained:

1. Admission and release records;

2. Resident personal property records;

3. Records of reports submitted to the Department;

4. Clothing, linen and laundry records;

5. Records of budget requests and work orders;

6. Unusual occurrence records;

7. Records of policies and procedures;

8. Records of correspondence with the Department;

9. Employee personnel records;

10. Records of staff training;

11. Accounting records;

12. Food service records;

13. Daily log;

14. Medical and dental records;

15. Programming records;

16. Disciplinary records.

B. Storage and preservation of records. Space shall be provided for the safe storage of records at the facility's record keeping or control center and in general storage.

1. Records shall be filed so as to be organized and readily retrievable.

2. All resident records shall be preserved as required by law.

C. Filing and disposition of records. Resident records shall be readily retrievable. The records of released residents shall be promptly completed and filed in the facility.

D. Confidentiality of and access to resident records. Confidentiality of resident records and resident access to factual (non-confidential) data in their personal files shall be kept and provided in conformity with state law.

11 MCAR § 2.527 Resident welfare.

A. Separation. A combination of separate living spaces, sanitation facilities, activity spaces and detention rooms shall be provided to properly segregate juvenile males from juvenile females.

1. Separation of male and female juveniles shall provide complete separation of their living and sanitation facilities to the extent necessary to insure their privacy from residents of the opposite sex.

2. Facility administrators of juvenile detention facilities that house both male and female juveniles shall develop and schedule coeducational activities and programs and provide selected coeducational services that are in the best interest of the children. Such coeducational activities, programs, and/or services shall be supervised by trained staff at all times, consistent with personnel rules stated herein.

B. Classification.

1. Juvenile detention facilities shall screen all admissions at intake for the purpose of determining the classification of the new resident which will dictate the living unit assignment and the activities and programs he/she will be permitted to participate in. deleted HE13

2. Such criteria as sex, age, delinquent sophistication, assaultiveness, degree of security or escape risk, and other criteria designed to provide for the protection and safety of the residents, staff, and the community will be used at the discretion of the facility administrator. The established criteria used will be in writing and available for review at the time of annual inspection.

C. Information to residents.

1. Copies of rules and regulations shall be made available to all residents throughout their confinement concerning the following:

a. Rules and regulations governing conduct and disciplinary consequences;

b. Procedures for obtaining personal hygiene and canteen items;

c. Policies governing visiting, correspondence, bathing, laundry, and clothing and bedding exchange.

2. Each resident, within twenty-four (24) hours of admission, shall either be provided with a copy of the program options and activities provided in the facility as well as the outside resources available, or interviewed and advised of same by program staff.

3. Each of the above shall be explained to those residents who are unable to read or have any questions regarding same.

4. Legal rights Residents shall be advised of their legal rights with respect to detention or confinement by facility personnel. Every resident admitted to any facility shall be advised of the official charge or legal basis for detention.

D. Administrative segregation.

a. Each facility administrator shall develop and implement policies and procedures for the use of administrative segregation.

b. Administrative segregation shall consist of separate and secure housing, but shall not involve any deprivation of amenities or privileges, normally afforded other residents except to the extent that the protection of the resident, staff or public justify the necessity of such deprivation.

c. Any resident placed on administrative segregation shall be reviewed by the facility administrator or his designee within eight (8) hours or whenever the original circumstances that placed him/her in such a status have been altered. Continuation of such status shall require documented approval of the facility administrator or his designee.

2. Discipline plan.

a. All facilities shall have a resident discipline plan, which explains clearly the consequences or administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review and the review process.

b. The facility administrator shall include in the disciplinary plan a system of due process which has been reviewed and approved by the appropriate legal advisor for the detention centers' governing body.

3. Disciplinary segregation (room restriction).

a. Disciplinary segregation shall be used only after and in accordance with due process procedures.

b. The status of any resident placed in disciplinary segregation subsequent to a due process hearing shall be reviewed by the facility administrator or his designee at least once every twenty-four (24) hours. If continued disciplinary segregation is deemed necessary, this decision shall be documented, as shall each subsequent review every twenty-four (24) hours.

c. Any resident placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within twenty-four (24) hours of such segregation (exclusive of holidays and weekends) unless cause can be shown for delays, which shall be documented. As examples:

(1) Resident requests for delay;

(2) Logistically impossible as in the case of mass disturbances.

4. Disciplinary isolation.

a. Such resident shall be place in isolation only with the approval of the facility administrator or the designated person in charge - shift supervisor.

b. A medical opinion on placement and retention shall be secured within twenty-four (24) hours of placement.

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c. Intermittent visual supervision shall be provided at least every half-hour.

d. No resident shall be held in disciplinary isolation for a period longer than twenty-four (24) hours without on-site review by the facility administrator or his designee. If continued isolation is deemed necessary, the reason(s), therefore, shall be documented, as shall each subsequent on-site review every twenty-four (24) hours. deleted HE 14

5. Other limitations on disciplinary actions.

a. The disciplinary rooms shall have minimum furnishings and space specified in these standards.

b. Residents shall be issued clothing and bedding as specified in these standards excepting that those residents who persist in the destruction of bedding, clothing or self with same, may be deprived of such articles. The decision to deprive residents of such articles of clothing and bedding shall be reviewed by the shift supervisor during each eight (8) hour period, unless specified orders to the contrary have been issued by the facility administrator or his designee or on the advice of a licensed physician or psychologist.

c. The delegation of authority to any resident or group of residents to exercise the right of punishment over any other resident or group of residents is expressly prohibited.

d. No resident shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene.

6. Instruments of restraint. Instruments of restraint, such as handcuffs, chains, irons and straitjacket shall never be applied as punishment.

a. Instruments of restraint shall 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 psychologist;

(3) By order of the facility administrator or person in charge, if other methods of control fail, in order to prevent a resident from injuring himself or others or from damaging property.

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

c. Such instruments shall not be applied for any longer time than is strictly necessary.

d. Each incident involving the use of restraints consistent with D.6. a.(2) or D.6.a.(3) shall be documented and retained on file.

e. Any detention personnel authorized to utilize restraints shall receive appropriate training in the useage of such restraints. Such training shall be documented and on file.

7. Disciplinary records. The keeping of a record of all disciplinary infractions and punishment administered therefore is mandatory. This requirement shall be satisfied by retaining copies of rule violation reports and reports of the disposition of each.

E. Activities

1. Activities plan. Each facility administrator shall develop and implement a written plan for the constructive scheduling of resident time.

a. The plan shall be consistent with established legal rights of residents.

b. Such a plan shall include consideration of the following:

(1) The facility's rated capacity;

(2) The security needs of residents confined. Activities and amenities shall be consistent with the needs and behavior of residents and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the welfare of residents.

2. Provisions for religious services and counseling. Residents shall be afforded an opportunity to participate in religious services and counseling on a voluntary basis.

a. The facility administrator shall arrange with the clergy within the area to conduct religious services and provide counseling if requested.

b. Residents requesting private interviews or counseling (not capable of being audio monitored), regarding religious, personal or family problems with accredited clergy, nuns, seminarians and laypersons active in community church affairs, shall be afforded this opportunity within such regulations as are reasonable and necessary to protect the facility's security.

c. No resident shall be required to attend religious services and religious services shall be held in such a location that the residents who do not wish to participate are not exposed to the service.

d. Any resident desiring to read the Bible will be provided with a copy of the same.

e. Attendance or lack of attendance at religious services shall not be considered as a basis for any right or privilege within the facility.

3. Library service. The facility administrator of each facility shall develop and implement a plan for library service including provisions for:

a. Access to current leisure reading material such as books, magazines and newspapers;

b. Textbooks necessary to complete a course of study and legal books and references requested by residents shall be provided upon request to the extent resources permit. The facility's governing body shall not be responsible for purchasing legal books and references.

4. Education program. Education programs shall be consistent with State Department of Education rules ~~and regulations~~ and statutory requirements governing juvenile education. HE IS

5. Work assignments - juveniles.

a. It is appropriate for juveniles to be required to perform such duties as making beds, cleaning own rooms, cleaning group living areas and cleaning activity areas.

b. They shall not be required to perform such duties as personal services to staff, cleaning or maintaining areas away from the facility, replacing employed staff.

c. Care shall be taken not to require any juvenile to do work they cannot perform for physical reasons.

6. Canteen. See the Food Service section of these standards.

7. Exercise and recreation. Each facility administrator shall develop and implement a plan providing for opportunities for physical exercise and recreational activites for all residents. At a minimum, such a plan shall include the following:

a. Such regulations as are reasonable and necessary to protect the facility's security and the residents' welfare;

b. Provisions for a minimum of two (2) hours daily of organized and supervised physical exercise and recreational activities for all residents. Organized and supervised means preplanned exercise or activities supervised by staff qualified to direct same;

c. Provisions for indoor space and equipment for active recreation;

d. Provisions for outdoor recreational space, equipment and supportive staff for outdoor recreational programming.

8. Leisure services. Each facility administrator shall develop and implement a plan and provisions for leisure time activities, equipment and materials consistent with the following:

a. All facilities shall have provisions for leisure time activities that include television, radio, table games, hobby craft items and library materials. Provisions shall be provided consistent with:

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(1) The facility's rated capacity;

(2) The security needs of residents detained. Amenities shall be consistent with resident needs and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the welfare of residents.

b. The facility administrator shall develop and implement in-room programs for those residents confined to their rooms as a result of disciplinary action.

F. Visiting.

1. Visiting plan. Each facility administrator shall develop and implement a resident visiting plan. Such plan shall be in writing and shall include the following:

a. Security provisions consistent with security rules stated herein;

b. Provisions for resident consultation with their attorneys at the place of confinement at reasonable times and for such periods as are reasonable. Attorney visits shall not be monitored;

c. The administrator shall uniformly set the numbers of permissable visits for each resident and the number of visitors permitted for each visit.

(1) Although visits must be governed by administrative constraints and space availability, parents' or guardians' visiting policies shall be as unrestrictive as practical. The child's parent, guardian or child care worker and attorney shall be permitted to make an initial visit to the facility at any time.

(2) Juvenile detention facilities shall provide at least three opportunites each week for parental visits, in addition to the initial visit.

(3) Visiting hours shall be regularly scheduled and offer both evening and daytime hours on weekdays and at least one (1) time on weekends.

(4) Provisions in the plan shall allow for exceptions to the regularly scheduled hours to accommodate for parents work schedules or business, illnesses or emergencies within the family, or special family functions.

(5) Child-parent visits arranged with attorneys in preparation of a legal case, or by the court, probation officer, caseworker, or other bonafide professional, in the development of a plan for treatment or placement of the child, shall be in addition to the number of required visiting opportunities.

d. Visits shall be allowed for identified members of a resident's immediate family, his counsel, clergyman, and ~~friends as deemed appropriate by the facility administrator or his designee.~~

e. The administator may deny a visit to a resident when he has reasonable grounds to believe that the visit might endanger the security of the facility. Reasons for denial of a visit shall be in writing with a copy being issued to the resident, the person attempting to visit and the file within the facility.

f. Visitors shall register, giving names, addresses and relationship to resident.

g. Any area used for resident visiting with audio monitoring capabilities shall be posted with a written notice of same.

h. Visits conducted in resident's living areas shall not conflict with the normal activities of residents not receiving visitors.

G. Correspondence and telephone. Each facility administrator shall develop and implement a plan for the handling of resident mail and resident telephone useage consistent with established legal rights of juveniles and reasonable and necessary facility regulations to protect the facility's security.

H. Juvenile clothing, bedding and laundry services.

1. Clothing.

a. Each resident shall have neat, clean clothing appropriate for the season. Such clothing shall be provided by the agency if the youth does not have it.

b. Clothing used to supplement resident's personal clothing shall be of a non-jail/non-uniform type. Facility clothing should not be used on an ongoing basis. Residents shall be allowed to wear personal clothing to the extent reasonable and necessary regulations of the facility permit.

c. All offenders admitted to the facility who are assigned to living units are to be issued a set of facility clothing.

(1) Their personal clothing shall be returned after laundering.

(2) The clothing issued shall consist of clean socks, and suitable outer and undergarments.

(3) Residents not admitted to living units who are detained in holding rooms utilized solely for the purpose of intake and release processing need not be issued clothing. Such rooms shall be kept in sanitary condition.

d. Clothing shall be exchanged at least twice each week or more often as necessary.

e. The facility shall have available a sufficient quantity and variety of clothing to insure each resident has neat, clean clothing appropriate to the season.

f. Residents' excess personal clothing shall be returned to designated family members or stored in a manner which prevents mildew and other damage and properly identified, inventoried and secured. Residents possessing excess personal property shall sign and receive a copy of the inventory record for such property and indicate their agreement or disagreement with such records.

2. Linens and bedding.

a. Each resident admitted to the facility shall have made available the following:

(1) One (1) bath towel, one (1) hand towel, one (1) washcloth;

(2) One (1) clean, firm, fire-retardant mattress;

(3) Polyurethane foam mattresses shall not be used in the facility;

(4) Two (2) sheets or one (1) sheet and a clean mattress cover;

(5) Sufficient clean blankets to provide comfort under existing temperature conditions.

(6) One (1) pillow and one (1) pillow case, anti-allergenic if required or requested.

b. Clean linens shall be furnished at least once each week, or more frequently to maintain cleanliness.

c. Bedding and linens which are worn out or unfit for further use shall not be used.

d. Residents not admitted to living units who are detained in holding rooms utilized solely for the purpose of intake and release processing need not be issued linens and bedding.

3. Removal of clothing and bedding.

a. It may be deemed necessary by the facility administrator or person in charge to remove clothing and/or bedding from a resident if the behavior of the resident threatens the safety and/or security of the individual, others, or the facility.

b. As such action implies that all reasonable steps have been taken without success to insure the safety and well being of the resident as well as the security of the facility, an unusual occurrence report shall be completed and filed.

4. Laundry services.

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

b. The collection, storage and transfer of clean and soiled clothing, bedding and linen shall be accomplished in a manner which will minimize the danger of disease transmission. Care shall be taken to maintain separation of clean and soiled linens and clothing.

c. Where laundry service is obtained from an outside agency or establishment, such service shall be provided under a written agreement which shall specify that the service meets standards required by the State Department of Health.

d. Residents' personal clothing and other non-linen items shall be laundered in accordance with appropriate washing procedures for the various fabrics.

~~e. Blankets shall not be issued to another resident without first being laundered.~~ deleted HE19

I. Emergencies and unusual occurrences.

1. Emergency plan. The facility administrator shall develop a written disaster plan with procedures for the protection and evacuation of all persons in the case of fire, explosion, flood, tornado, or other emergencies.

a. The plan shall be developed for each facility and its type of occupancy with the assistance and advice of at least the local fire and/or rescue authority (Civil Defense).

b. The plan shall include information and procedures relative to: locations of alarm signals and fire fighting equipment, testing of equipment by a local fire official at least quarterly, frequency of drills, assignment of specific tasks and responsibilities of the personnel on each shift, persons and local emergency department to be notified, precautions and safety measures during tornado alerts, procedures for evacuation of residents during emergencies when necessary, and arrangements for temporary emergency confinement and care in the community in the event of a total evacuation.

c. Copies of the disaster plan containing basic emergency procedures shall be available at a secure central security station to all staff within the facility.

d. Copies of a detailed disaster plan shall be available to all supervisory personnel.

2. There shall be an automatic fire alarm and heat and smoke detection system approved by the state fire marshal or recognized state authority and tested on a regular basis.

3. Security policies and procedures. Emergency planning shall be sufficient to provide immediate and effective action in the event of any emergency. All such planning shall be inclusive of policies and procedures designed to protect the public by securely detaining residents who present a danger to the community or to themselves.

4. Other emergency planning. In addition to development of a disaster plan as outlined in I.1., emergency planning shall be sufficient to provide immediate and effective action in the event of hostage incidents, escape and escape attempts, suicide and attempted suicide, any illness or accident deemed an emergency, power failure, major resident disturbances, assaults and outbreaks of contagious disease or epidemic.

5. If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

6. Plans shall be developed and maintained sufficient to maintain the health, safety and security of residents and facility during brief or extended losses of light, heat or communications.

7. Emergency procedures meeting. There shall be a meeting of all employees on each shift at least once every three (3) months to discuss and review emergency procedures used in the facility. The agenda of the meeting shall cover:

a. Assignment of persons to specific tasks and responsibilities in case of emergency situations;

b. Instructions relating to 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. Such routes shall be distinctly marked, continuously illuminated and kept clear and in useable condition.

8. Unusual occurrences. All incidents or attempted incidents of an unusual or serious nature which involve, or endanger the lives or physical welfare of facility staff or residents shall be reported to the Department within ten (10) days in writing.

a. Such report shall include the name(s) of person(s) involved (staff and residents), nature of unusual occurrence, actions taken, and the time of occurrence.

b. Unusual occurrences shall include:

(1) Suicide;

(2) Homicide;

(3) Death (other than suicide or homicide);

(4) Serious injury or illness (accidental, self or other inflicted, incurred subsequent to detention);

(5) Escape;

(6) Fire;

(7) Riot

(8) Assaults on staff or residents;

(9) Other serious disturbances;

(10) Occurrences of infectious diseases and disposition.

c. Unusual occurrences shall be reported to the Minnesota Department of Corrections. The form for reporting shall be obtained from the Department of Corrections.

d. Written plans govern space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the juvenile detention facility shall be developed; these plans are to be reviewed at least annually and updated if necessary.

e. In the event of an emergency such as serious illness, accident, imminent death or death, the resident's parents, guardians or other significant others who maintain a close relationship with him shall be notified.

9. Resident death. When a resident's death occurs:

a. The date, time and circumstances of the resident's death shall be recorded in the resident's record.

b. If the resident dies in the facility, the coroner's office shall be notified.

c. Personal belongings shall be handled in a responsible and legal manner.

d. Records of a deceased resident shall be retained for a period of time in accordance with law ~~and the requirements of the State Records Center~~. deleted HE 22

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

11 MCAR § 2.530 Food service.

A. General requirements. The goals of food service in each facility shall be to provide food and beverages to residents that are nutritionally adequate, that are palatable, that are produced in a manner to prevent foodborn illness, are of adequate quantity and variety, are served at appropriate temperatures and are prepared by methods which conserve nutritional value.

B. Food handling practices.

1. Any food service provided in a correctional facility shall be in accordance with the provisions of the Minnesota Department of Health Regulations (7 MCAR §§ 1.161-1.165) governing food service and beverage service establishments.

2. Wherever the food service in a facility is limited to serving ten residents or less, variances from the requirements include substitution of certain domestic type equipment for commercial type.

3. When food is catered into the facility, it shall be obtained from a source acceptable to the Minnesota Department of Health and ~~transported, handled and served in accordance with provisions of applicable rules of the Department of Health.~~

C. Dietary service. The food and nutritional needs of residents shall be met ~~in accordance with their needs and shall meet the dietary allowances as stated in the Recommended Dietary Allowances, Food and Nutrition Research Council, National Academy of Sciences,~~ deletion per HE 22

9th Edition, 1980. Providing each resident the specific serving per day from each of the following four food groups will satisfy this requirement.

1. The food service plan is reviewed and approved by a physician or certified dietician.

2. All facilities shall have menu planning sufficient to provide each resident the following specified food servings per day:

a. Meat or protein group. Two (2) or more servings per day. A serving of meat or protein is defined as:

(1) 2-3 ounces cooked, lean, edible meat

(2) 2 medium eggs

(3) 4 tablespoons peanut butter

(4) 1 cup dry beans

b. Milk group. Two (2) or more servings per day. A serving is defined as:

(1) 1 cup of milk

(2) 1 ounce of cheese

(3) 1/2 cup cottage cheese

c. Cereal and bread group. Four or more servings per day. A serving is defined as:

(1) 1/2 to 1 slice of bread

(2) 1/2 to 3/4 cup cereal

(3) 1/2 to 3/4 cup rice

(4) 1/2 to 3/4 cup of pasta

d. Fruit and vegetable group. Four or more servings per day. A serving is defined as:

(1) 1/2 cup potatoes

(2) 1/2 cup cooked vegetables

(3) 4 pieces raw vegetables

(4) 1/2 cup fruit

(5) 1 cup juice (citrus)

D. Frequency of meals. There shall not be more than fourteen (14) hours between a substantial evening meal and breakfast. At least three (3) meals shall be made available at regular times during each twenty-four (24) hour period.

E. Therapeutic diets. Any facility housing residents in need of medically prescribed therapeutic diets shall have documentary evidence that such diets are provided for as ordered by the attending physician.

F. Where juveniles' religious beliefs require their adherence to dietary laws, efforts shall be made to provide such special diets.

G. Use of food in discipline. Food shall not be withheld as a punishment for unacceptable behavior.

H. Supervision of meal serving. All meals shall be served under the direct supervision of staff.

I. The designated food service supervisor shall receive training in food service operations prior to assuming this reponsibility.

J. Menu records. Menus shall be posted a week in advance. Records of food purchased and menus shall be filed for one (1) year.

K. Hot meal minimum. A minimum of one (1) hot meal shall be provided for each twenty-four (24) hours of confinement.

L. Canteen.

~~1. All facilities with approved capacities of twenty-five~~ (25) or less shall provide residents with a printed list of approved canteen items to be purchased by a facility staff member at local stores if the facility does not operate a canteen in the facility.

deleted HE 23

2. All facilities with approved capacities over twenty-five (25) shall establish, maintain and operate a canteen in the facility.

~~3. Each resident shall have an opportunity to purchase from the canteen at least twice per week.~~

M. Budgeting, purchasing and accounting.

1. Each facility administrator shall, in cooperation with the local unit of government or governing body and food service supervisor, establish policies and procedures for budgeting, purchasing and accounting.

2. Such policies and procedures shall include:

a. A food expenditure cost accounting system designed to isolate cost per meal per resident.

b. Policies and procedures for estimating food service requirements in advance of their need.

c. Consideration of resident eating habits and food waste.

d. Consideration of facilities for storage and refrigeration as well as accepted storage periods for dry, canned and perishable foods.

e. Such other items as the administrator deems appropriate.

N. Containers and food storage.

1. Food containers. All food or food products, prepared or in bulk shall be stored in seamless containers after opening of the original container. Dry milk and milk products after opening shall be stored in seamless, air-tight containers.

2. Storage of non-perishable food. Non-perishable food, and single-service articles shall be stored off the floor on washable shelving in a ventilated room. It shall be protected from dust, flies, rodents, vermin, overhead leakage and other sources of contamination, and shall be placed away from areas with excessive heat.

3. Storage of perishable and potentially hazardous food. All perishable food (fresh fruit and vegetables) and potentially hazardous food (meat and dairy products) shall be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage. Meat and dairy products shall be stored at forty (40) degrees Fahrenheit or below, and fruit and vegetables at fifty (50) degrees Fahrenheit or below. When stored together, the lower temperature shall apply. Temperatures shall be monitored by an accurate thermometer.

4. Prohibited storage. The storage of detergents, cleaners, pesticides and other non-food items, including employees' personal items, is prohibited in food storage areas.

5. Returned food. Returned portions of food and beverages from individual servings shall not be reused unless such food or beverage is served in a sealed wrapper or container which has not been unwrapped or opened.

6. Ice. Ice shall be stored and handled in a sanitary manner. Stored ice shall be kept in an enclosed container. If an ice scoop is used, the scoop shall be stored in a separate compartment to prevent the handle from contact with ice.

O. Transport of food. Food shall be covered during transport through non-dietary areas, but need not be covered when served in a contiguous dining area. The food service system shall be capable of maintaining hot foods at one-hundred-fifty (150) degrees Fahrenheit or higher; cold food at forty (40) degrees or lower. A dumbwaiter or conveyor, which cab or carrier is used for the the transport of soiled linen or soiled dishes, shall not be used for the transport of food.

11 MCAR § 2.533 Security.

A. Policies and procedures. Security policies and procedures shall be developed by the administrator to cover the following:

1. Control and recovery of contraband;

2. Delivery and service procedure;

3. Prohibition on firearms and other weapons in resident areas;

4. Search procedures;

5. Escort of residents outside security area;

6. One-half (1/2) hour interval security inspection routines when residents are not under direct supervision.

B. Admissions

1. The intake procedure conducted by the admitting officer for all admissions shall provide for a thorough search of the resident and belongings. In the event of all new admissions, a shower (delousing if indicated), an assessment of health status and physical needs, an inventory of resident's property, properly recorded and signed by the owner as correct, and completion of an admission form shall be completed.

2. No juvenile shall be received by the staff of a facility until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed identifying the purpose for detention.

3. All intake procedures shall be conducted in a manner and location that assures the personal privacy of the resident and the confidentiality of the transaction from unauthorized personnel.

C. Releases.

1. Upon release of a resident, the property of the resident, unless held for authorized investigation or litigation, shall be returned with a signed receipt acknowledging same.

2. No resident shall be released in inclement weather without proper clothing to insure health and safekeeping.

3. Residents shall be permitted to make arrangements for transportation prior to their release.

D. Contraband control searches.

1. Visitors who seek to enter the security area of the facility shall not be permitted admission whenever they refuse to submit to a requested search conducted by a staff member of the same sex.

2. The facility shall be regularly inspected for contraband; evidence of breaches in security; inoperable security equipment.

3. All materials delivered to or transported from the facility shall be inspected for contraband prior to distribution.

E. Locks and keys.

1. When not in use, all keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, out of reach from the residents or the public. At least one new complete set of facility keys shall be kept on hand for replacement purposes.

a. 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 in accordance with established procedure.

b. No security keys shall be made available to residents.

2. All locks to security doors or gates shall be inspected regularly to insure their efficient operation.

a. No lock to a security door or gate shall be permitted to be broken, inoperable, or left in an unsuitable condition for any unnecessary period of time.

b. No resident shall be placed in a room or area which has inoperable locks.

F. Weapons, tools, equipment, medications, hazardous substance.

1. Firearms or other dangerous weapons, regardless of condition, shall not be located within the resident areas of the facility.

2. Materials which can be deliterious to security, safety and health shall be properly secured, inventoried and dispensed.

3. When not in use, all tools shall be kept in locked storage areas. Security precautions shall be developed and implemented on any tools entering and/or leaving the facility.

4. Hazardous substances shall be stored outside the resident's living areas. Cleaning substances which can be so described shall be handled only by staff or residents under direct staff supervision.

G. Count procedure. Each facility shall have a written statement specifying the system to be used for regularly counting the number of residents under its jurisdiction.

1. Systems for counting shall include a master count board indicating the total number at all times and immediately report changes as they occur.

2. A separate log book shall be kept to serve as a check and validation to the count board.

3. Formal counts shall be completed with an official entry made in the daily log after each mass movement or change in areas and/or at least once each eight (8) hours.

11 MCAR § 2.536 Environmental-personal health and sanitation.

A. Availability of medical and dental resources.

1. Each facility shall have a licensed physician(s) or medical resources such as a hospital or clinic designated for the medical supervision, care and treatment of residents. The facility shall insure twenty-four (24) hour a day availability of consultation, advice and emergency service response. Such resource(s) shall be located in the same or a nearby community.

2. The local health department or a designated physician shall, not less than annually, inspect the facility with respect to sanitation and health conditions.

3. Each facility shall have emergency dental care available to residents. Such dental care shall be available in the same or nearby community.

4. Ambulance services shall be available on a twenty-four hour a day basis.

B. Receiving. Health screening shall be performed on all residents upon admission to the facility and before placed in the general population, and recorded on a printed screening form approved by the responsible physician which includes inquiry into:

1. Possibility of pregnancy;

2. Possibility of venereal disease;

3. Current illnesses and health problems including those specific to females;

4. Medications taken and special health requirement;

5. Status of immunizations;

6. Screening of other health problems designated by the responsible physician;

7. Behavioral observation, including state of consciousness and mental status;

8. Notation of body deformities, trauma markings, bruises, lesions, ease of movement, or jaundice;

9. Condition of skin and body orifices, including rashes and infestations; and

10. Disposition/referral of residents to qualified medical personnel on an emergency basis.

C. Sick call.

1. Each facility shall provide space, staff, and a procedure for daily sick call for the purpose of insuring residents the opportunity to report and receive appropriate medical services for illness or injury.

~~2. Juveniles' medical complaints are monitored and responded to daily by medically trained personnel.~~ deleted, HE 27

3. A resident shall be examined by trained medical personnel within a reasonable period of time if the resident is visibly ill, chronically ill, or whenever it is suspected that medical attention is necessary.

4. If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies and materials, as determined by the responsible physician, shall be provided for the performance of primary health care delivery.

D. Posting of available resources. A listing of the medical, dental and ambulance resources designated for use by the facility and the telephone numbers of same shall be posted at each staff station in the facility. Such list shall clearly indicate what resource(s) is (are) available at any time of the day or night.

E. Hospitalization of a resident.

1. Each facility administrator shall insure the availability of hospital services in the same or nearby community permitting admission of a resident without delay on the recommendation of the attending physician.

2. When a resident requires hospitalization, he shall be guarded on a twenty-four (24) hour per day basis unless the following conditions have been satisfied:

a. The resident has been deemed not in need of custody supervision, or

b. The resident has been medically incapacitated in the opinion of the attending physician, or

c. The facility administrator has retained legal responsibility for the custody of the resident, or

d. The hospital administrator and facility administrator mutually agree that a guard is unnecessary to the reasonable assurance of the resident's custody.

F. Written standard operating procedures approved by the responsible physician shall exist for the following:

1. Obtaining medical consent;

2. Receiving screening;

3. Health appraisal data collection;

4. Nonemergency medical services;

5. Obtaining dental services;

6. Emergency medical and dental services;

7. Deciding the emergency nature of illness or injury;

8. Dental screening, prevention, examination and treatment;

9. Provision of medical and dental prosthetics;

10. Rendering first aid;

11. Notification of next of kin or legal guardian in case of serious illness, injury or death;

12. Providing chronic care;

13. Providing convalescent care;

14. Providing medical preventive maintenance;

15. Screening, referral and care of mentally ill and retarded residents;

16. Making staff aware of special medical problems;

17. Implementing the special medical program;

18. Immunization, where necessary;

19. Delousing procedures;

20. Detoxification procedures; and

21. Pharmaceuticals.

G. First aid.

1. All child care workers responsible for the supervision, safety and well-being of residents shall be trained in emergency first aid procedures.

2. At least one person per shift shall have training in receiving, screening, basic life support, cardiopulmonary resuscitation (CPR), and recognition of symptoms of the illnesses most common to the facility.

3. All facilities shall have a minimum of one (1) first aid kit located at the facility's control center or primary staff station.

4. The first aid kit shall be inspected by a designated staff person at least once every three (3) months to assess the need for replenishment of supplies.

H. Medical and dental records.

1. Each facility shall record all complaints of illness or injury with actions taken pursuant to same.

2. Medical or dental records shall be maintained on any resident under medical or dental supervision, care or treatment while confined. Minimally, such records shall include appropriate information with respect to resident limitations or disabilities, instructions relative to resident care, written orders for all medications with stop dates, treatment, therapeutic diets, extent or restriction of activity, and the time, date, and medical or dental person involved in any examination, treatment or consultation with respect to the resident.

3. Medical and dental directives related to resident care shall be available to staff on duty for consultation in case of illness and for recording administration of medication.

4. A statement concerning the residents medical or dental condition shall be obtained from the attending physician or dentist on any resident under medical or dental care.

I. Preventive health services.

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

2. All staff and volunteers shall adhere to established policies and procedures relating to personal hygiene practices including clean attire.

3. Delousing materials and procedures shall be approved through consultation with trained medical personnel.

4. Each resident shall be permitted daily bathing or showering.

5. Residents shall be providing personal hygiene items at facility expense.

J. Delivery, supervision and control of medicines.

1. Delivery of medicine shall be conducted only by licensed medical, or nursing personnel or by facility staff members who have ~~successfully completed a Minnesota Department of Corrections approved training program on the "Delivery of Medicine by Unlicensed Personnel".~~ deleted HE 25

2. The delivery of legend drugs by unlicensed staff shall be under the ultimate supervision of a consulting physician.

3. The facility administrator, in consultation with the licensed physician shall develop plans, establish procedures and accessories for the secure storage, delivery, supervision and control of medicine. Such plans, procedures, space and accessories shall include the following:

a. Storage.

(1) All medicines shall be kept in a locked medicine cabinet or locked medicine room. The storage facility shall be kept locked at all times when not in use.

(2) Medicine requiring refrigeration shall be stored in a secure manner in a refrigerator.

(3) Residents shall not be allowed in any room used for the storage of medicine without direct staff supervision.

(4) Only staff authorized to deliver medicine shall have access to keys for medicine storage areas.

(5) Stock supplies of legend (prescription-type) drugs shall not be maintained.

(6) All prescribed medicine shall be stored in its original container, bearing the original label.

(7) All poisons and medicine intended for external use shall be clearly so marked and shall be stored separate from medicine intended for internal use.

b. Delivery control. The following shall be established in written policy form:

(1) Diabetics with permission of the attending physician may self-administer insulin injections under staff supervision.

(2) All other medicine administered by injection may be given only by a physician, registered nurse, or licensed practical nurse.

(3) Unless ordered otherwise by the attending physician, all other medicine delivered to residents shall be self-administered under staff supervision.

(4) Means for the positive identification of the recipient of all medicine.

(5) Procedures for assuring that prescribed medicine will be delivered in accordance with physician instructions at the correct time and in the prescribed dose.

(6) No resident while receiving legend drugs shall receive any non-legend drugs without the approval of the attending physician.

(7) Procedures for confirming that medicine delivered for oral ingestion has been ingested.

(8) Procedures for recording the fact that the prescribed dose has been delivered and by whom.

(9) Procedures whereby adverse reactions to drugs are reported at once to the attending physician and an explanation made in the resident's record.

(10) Procedures whereby resident refusal of prescribed medicine is reported to the attending physician and an explanation made in the resident's record.

(11) Procedures for insuring that no resident is deprived of medicine as prescribed because of penalty or staff retaliation.

(12) Procedures which prohibit the delivery of medicine by residents.

(13) Procedures whereby a physician is contacted prior to the next prescribed medicine dosage time for instructions on all newly admitted residents who are either in possession of prescribed medicine or indicate a need for such.

c. Recording of legend drugs entering the facility. Records of receipt, the quantity of such drugs, and of the disposition of all legend drugs shall be maintained in sufficient detail to enable an acccurate accounting at any time.

4. If authorized by the attending physician, prescribed medicine belonging to resident shall be given to them when released or to appropriate authorities when transferred. This shall be recorded in the resident's record.

5. Unused portions of prescribed medicine shall be destroyed by incineration or by flushing into the sewer system.

a. Such destruction shall be performed by the facility administrator or his designee and witnessed by a staff member.

b. A notation of the destruction shall be made in the resident's record and shall include the name and quantity of the drug destroyed and shall be signed by the facility administrator or his designee and staff witness.

6. Unused portions of controlled substances shall be handled by contacting the Minnesota Board of Pharmacy.

7. Methadone programs shall not be made available unless in compliance with all existing laws ~~and regulations~~ governing such programs. deletion HE 14

8. Written policy prohibits the facility from conducting medical or pharmaceutical testing for experimental or research purposes.

K. Reporting suspected ~~communicable~~ HE 26 disease. When no physician is in attendance, it shall be the duty of the facility administrator, or other person in charge of any institution or any other person having knowledge of any individual believed to have or suspected of having any disease, presumably communicable, to report immediately the name and address of any such person to the local health officer. Until official action on such has been taken, strict isolation shall be maintained.

L. Isolation for ~~communicable~~ HE 26 disease.

1. Residents who are suspected of having a communicable disease shall be detained in isolation for only that period of time necessary to obtain advice and consultation from a physician concerning the resident's status and recommendations for care. Continuation of such isolation shall be determined by the attending physician.

2. A resident placed in isolation for medical reasons shall not be deprived of any more privileges, rights or amenities than is consistent with his classification prior to such asignment except to the extent that such priviledges, rights or amenities would endanger the health of staff, other residents, or the public.

M. Mentally ill residents.

1. Screening and referral for care shall be provided to mentally ill or retarded juveniles. The responsible physician shall provide a written list of symptoms or behavior indicative of mental illness and retardation for staff training and shall designate, in advance, specific referral sources.

2. If the facility administrator or his designee determines a resident to be mentally ill, ~~a certified consulting psychologist or~~ a licensed physician's opinion (preferably a psychiatrist) shall be secured as soon as possible, but not more than eight (8) hours after such segregation. deleted HE 28

3. If a certified consulting psychologist or licensed physician's opinion is supportive of the facility administrator or his designee, and if practical and feasible, such resident shall be transferred to a medical facility designated by the county and approved by the State Department of Health for diagnosis, treatment, and evaluation of such suspected mental illness pursuant to Minn. Stat. § 253A.04, Emergency Hospitalization of Mentally Ill and Mentally Deficient Persons.

N. Housekeeping, sanitation and plant maintenance.

1. General requirement. The entire facility inclusive of every building, structure or enclosure utilized by the facility - walls, floors, ceiling, registers, fixtures, equipment and furnishings shall be kept in good repair and so maintained as to protect the health, comfort, safety and well-being of residents and staff.

2. Established plan. The person (facility administrator, building superintendent, or county maintenance engineer) responsible for plant maintenance, housekeeping and sanitation shall develop and implement a written plan with identified policies and procedures for same.

3. Inspections. The facility administrator shall develop and implement a written plan for the daily inspection of the facility with respect to housekeeping, sanitation, and plant maintenance. Such inspections shall be recorded.

4. Budget. The facility administrator shall submit a list of probable repairs and expenditures for routine housekeeping supplies, repairs, and special requests related to physical plant maintenance, housekeeping and sanitation at the beginning of each month, or as part of an annual budget request to the facility's governing body.

5. Work requests.

a. The facility administrator in cooperation with the facility's governing body shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards and unsanitary conditions in the early stages of their development and provide for their repair, correction or modification so that such conditions are eliminated to the extent required by ~~regulations~~ contained herein.

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b. Such policies and procedures shall include:

(1) Requiring facility staff to report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs as they are observed.

(2) A process whereby work requests are prioritizied and filed with the governing body by the facility administator in an expedient manner.

(3) A records system allowing review of budget and work requests, expenditures, dates and actions, pursuant to detection of need, submission of work orders and completion of requests.

6. Insect and rodent control. Any condition on the site or in the facility conductive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately. Cleaning, renovation, or fumigation by licensed pest control operators for the elimination of such pests shall be used when necessary.

11 MCAR § 2.539 Juvenile detention programs.

A. Statement of program objectives. Each facility administrator shall prepare in written form a statement of program objectives and goals. Such objectives and goals shall be developed with the input of local juvenile justice personnel including judges, probation officers and others as deemed appropriate by the facilities governing body and administrator. A copy of the statement of program objectives shall be retained on file in the facility.

B. Program plan. Each facility administrator shall develop and implement a plan for programming and service consistent with its' stated program objectives.

C. Program space, equipment and materials. Provisions for program space, equipment and materials shall be consistent with the facility's statement of program objectives, program plan and applicable rules stated herein.

D. Intake policies and procedures.

1. Each juvenile is assigned a counselor or probation officer at intake.

2. Each facility administrator shall develop in written form intake policies and procedures that clearly indicate the facility's goals and objectives, programs and services offered and resident eligibility requirements for admission to the facility. This will be done in a form suitable for distribution to staff, residents, referral sources, funding agencies and the general public. Such policies and procedures shall include the following:

a. Clearly defined age limits for admittance to the facility.

b. Regular meetings and case conferences between the staff of probation agencies, shelter facilities, the court, the local law enforcement agency, and the detention facility staff to develop and maintain sound interagency policies and procedures.

c. Statutory provisions for admission to the secure juvenile detention facilities must be adhered to.

d. Referral sources must be informed of reasons for ineligibility and where possible, should be referred to other agencies for services.

e. The administrator, in consultation with the referral agency, shall be responsible for exercising discretion within his legal authority, in the type of resident admitted to the facility in accordance with the admission policies of the facility.

E. An admittance form is completed for every juvenile admitted to the facility and contains the following information:

1. Court case number (if any) and detention facility admission number;

2. Date and time of admission and release;

3. Name and nicknames;

4. Last known address;

5. Legal status (authority for detention);

6. Name of attorney, if any;

7. Name, title and signature of delivering officer;

8. Specific charge(s);

9. Sex;

10. Date of Birth;

11. Place of birth;

12. Race or nationality;

13. Education and school attended;

14. Employment, if any;

15. Religion;

16. Health status;

17. Medical consent forms;

18. Name, relationship, address and phone number of parent(s)/guardian(s)/person(s) juvenile resides with at time of admission;

19. Drivers license number, social security number and medicade number;

20. Date of petition;

21. Court and disposition if any;

22. Space for remarks (to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattos); and

23. Person recording data.

F. Case Records.

1. Case records shall be safeguarded from unauthorized and improper disclosure.

2. The contents of case records shall be identified and separated according to an established format. The case record includes the following information:

a. Initial intake information form;

b. Documented legal authority to accept juvenile;

c. Information on referral source;

d. Record of court appearances;

e. Medical record;

f. Signed release of information forms;

g. A record of cash and valuables held;

h. Notations of temporary absences from the facility;

i. Vistors names and dates of visits;

j. A record of telephone calls;

k. Probation officer or caseworker assigned;

l. Progress reports on program involvement;

m. Program rules and disciplinary policy signed by juvenile;

n. Grievance and disciplinary record;

o. Referrals to other agencies; and

p. Final discharge or transfer report.

G. Program resource identification. Each facility administrator shall develop an inventory of on-site and community resources that are essential to the successful accomplishment of the facility's program objectives. Such inventory shall be descriptive of community resource agency services, eligibility requirements and other information considered appropriate to potential users of same. The inventory shall be reviewed at least once annually and revised as appropriate.

H. Crisis intervention. Each facility administrator shall develop and implement a plan for crisis intervention and utilization of professionally qualified facility staff or community resource personnel appropriate to resident needs.

I. Citizens advisory committee. Written policy and procedure shall provide for a citizens advisory committee representing appropriate elements of the community such as civic leaders, businessmen, professionals and at least one member from the local governing body.

J. Program evaluation. Written policy and procedure shall provide for periodic evaluations of facility programs and services to determine their contribution to the objectives and goals of the facility.

K. Biennial report. The facility shall furnish an information statement to the parent agency at least biennially which is used to report on the systems objectives, programs, resident population, budget, major developments, problems, and future plans.

11 MCAR § 2.542 Administration.

A. Facility's governing body. The facility's governing body, county board, city council, or other such governmental unit legally responsible for the facility shall be responsible for its management, control and operation. deleted HE 29

B. Multi-county or regional facilities. The governing body of any multi-county, regional facility or similar such facility operating under a joint powers agreement, regional development plan, community corrections act or similar provision shall develop written bylaws. The bylaws shall provide for and clearly state the following:

a. Membership in the agency, including the types of membership, and the rights and duties of the members.

b. Provisions for a governing body.

c. Number of members in the governing body.

d. Method of selecting members of the governing body.

e. Terms of office for members of the governing body.

f. Provisions for officers of the governing body.

g. Method of selection of officers.

h. Term of office for the officers.

i. Specification of duties of officers and members. deleted HE 30

j. Provisions for standing committees.

k. Provisions for regular and special meetings.

l. Establishment of a quorum for meetings of the governing body. (In no case may the agency bylaws allow for less than one-third (1/3) of the members then in office to constitute a quorum.)

m. Responsibilities of the governing body.

n. Use of parliamentary procedures.

o. Provisions for recording minutes of meetings of the governing body.

p. Methods of amending the bylaws.

q. Provisions against conflict of interest of members of the governing body and the agency.

r. Specification of the relationship of the facility administrator to the governing body.

C. The facility administration has available to it the services of a qualified fire and safety officer who reviews all policies and procedures related to safety and fire prevention.

D. Written policy and procedure govern inventory control of property, stores and other assets.

E. There is a procedure to provide insurance coverage for the facility, which includes coverage for the physical plant, equipment, and personal and property injury to employees, volunteers, residents, and third parties.

F. Private facilities only.

1. The facility must operate under a constitution or articles of incorporation which meets all of the legal requirements of the governmental jurisdiction in which the facility is located.

2. The facility must have a local governing authority or advisory board which is representative of the community in which the facility is located.

3. The facility or its parent agency must identify, document and publicize its tax status with the internal revenue service.

4. The facility must have bylaws, approved by the governing authority, which shall be filed with the appropriate local, state and/or federal body.

5. At a minimum, the facility bylaws must include for the governing authority: Membership (types, qualifications, community representation, rights, duties); size of the governing body; method of selection; terms of office; duties and responsibilities of officers, times authority will meet; committees; quorums; parliamentary procedures; recording of minutes; method of amending the bylaws; conflict of interest provisions; and specification of the relationship of the chief executive to the governing body.

deleted HE 30

6. The governing authority of the facility must hold meetings as prescribed in the bylaws.

7. A permanent record shall be kept of meetings of the governing authority.

CORR-81-001-PE

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF CORRECTIONS

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Corrections Governing Security Juvenile Detention Facilities.

ORDER OF THE CHIEF HEARING EXAMINER

The above-entitled matter came on for review by the Chief Hearing Examiner pursuant to the provisions of Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d) which provides in part:

> If the [hearing examiner's] report contains a finding that the proposed rule is substantially different from that which was proposed at the public hearing, or that the agency has not met the requirements of section 15.0412, subdivisions 4 through 4f, it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, he shall advise the agency of actions which will correct the defects, and the agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected. If the chief hearing examiner determines that the need for and reasonableness of the rule has not been established pursuant to subdivision 4, clause (c), and if the agency does not elect to follow the suggested actions of the hearing examiner to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not proceed to adopt the rule until it has received and considered the advice of the commission; provided, that the agency is not required to delay adoption longer than 30 days after the commission's receipt of the agency's submission.

Based upon a review of the record in this proceeding, the Chief Hearing Examiner hereby approves the Report of the Hearing Examiner in all respects and specifically as to any finding of substantial change or of failure to comply with Minn. Laws 1980, Ch. 615, § 6 (to be codified as Minn. Stat. § 15.0412, subd. 4-4f), or of failure to establish need for and reasonableness of the proposed rule.

In order to correct the defects enumerated by the Hearing Examiner, the agency shall either take the action recommended by the Hearing Examiner or reconvene the rule hearing if appropriate. If the agency chooses to reconvene the rule hearing, it shall do so as if it is initiating a new rule hearing, complying with all substantive and procedural requirements imposed on the agency by law or rule.

If the agency chooses to take the action recommended by the Hearing Examiner, it shall, prior to submitting the rules to the Attorney General for review, submit to the Chief Hearing Exmainer a copy of the rules as initially published in the State Register, a copy of the rules as proposed for final adoption in the form required by the State Register for final publication, and a copy of the agency's Findings of Fact and Order Adopting Rules. The Chief Hearing Examiner will then make a determination as to whether the defect in regard to substantial change and the requirements of Minn. Laws 1980, Ch. 615, § 6 (to be codified as Minn. Stat. § 15.0412, subd. 4-4f) have been corrected.

Should the agency make changes in the rules other than those recommended by the Hearing Examiner, it shall also, prior to submitting the rule to the Attorney General, submit the complete record to the Chief Hearing Examiner for a review in regard to substantial changes.

Dated this 30th day of December, 1981.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

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JAN 12 1981
ADMINISTRATIVE HEARINGS

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULES OF THE DEPARTMENT OF CORRECTIONS GOVERNING MINIMUM STANDARDS FOR SECURE JUVENILE DETENTION FACILITIES

ORDER ADOPTING RULES

The above entitled matter came on the hearing before the Hearing Examiner, Peter Erickson, Office of Administrative Hearings, State of Minnesota on the 8th day of October, 1980 at 9:00 A.M., and again on the 26th day of November, 1980 at 9:00 A.M., after proper notice required by M.S. 1978 Sec. 15.0412 was served upon all persons, associations and other interested groups registered with the Department of Corrections for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules and the reasonableness thereof.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minimum Standards for Secure Juvenile Detention Facilities are adopted this 12th day of January, 1981, pursuant to authority vested in me by Minnesota Statutes Section 241.021, Subd. 1, (1978).

Jack G. Young
Commissioner of Corrections

DEPARTMENT OF CORRECTIONS

NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION REGARDING SECURE JUVENILE DETENTION FACILITIES, JUVENILE TREATMENT FACILITIES, JUVENILES DETAINED IN JAILS AND PHYSICAL PLANT REQUIREMENTS FOR JAIL TYPE FACILITIES BUILT PRIOR TO MAY OF 1978.

Notice is hereby given, pursuant to the provisions of Minn. Stat. #15.042, subd. 6, (1978), that the Minnesota Department of Corrections is considering proposed new rules for the operation and management for secure juvenile detention facilities and treatment facilities for juveniles, the detention of juveniles in jail type facilities and construction requirements for jail type facilities built prior to May, 1978. The Department of Corrections is seeking information and comments from all interested persons or groups concerning the project matter of the proposed rules.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements should be addressed to:

Dennis L. Falenschek
Minnesota Department of Corrections
Suite 430, Metro Square Building
St. Paul, Minnesota 55101

Oral statements of information and comments will be received during regular business hours over the telephone at (612) 296-7087, and in person at the above address.

All statements of information and comments must be received by January 1, 1980. Any materials submitted shall be reviewed and considered by the Department of Corrections during the preparation of the proposed rules. Any written material received by the agency shall become a part of the hearing record in the event rules governing this subject are promulgated.

October 1, 1979

Jack G. Young, Commissioner

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EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

ORDER FOR HEARING (A)

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the State Office Building, 435 Park Street, Room 57, St. Paul, Minnesota, 55155, on October 8, 1980 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Department of Corrections for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Jack G. Young
Commissioner of Corrections

Date: Aug 18, 1980

RECEIVED
SEP 9 1980
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

NOTICE OF HEARING (A)

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the State Office Building, 435 Park Street, Room 57, St. Paul, Minnesota, 55155, on October 8, 1980 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All representatives of associations or other interested groups and all interested or affected persons will have an opportunity to be heard concerning the adoption of the proposed rules, captioned above, by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted by mail without personally appearing at the hearing to Peter Erickson, Examiner at Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, telephone 612/296-8118. It is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication, that those persons, organizations or associations having common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered with and become a part of the record. The conduct of the hearing will be governed by the rules of the Office of Hearing Examiners.

Written material may be submitted and recorded in the hearing record for five (5) working days after the public hearing ends, or for a longer period not to exceed twenty (20) calendar days if ordered by the Hearing Examiner.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notifications by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General). 8

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge. 9

Minn. Stat. § 241.021 (1976), as amended by Laws of 1978, ch. 778, effective September 1, 1979, provides that the Commissioner of Corrections shall promulgate rules establishing minimum standards for all correctional facilities throughout the State whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to the law except to the extent that they are inspected or licensed by other State regulating agencies. The rules which follow are intended to fulfill that requirement for all secure juvenile detention facilities. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, and to provide a framework for inspection and licensing of secure juvenile detention facilities. 4 3

Under Minn. Stat. § 10A.01, Subd. 11, as amended by Laws of Minnesota 1978, ch. 463, § 11, a lobbyist must register with the State Ethical Practices Board within five (5) days after he commences lobbying. According to the statute:

"Lobbyist" means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the State or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a State board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over $250, excluding his own travel expenses in any year in communicating with public officials.

Questions regarding only lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, 435 Park Street, St. Paul, Minnesota, 55155, telephone 612/296-5615.

Jack G Young

Commissioner of Corrections

Date: Aug 18, 1980

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

ORDER FOR SECOND HEARING (B)

IT IS HEREBY ORDERED that a second public hearing on the above captioned rules be held in the Office of Administrative Hearings, 1745 University Avenue, Room 300, St. Paul, Minnesota, 55104, on November 26, 1980 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Second Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Department of Corrections for the purpose of receiving all notices of rule-making hearings.

IT IS FURTHER ORDERED that the Notice of Second Hearing be published in the State Register.

Commissioner of Corrections

Date: October 16, 1980

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

NOTICE OF SECOND HEARING

B

NOTICE IS HEREBY GIVEN that a second public hearing in the above entitled matter will be held in the Office of Administrative Hearings, 1745 University Avenue, Room 300, St. Paul, Minnesota, 55104, on November 26, 1980 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

The second hearing is scheduled due to improper notice of the first hearing. The entire record of the first hearing held on October 8, 1980, will be incorporated into the second hearing and will serve as a basis for the second hearing. The record will be available for inspection through Peter Erickson, Hearing Examiner, Office of Administrative Hearings, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, 612/296-8118. Persons who testified at the October 8, 1980 hearing or submitted written comments, need not do so a second time.

All representatives of associations or other interested groups and all interested or affected persons will have an opportunity to be heard concerning the adoption of the proposed rules, captioned above, by submitting either oral or written data, statements or arguments. The rules may be modified as a result of the hearing process. Statements or briefs may be submitted, by mail, without personally appearing at the hearing, to Peter Erickson. It is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication, that those persons, organizations or associations having

common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered with and become a part of the record. The conduct of the hearing will be governed by the rules of the Office of Administrative Hearings.

Written material may be submitted and recorded in the hearing record for five (5) working days after the public hearing ends, or for a longer period not to exceed twenty (20) calendar days if ordered by the Hearing Examiner. 7

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notifications by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General). 8

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge. 9

Minn. Stat. § 241.021 (1976), as amended by Laws of 1978, ch. 778, effective September 1, 1979 provides that the Commissioner of Corrections shall promulgate 4

rules establishing minimum standards for all correctional facilities throughout the State whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to the law except to the extent that they are inspected or licensed by other State regulating agencies. The rules which follow are intended to fulfill that requirement for all secure juvenile detention facilities. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, and to provide a framework for inspection and licensing of secure juvenile detention facilities. A copy of the proposed rules was included with the mailed notice of the October 8, 1980 hearing. However, a free copy may be obtained by contacting the Standards Development Unit, Department of Corrections, 430 Metro Square Building, St. Paul, Minnesota, 55101, 612/296-0138.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, Subd. 11 (1979 Supp.) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota,

55155, telephone 612/296-5615.

The rule hearing procedure is governed by Minn. Stat. §§ 15.0411 - 15.0417 and 15.052 and by 9 MCAR §§ 2.101 - 2.113 (Minnesota Code of Agency Rules). Questions about procedure may be directed to the Hearing Examiner, Peter Erickson.

Commissioner of Corrections

Date: October 3, 1980

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ADMINISTRATIVE
HEARINGS

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

(A)

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

AFFIDAVIT OF MAILING

Brenda G. Stiles, being first duly sworn, deposes and says:

That on the 18th day of August, 19 80, at the City of St. Paul, County of Ramsey, State of Minnesota, served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, to all persons maintained on a list who have registered with the Department of Corrections for the purpose of receiving a notice of rule hearings.

Subscribed and sworn to before me on this 15th day of September, 19 80.

Brenda G. Stiles

Linda K. Anderson

LINDA K. ANDERSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires May 3, 1981

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SEP 24 1980
ADMINISTRATIVE HEARINGS

riff Bill Sobey
kin County
Sheriff's Department
kin, Minnesota 56431

Sheriff Donald C. Skogrand
Chippewa County
Sheriff's Department
Montevideo, Minnesota 56265

Fillmore County
Sheriff's Department
Preston, Minnesota 559

riff Ralph Talbot
ka County
Sheriff's Department
ka, Minnesota 55303

Sheriff Floyd Pinotti
Cnisago County
Sheriff's Department
Center City, Minnesota 55012

Sheriff Holland Laak
Freeborn County
Sheriff's Department
Albert Lea, Minnesota 5600

riff Terry L. Shannon
cker County
Sheriff's Department
troit Lakes, Minnesota 56501

Sheriff James M. Fischer
Clay County
Sheriff's Department
Moorhead, Minnesota 56560

Sheriff Dale R. Grote
Goodhue County
Sheriff's Department
Red Wing, Minnesota 55066

eriff Tom Tolman
ltrami County
Sheriff's Department
micii, Minnesota 56601

Sheriff Kenneth R. Felt
Clearwater County
Sheriff's Department
Bagley, Minnesota 56621

Sheriff Ed Williams
Grant County
Sheriff's Department
Elbow Lake, Minnesota 56

eriff Leonard Trushenski
nton County
Sheriff's Department
ley, Minnesota 56329

Sheriff John Lyght
Cook County
Sheriff's Department
Grand Marais, Minnesota 55604

Sheriff Donald Omodt
Hennepin County
Sheriff's Department
Minneapolis, Minnesota 55

eriff Orin Haukos
g Stone County
Sheriff's Department
tonville, Minnesota 56278

Sheriff Glen R. Ward
Cottonwood County
Sheriff's Department
Windom, Minnesota 56101

Sheriff Dennis L. Swedberg
Houston County
Sheriff's Department
Caledonia, Minnesota 559

eriff LaRoy Wiebold
ue Earth County
Sheriff's Department
nkato, Minnesota 56001

Sheriff Charles Warnberg
Crow Wing County
Sheriff's Department
Brainerd, Minnesota 56401

Sheriff Larry Johnson
Hubbard County
Sheriff's Department
Park Rapids, Minnesota 5

eriff C. F. Geschwind
own County
Sheriff's Department
w Ulm, Minnesota 56073

Sheriff Rod Boyd
Dakota County
Sheriff's Department
Hastings, Minnesota 55033

Sheriff Kenneth J. Harder
Isanti County
Sheriff's Department
Cambridge, Minnesota 55

riff Terry Twomey
rlton County
Sheriff's Department
rlton, Minnesota 55718

Sheriff Ernest J. Vanderhyde
Dodge County
Sheriff's Department
Mantorville, Minnesota 55955

Sheriff Russell Johannse
Itasca County
Sheriff's Department
Grand Rapids, Minnesota 55

eriff William Schalow
rver County
heriff's Department
ska, Minnesota 55318

Sheriff Carl W. Blomgren
Douglas County
Sheriff's Department
Alexandria, Minnesota 56308

Sheriff Gerald D. Benjam
Jackson County
Sheriff's Department
Jackson, Minnesota 561

Sheriff Roger L. Anderson
Becker County
Sheriff's Department
Detroit Lakes, Minnesota 56501

Sheriff Roger W. Fletcher
Faribault County
Sheriff's Department
Blue Earth, Minnesota 56013

Sheriff Louis Chatlich
Cass County
Sheriff's Department
Walker, Minnesota 56484

eriff Larry Kiemnetzen
ndiyohi County
Sheriff's Department
illmar, Minnesota 56201

Martin County
Sheriff's Department
Fairmont, Minnesota 56031

Otter Tail County
Sheriff's Department
Fergus Falls, Minnesota 56537

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ADMINISTRATIVE HEARINGS

eriff Pat Overend
ittson County
Sheriff's Department
allock, Minnesota 56728

Sheriff Duane E. Kopesky
McLeod County
Sheriff's Department
Glencoe, Minnesota 55336

Sheriff Charles R. Richards
Pennington County
Sheriff's Department
Thief River Falls, MN 56701

eriff William Elliott
ochiching County
Sheriff's Department
nternational Falls, MN 56649

Sheriff John Rogers
Meeker County
Sheriff's Department
Litchfield, Minnesota 55355

Sheriff John Kozisek
Pine County
Sheriff's Department
Pine City, Minnesota 55063

eriff Vearl Fields
ac Qui Parle County
Sheriff's Department
adison, Minnesota 56256

Sheriff Russ Iverson
Mille Lacs County
Sheriff's Department
Milaca, Minnesota 56353

Sheriff Ronald R. Smidt
Pipestone County
Sheriff's Department
Pipestone, Minnesota 56164

heriff William B. DeRosier
ake County
Sheriff's Department
wo Harbors, Minnesota 55616

Sheriff Jerry L. Suslaski
Morrison County
Sheriff's Department
Little Falls, Minnesota 56345

Sheriff Earl Mosher
Polk County
Sheriff's Department
Crookston, Minnesota 56716

heriff Carl N. Klein
ake of the Woods County
Sheriff's Department
audette, Minnesota 56623

Sheriff Wayne P. Goodnature
Mower County
Sheriff's Department
Austin, Minnesota 55912

Jerald Moe
Pope County
Sheriff's Department
Glenwood, Minnesota 56334

heriff Pat W. Smith, Jr.
e Sueur County
Sheriff's Department
e Center, Minnesota 56057

Sheriff Orville Muck
Murray County
Sheriff's Department
Slayton, Minnesota 56172

Sheriff Charles L. Zacharias
Ramsey County
Sheriff's Department
St. Paul, Minnesota 55102

heriff Albert S. Thompson
incoln County
Sheriff's Department
vanhoe, Minnesota 56142

Sheriff George Witty
Nicollet County
Sheriff's Department
St. Peter, Minnesota 56082

Sheriff Kermit Knutson
Red Lake County
Sheriff's Department
Red Lake Falls, Minnesota 56

heriff Leon E. Van Den Broeke
yon County
Sheriff's Department
arshall, Minnesota 56258

Sheriff Dale C. Peters
Nobles County
Sheriff's Department
Worthington, Minnesota 56187

Sheriff Jerry D. Luttman
Redwood County
Sheriff's Department
Redwood Falls, Minnesota 56

heriff Veryl Skersick
ahnomen County
Sheriff's Department
ahnomen, Minnesota 56557

Sheriff Larry G. Miller
Norman County
Sheriff's Department
Ada, Minnesota 56510

Sheriff Michael G. Zaske
Renville County
Sheriff's Department
Olivia, Minnesota 56277

Sheriff Dennis Brekke
Marshall County
Sheriff's Department
Warren, Minnesota 56762

Sheriff Charles Von Wald
Olmsted County
Sheriff's Department
Rochester, Minnesota 55902

Sheriff David C. Schweisthal
County
Sheriff's Department
[illegible], Minnesota 55021

heriff Ole Hommen
ck County
Sheriff's Department
overne, Minnesota 56156

heriff Paul F. Knochenmus
oseau County
Sheriff's Department
oseau, Minnesota 56751

heriff Greg Sertich
t. Louis County
Sheriff's Department
uluth, Minnesota 55802

heriff Douglas L. Tietz
cott County
Sheriff's Department
hakopee, Minnesota 55379

heriff Chester J. Goenner
herburne County
Sheriff's Department
lk River, Minnesota 55330

heriff Roger M. Graham
ibley County
Sheriff's Department
aylord, Minnesota 55334

heriff Charles L. Grafft
tearns County
Sheriff's Department
t. Cloud, Minnesota 56301

heriff Wesley E. Wilker
teele County
Sheriff's Department
atonna, Minnesota 55060

heriff Larry Sayre
tevens County
Sheriff's Department
rris, Minnesota 56267

heriff Kenneth B. Hanson
ift County
Sheriff's Department
ison, Minnesota 56215

Sheriff Donald J. Montonye
Traverse County
Sheriff's Department
Wheaton, Minnesota 56296

Sheriff Robert J. Loechler
Wabasha County
Sheriff's Department
Wabasha, Minnesota 55981

Sheriff H. Michael Carr
Wadena County
Sheriff's Department
Wadena, Minnesota 56482

Sheriff Merton Schwarz
Waseca County
Sheriff's Department
Waseca, Minnesota 56093

Sheriff James R. Trudeau
Washington County
Sheriff's Department
Stillwater, Minnesota 55082

Sheriff V. H. Engdahl
Watonwan County
Sheriff's Department
St. James, Minnesota 56081

Sheriff Beryl D. Osmondson
Wilkin County
Sheriff's Department
Breckenridge, Minnesota 56520

Sheriff Bruce Stanton
Winona County
Sheriff's Department
Winona, Minnesota 55987

Sheriff Darrell Wolff
Wright County
Sheriff's Department
Buffalo, Minnesota 55313

Sheriff Paul R. Moe
Yellow Medicine County
Sheriff's Department
Granite Falls, Minnesota 56241

c/o Clay County Jail
Box 230
Moorhead, MN 56560

NE Regional Correction Ctr.
Route 1, Box 119
Siginaw, MN 55779

Arrowhead Regional Jvnl. Ctr.
2123 Arlington Ave.
Duluth, MN 55811

Columbia Heights Police Dept.
590 - 40th Ave. N.E.
Columbia Heights, MN 55421

Northwestern Regional
Juvenil Center
'B' Wing -- Birch Hall
Bemidji State College
Bemidji, MN 56601

NW Regional Corrections Ctr
Box 624
600 Bruce St.
Crookston, MN 56716

RECEIVED
SEP 24 1980
ADMINISTRATIVE
HEARINGS

Sheriff Kenneth Bohrman
Todd County
Sheriff's Department
Long Prairie, Minnesota 56347

JUVENILE COURT JUDGES

The Honorable Keith L. Kraft
Judge of the Juvenile Court
Hubbard County Courthouse
Park Rapids, MN 56470

The Honorable Gerard Ring
Judge of the Juvenile Court
Olmsted County Courthouse
Rochester, MN 55901

The Honorable Robert S. Graff
Judge of the Juvenile Court
Aitkin County Courthouse
Aitkin, MN 56431

The Honorable Michael Haas
Judge of the Juvenile Court
Cass County Courthouse
Walker, MN 56484

The Honorable Harole G. Krieg
Judge of the Juvenile Court
Olmsted County Courthouse
Rochester, MN 55901

The Honorable James Knutson
Judge of the Juvenile Court
Anoka County Courthouse
Anoka, MN 55303

The Honorable Marquis L. Ward
Judge of the Juvenile Court
Chippewa County Courthouse
Montevideo, MN 56265

The Honorable Paul L. Ballard
Judge of the Juvenile Court
Douglas County Courthouse
Alexandria, MN 56308

The Hon. Spencer J. Sokolowski
Judge of the Juvenile Court
Anoka County Courthouse
Anoka, MN 55303

The Honorable James Gunderson
Judge of the Juvenile Court
Chisago County Courthouse
Center City, MN 55012

The Honorable Richard S. Rober
Judge of the Juvenile Court
Grant County Courthouse
Alexandria, MN 56308

The Honorable Sigwell Wood
Judge of the Juvenile Court
Becker County Courthouse
Detroit Lakes, MN 56501

The Honorable James Garrity
Judge of the Juvenile Court
Clay County Courthouse
Moorhead, MN 56560

The Honorable J.W. Schindler
Judge of the Juvenile Court
Faribault County Courthouse
Blue Earth, MN 56013

The Honorable Terrance Holter
Judge of the Juvenile Court
Beltrami County Courthouse
Bemidji, MN 56601

The Honorable Homer A. Saetre
Judge of the Juvenile Court
Clay County Courthouse
Moorhead, MN 56560

The Hon. Clement H. Snyder, Jr
Judge of the Juvenile Court
Fillmore County Courthouse
Preston, MN 55965

The Honorable Keith Davison
Judge of the Juvenile Court
Big Stone-Traverse Cty. Cths.
Wheaton, MN 56296

The Honorable Melvin T. Anderson
Judge of the Juvenile Court
Clearwater County Courthouse
Bagley, MN 56621

The Honorable William R. Sturt
Judge of the Juvenile Cour
Freeborn County Courthouse
Albert Lea, MN 56007

The Honorable James D. Mason
Judge of the Juvenile Court
Blue Earth County Courthouse
Mankato, MN 56001

The Honorable James Remund
Judge of the Juvenile Court
Cottonwood County Courthouse
Windom, MN 56101

The Honorable Elmer J. Tomfohr
Judge of the Juvenile Court
Goodhue County Courthouse
Red Wing, MN 55066

The Hon. William B. Mather, Jr.
Judge of the Juvenile Court
Brown County Courthouse
New Ulm, MN 56703

The Hon. Henry W. Longfellow
Judge of the Juvenile Court
Crow Wing County Courthouse
Brainerd, MN 56401

The Honorable Allen J. Oleisky
Judge of the Juvenile Court
Hennepin County Courthouse
Minneapolis, MN 55487

The Hon. LaDean A. Overlie
Judge of the Juvenile Court
Carlton County Courthouse
Carlton, MN 55718

The Honorable Charles Gegen
Judge of the Juvenile Court
Dakota County Courthouse
Hastings, MN 55033

The Honorable Robert E. Lee
Judge of the Juvenile Court
Houston County Courthouse
Caledonia, MN 55921

The Honorable Thomas Howe
Judge of the Juvenile Court

The Honorable Lawrence Agerter
Judge of the Juvenile Court

The Honorable Linn Slattengre
Judge of the Juvenile Court

he Honorable William Spooner udge of the Juvenile Court tasca County Courthouse rand Rapids, MN 55744	The Hon. Conrad F. Gaarenstroom Judge of the Juvenile Court rtin County Courthouse Fairmont, MN 56031	Judge of the Juvenile Court Pipestone County Courthouse Pipestone, MN 56164
he Honorable Donald G. Lasley udge of the Juvenile Court ackson County Courthouse ackson, MN 56143	The Honorable Cedric F. Williams Judge of the Juvenile Court Meeker County Courthouse Litchfield, MN 55355	The Honorable Phillip Nelson Judge of the Juvenile Court Polk County Courthouse Crookston, MN 56716
he Honorable Donald E. Shanahan udge of the Juvenile Court oseau County Courthouse oseau, MN 56371	The Honorable Leonard Paulson Judge of the Juvenile Court Mille Lacs/Kanabec Cty. Cths. Milaca, MN 56353	The Honorable John Claeson Judge of the Juvenile Court Pope County Courthouse Glenwood, MN 56334
he Honorable Peter N. Hemstad udge of the Juvenile Court oochiching County Courthouse nternational Falls, MN 56649	The Honorable George P. Wetzel Judge of the Juvenile Court Morrison County Courthouse Little Falls, MN 56345	The Honorable George Peterson Judge of the Juvenile Court Ramsey County Courthouse St. Paul, MN 55102
he Honorable John J. Weyrens udge of the Juvenile Court ac Qui Parle County, P.O.Bx 132 isson, MN 56256	The Honorable Paul Kimball, Jr. Judge of the Juvenile Court Mower County Courthouse Austin, MN 55912	The Honorable William Farnberg Judge of the Juvenile Court Redwood County Courthouse Redwood Falls, MN 56283
he Honorable Walter A. Egeland udge of the Juvenile Court ake County Courthouse n Harbors, MN 55616	The Honorable John D. Holt Judge of the Juvenile Court Murray County Courthouse Slayton, MN 56172	The Honorable James E. Zeug Judge of the Juvenile Court Renville County Courthouse Olivia, MN 56277
he Honorable John C. Schmidt udge of the Juvenile Court eSueur County Courthouse Center, MN 56057	The Honorable Warren Litynski Judge of the Juvenile Court Nicollet County Courthouse St. Peter, MN 56082	The Honorable Gerald Wolf Judge of the Juvenile Cour Rice County Courthouse Faribault, MN 55021
The Hon. Irving J. Wiltrout Judge of the Juvenile Court Lyon County Courthouse Marshall, MN 56258	The Honorable Milton A. Kludt Judge of the Juvenile Court Norman County Courthouse Ada, MN 56510	The Honorable William A. Johns Judge of the Juvenile Court Rice County Courthouse Faribault, MN 55021
The Honorable LeRoy W. Yost Judge of the Juvenile Court McLeod County Courthouse Glencoe, MN 55336	The Honorable Harlan L. Nelson Judge of the Juvenile Court Otter Tail County Courthouse Fergus Falls, MN 56537	The Honorable Gary L. Crippen Judge of the Juvenile Court Nobles County Courthouse Worthington, MN 56187
The Honorable Milton Kludt Judge of the Juvenile Court Clearwater County Courthouse Bagley, MN 56557	The Honorable J.A. Harren Judge of the Juvenile Court Pennington County Courthouse Thief River Falls, MN 56701	The Honorable Jerry Martin Judge of the Juvenile Court St. Louis County Courthouse Duluth, MN 55802
The Hon. Larry G. Jorgenson Judge of the Juvenile Court Marshall County Courthouse	The Honorable George E. Sausen Judge of the Juvenile Court Pine County Courthouse	The Hon. Kermit J. Lindmeyer Judge of the Juvenile Court Scott County Courthouse

The Hon. Richard J. Menelee
Judge of the Juvenile Court
Scott County Courthouse
Shakopee, MN 55379

Judge of the Juvenile Court
Wabasha County Courthouse
Wabasha, MN 55981

The Honorable Roger Klaphake
Judge of the Juvenile Court
Stearns County Courthouse
St. Cloud, MN 56301

The Honorable Don E. Kennedy
Judge of the Juvenile Court
Wadena County Courthouse
Wadena, MN 56482

The Honorable Paul Doerner
Judge of the Juvenile Court
Stearns County Courthouse
St. Cloud, MN 55301

The Honorable Lawrence Gallagher
Judge of the Juvenile Court
Waseca County Courthouse
Waseca, MN 56093

The Honorable Willard Lorette
Judge of the Juvenile Court
Stearns County Courthouse
St. Cloud, MN 55301

The Hon. Howard R. Albertson
Judge of the Juvenile Court
Washington County Courthouse
Stillwater, MN 55082

The Honorable Rainer Weif
Judge of the Juvenile Court
Stearns County Courthouse
St. Cloud, MN 55301

The Honorable David Teigum
Judge of the Juvenile Court
Watonwan County Courthouse
St. James, MN 56081

The Honorable Richard Ahles
Judge of the Juvenile Court
Stearns County Courthouse
St. Cloud, MN 55301

The Honorable Bruce N. Reuther
Judge of the Juvenile Court
Wilkin County Courthouse
Breckenridge, MN 56520

The Honorable Rainer L. Weif
Judge of the Juvenile Court
Sherburne County Courthouse
Elk River, MN 55330

The Honorable S.A. Sawyer
Judge of the Juvenile Court
Winona County Courthouse
Winona, MN 55987

The Honorable Kenneth W. Bull
Judge of the Juvenile Court
Sibley County Courthouse
Gaylord, MN 55334

The Honorable Harold J. Dahl
Judge of the Juvenile Court
Wright County Courthouse
Buffalo, MN 55313

The Honorable Charles Cashman
Judge of the Juvenile Court
Steele County Courthouse
Owatonna, MN 55060

The Hon. Frederick M. Ostensoe
Judge of the Juvenile Court
Yellow Medicine Cty. Courthouse
Granite Falls, MN 56241

The Hon. Donald R. Giberson
Judge of the Juvenile Court
Stevens County Courthouse
Morris, MN 56267

The Honorable R.A. Bodger
Judge of the Juvenile Court
Swift County Courthouse

JUVENILE DETENTION SUB-COMMITTEE ADVISORY TASK FORCE

REGIONAL FACILITIES

COMMISSIONER'S CABINET

ry Dosser, Director
rrowhead Reg. Juv. Det. Ctr.
918 Arlington Ave.
Duluth, MN 55811

NE Regional Corrections Center
Dan Lawrence, Director
4887 Munger-Shaw Road
Saginaw, MN 55779

Jack G. Young, Commissioner
MN Department of Corrections
430 Metro Square Bldg.
St. Paul, MN 55101

thur Cavara, Director
msey Cty. Juv. Service Ctr.
0 St. Peter St.
t. Paul, MN 55101

Clay Cty. Reg. Juv. Det. Unit
c/o Clay Cty. Law Enforcement
Paul Engebretson, Director
Box 280
Moorhead, MN 56560

Bruce McManus, Asst. Commissi
MN Department of Corrections
430 Metro Square Bldg.
St. Paul, MN 55101

n Hammergren, Superintendent
nnepin Cty. Juv. Det. Ctr.
00 S. 6th St.
nneapolis, MN 55415

NW Regional Adult Cor. Center
Harley Nelson, Director
600 Bruce St., Box 624
Crookston, MN 56716

Donald Tomsche, Assistant
to the Commissioner
MN Department of Corrections
St. Paul, MN 55101

ry Soma, Director
cle Cty. Juv. Det. Ctr.
x 1200
rcle Pines, MN 55014

Arrowhead Reg. Juv. Det. Center
Gary Dosser, Director
1918 Arlington Ave.
Duluth, MN 55811

Orville Pung
Deputy Commissioner
MN Department of Corrections
St. Paul, MN 55101

rvey Akerson, Supt.
innesota Home School
ox C
k Centre, MN 56378

NW Reg. Juv. Det. Center
"B" Wing - Birch Hall
Bemidji State College
Bemidji, MN 56601
ATTN: Reis Hall, Director

Howard Costello
Assistant Commissioner
MN Deparment of Corrections
St. Paul, MN 55101

rald O'Rourke, Supt.
tate Training School
ox 45
d Wing, MN 55066

Don Grafenstein
Assistant to the Commissioner
MN Department of Corrections
St. Paul, MN 55101

ul Engebretson, Director
ay Cty. Reg. Juv. Det. Unit
/o Clay Cty Law Enforcement
ox 280
orhead, MN 56560

Les Green, MCB Chairman
MN Department of Corrections
430 Metro Square Bldg.
St. Paul, MN 55101

Dan O'Brien, Director
Public Information
MN Department of Corrections
St. Paul, MN 55101

DISTRICT SUPERVISORS

Department of Corrections
[illegible] Metro Square Bldg.
St. Paul, MN 55101

MCA Executive Secretary
784 Kenwood Lane
St. Paul, MN 55117

ADVISORY TASK FORCE

Wilbur G. Najjar
Department of Corrections
Box 397
Bemidji, MN 56601

Wayne Wendel
Community Corrections
210 S. 2nd Ave.
Long Prairie, MN 56347

Jane A. Erickson
Box 844
Detroit Lakes, MN 56501

Mrs. Diane Ahrens
Ramsey County Commissioner
Room 316, City Hall
W. Kellogg Boulevard
St. Paul, MN 55102

Thomas G. Lehman
Box 493
Hillmar, MN 56201

Lee Blenkush
Port of Olmsted County
2112 E. Center St.
Rochester, MN 55901

Warren Peterson
[illegible]5 American Legion Bldg.
[illegible]1 W. Superior St.
Duluth, MN 55802

James Brown
Bremer House
855 W. Seventh
St. Paul, MN 55102

Kay Haiden
Box 1143
120 9th Ave. N.
St. Cloud, MN 56301

Major David Chase
Harborlight
706 1st Ave. N.
Minneapolis, MN 55403

Richard Quick
430 Metro Square Bldg.
St. Paul, MN 55101

Richard DeBeau-Melting
MN Sheriff's Boys Ranches
Route 1, Box 297
Isanti, MN 55040

Leland Paulson
Box 55
Stillwater, MN 55082

Burt Gallaway
School of Social Development
University of Minnesota
Duluth, MN 55812

William Weber
Box 911
Northwest Office Building
Mankato, MN 56001

Honorable Judge Lorette
Stearns County Courthouse
St. Cloud, MN 55301

Thomas E. Sullivan
Department of Corrections
Courthouse
Rochester, MN 55901

William Nelson
VOA
2825 E. Lake St.
Minneapolis, MN 55406

Jim Allen
Box 324
Brainerd, MN 56401

Chris Peterson
Ramsey County Juvenile Center
480 St. Peter St.

ADMINISTRATORS
COMMUNITY CORRECTIONS ACT
COUNTIES

Jay Klein
Court Services Bldg.
Worthington, MN 56187

Executive Secretary
MN Board of Pharmacy
717 Delaware St. SE, #351
Minneapolis, MN 55414

Richard Fritzke
Anoka County Court Services
Courthouse, 325 E. Main
Anoka, MN 55303

Bodo Suemnig
Courthouse
Stillwater, MN 55082

James Bradford
11th Floor-Bremer Tower
7th & Minnesota
St. Paul, MN 55101

Don Kiborg
Blue Earth Cty. Courthouse
112 N. Fifth St.
Mankato, MN 56001

MISCELLANEOUS

Robert Erlanson
507 Front St.
Brainerd, MN 56401

Ken Young
Director of Court Services
A-506 Government Center
Minneapolis, MN 55487

Steve Rooney
Olmsted County Courthouse
Rochester, MN 55901

Margaret Sandberg
Department of Health
717 Delaware St. SE
Minneapolis, MN 55440

Dean Smaby
C-2308 Government Center
Minneapolis, MN 55487

Roger Arechiga
Deputy U.S. Marshal
523 U.S. Courthouse
Minneapolis, MN 55401

Eugene Burns
740 American Ctr. Bldg.
St. Paul, MN 55101

John Buzzell
DPW-Licensing Division
4th Fl., Centennial Bldg.
St. Paul, MN 55155

Dave Gustafson
Arrowhead Regional Corr.
424 W. Superior St.
Duluth, MN 55802

Peterson, Popovich, Knutson
and Flynn
Professional Association
314 Minnesota Building
St. Paul, MN 55101

Douglas Oxenreider
Community Services
Chippewa County Courthouse
Montevideo, MN 56265

Beverly Balos
Director of Advocacy
414 S. Eighth St.
Minneapolis, MN 55404

Harley Nelson
600 Bruce St.
Box 624
Crookston, MN 56717

Janice M. Devens, Director
Human Service Agency
Wright County Courthouse
Buffalo, MN 55313

Judith M. Anderson
Com. Health & Soc. Srv. Dept.
4th Floor, Courthouse
314 Central Ave.
Long Prairie, MN 56347

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

AFFIDAVIT OF MAILING

Brenda G. Stiles, being first duly sworn, deposes and says:

That on the 11th day of September, 1980 she mailed a copy of the above captioned rule along with a Notice of Hearing which stated was to be held on September 24, 1980, to a list of 25 people of whom requested a copy of this and all notices of rule hearings through the Department of Corrections

Notice is hereby given that the date which appeared on that Notice of Hearing was misstated and that, in fact, the public hearing for the above captioned rules will be held on October 8, 1980 at 9:00 a.m., in Room 57 of the State Office Building.

It is hereby noted that such persons receiving the incorrect information were so notified of the correct hearing date in a letter of September 15, 1980 which was deposited in the United States mail at the City of St. Paul, County of Ramsey, State of Minnesota on September 15, 1980.

Subscribed and sworn to before me on this 15th day of September, 19 80. Brenda G. Stiles

Linda K. Anderson

LINDA K. ANDERSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires May 3, 1981

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in the State Office Building, 435 Park Street, Room 57, St. Paul, Minnesota, 55155, on October 8, 1980 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All representatives of associations or other interested groups and all interested or affected persons will have an opportunity to be heard concerning the adoption of the proposed rules, captioned above, by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted by mail without personally appearing at the hearing to Peter Erickson, Examiner at Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, telephone 612/296-8118. It is requested that at least three (3) copies be furnished. In addition, it is suggested to save time and avoid duplication, that those persons, organizations or associations having common viewpoint or interest in these proceedings join together where possible and present a single statement on behalf of such interests. All such statements will be entered with and become a part of the record. The conduct of the hearing will be governed by the rules of the Office of Hearing Examiners.

Written material may be submitted and recorded in the hearing record for five (5) working days after the public hearing ends, or for a longer period not to exceed twenty (20) calendar days if ordered by the Hearing Examiner.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notifications by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Minn. Stat. § 241.021 (1976), as amended by Laws of 1978, ch. 778, effective September 1, 1979, provides that the Commissioner of Corrections shall promulgate rules establishing minimum standards for all correctional facilities throughout the State whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to the law except to the extent that they are inspected or licensed by other State regulating agencies. The rules which follow are intended to fulfill that requirement for all secure juvenile detention facilities. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, and to provide a framework for inspection and licensing of secure juvenile detention facilities.

Under Minn. Stat. § 10A.01, Subd. 11, as amended by Laws of Minnesota 1978, ch. 463, § 11, a lobbyist must register with the State Ethical Practices Board within five (5) days after he commences lobbying. According to the statute:

"Lobbyist" means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the State or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a State board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over $250, excluding his own travel expenses in any year in communicating with public officials.

Questions regarding only lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, 435 Park Street, St. Paul, Minnesota, 55155, telephone 612/296-5615.

Jack G. Young

Commissioner of Corrections

Date: August 18, 1980

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

AFFIDAVIT OF MAILING

Brenda G. Stiles, being first duly sworn, deposes and says:

That on the 10th day of September, 19 80, at the City of St. Paul, County of Ramsey, State of Minnesota, served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, to all persons maintained on a list who have registered with the Department of Corrections for the purpose of receiving a notice of rule hearings.

Subscribed and sworn to before me on this 15th day of September, 19 80.

Brenda G. Stiles

Linda K. Anderson

LINDA K. ANDERSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires May 3, 1981

James Shipman, Ex. Director
Assn. of Minnesota Counties
1305 Ford Parkway
St. Paul, MN 55116

Director
Devel. Disab. Plng. Office
300 Capitol Squ. Bldg.
St. Paul, MN

William Gattern
2608 17th Ave. S.
Minneapolis, MN 55407

Bernice Fields, Research Analyst
Ombudsman for Corrections
Room 101, Halpak Bldg.
St. Paul, MN 55101

M.S. Schumacher, New Asst.
425 Portland Ave.
Minneapolis, MN 55488

Minneapolis and Hennepin
Cty. Mental Health Clinic
619 S. 5th St.
Minneapolis, MN 55415

Ken E, Eklund
MN Dept. of Economic Dev.
Hanover Bldg.
St. Paul, MN 55101

Marylee Fithian, Ex. Director
Oden & Associates
905 Park Ave. S.
Minneapolis, MN 55404

Allen Yelsey
Metropolitan Council
300 Metro Squ. Bldg.
St. Paul, MN 55101

Richard C. Buske
MN Dept. of Economic Dev.
Hanover Bldg.
St. Paul, MN 55101

Government Relations Dept.
United Way of Minneapolis Area
404 S. 8th St.
Minneapolis, MN 55404

Charles Schaffer
MN Dept. of Economic Dev.
Hanover Bldg.
St. Paul, MN 55101

Executive Secretary
MN Board of Psychology
717 Delaware St. SE, #343
Minneapolis, MN 55414

Bruce Rowe, Administrator
Community Health Services Board
325 Lake Ave. S., Suite 604
Duluth, MN 55803

Thomas M. Polt
Polt Law Offices
McCarthy Bldg.
Eyota, MN 55934

Cristine Boswell, Asso. Director
MARC
2344 Nicollet Ave. S.
Minneapolis, MN 55404

Jean Moorhead
YWCA
1130 Nicollet Ave.
Minneapolis, MN 55403

Susan P. Robertson, Ex. Director
LCRAR
Room 430, State Office Bldg.
St. Paul, MN 55155

Gene Johannes, Ex. Director
MN Chiropractic Assn.
2353 Rice St., Suite 170
St. Paul, MN 55113

Helen Tyler, Asst. Director
School Social Work Services
254 Upton Ave. S.
Minneapolis, MN 55405

Phillips Legislative Service
459 Rice St.
St. Paul, MN 55103

Bonnie Bannanno
Room 300
1745 University Ave.
St. Paul, MN 55104

Virginia Watkins
P.O. Box 1348
Minnetonka, MN 55343

Roy O. Waters, MA, ACSW
NW Mental Health Center
P.O. Box 603

Edward Clark, #26043
Box 55
Stillwater, MN 55082

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

AFFIDAVIT OF MAILING (B)

Brenda G. Stiles, being first duly sworn, deposes and says:

That on the 24th day of October, 19 80, at the City of St. Paul, County of Ramsey, State of Minnesota, served the attached Notice of Second Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, to all persons maintained on a list who have registered with the Department of Corrections for the purpose of receiving a notice of rule hearings.

Subscribed and sworn to before me on this 24th day of October, 19 80. Brenda G. Stiles

Linda K. Anderson

LINDA K. ANDERSON
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NA SW

MEMO

DATE: October 22, 1980

TO: Department of Corrections

FROM: Alan W. Ingram, Executive Director

SUBJECT: Placement on notice lists

OCT 24 1980

Pursuant to the provisions of Laws 1980, Chapter 615 § 6, we wish to be placed on the Department of Correction's list of persons who will receive written notice of its rule-making hearings.

ALAN W. INGRAM, EXECUTIVE DIRECTOR
NATIONAL ASSOCIATION OF SOCIAL WORKERS
MINNESOTA CHAPTER
614 PORTLAND
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AWI/lbw

STANDARDS DEVELOPMENT UNIT

OCT 28 1980

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CORR-81-001-PE

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED)
ADOPTION OF RULES OF THE)
MINNESOTA DEPARTMENT OF)
CORRECTIONS GOVERNING SECURE)
JUVENILE DETENTION FACILITIES)

ORDER OF THE
CHIEF HEARING EXAMINER

On January 12, 1981, the Minnesota Department of Corrections submitted Findings of Fact which adopt the recommendations contained in the Hearing Examiner's Report and amend the proposed rules accordingly, dated January 12, 1981, signed by Jack G. Young, Commissioner.

The Chief Hearing Examiner, having reviewed the above-referenced documents, finds that the defects in the rules as enumerated by the Hearing Examiner in his Report, which was approved by the Chief Hearing Examiner, have been corrected.

Dated this 14th day
of January, 1981.

DUANE R. HARVES
Chief Hearing Examiner

STATEMENT OF NEED AND REASONABLENESS

FOR

SECURE JUVENILE DETENTION FACILITIES

August 8, 1980

STATEMENT OF NEED AND REASONABLENESS FORWARD

History and Background

The Minnesota Department of Corrections was created in 1959. The responsibilities for the inspection of all adult detention and correctional institutions were transferred to the Department of Corrections at that time (Minnesota Statute 240.02). In 1969, the legislature transferred the authority and responsibility for the inspection and licensing of all foster care facilities for delinquent children and youth to the Commissioner of Corrections (Minnesota Statute 241.021, Subd. 2 and Subd. 3). This same legislation authorized the Commissioner of Corrections to establish reasonable standards and require these facilities to conform with the established standards. M.S. § 241.021, Subd. 1 amended in 1978 the above statutes giving the Commissioner of Corrections the authority to license correctional facilities in addition to inspecting and promulgating rules. It also changed the dates for facilities to comply from January 1, 1977 to September 1, 1980.

A draft of proposed standards for local juvenile detention and residential facilities was developed in 1975 in conjunction with standards taken from the following sources: Minnesota Statutes, Minnesota Health Department, Minnesota Department of Corrections, American Corrections Association, Federal Constitution, Federal Occupational Safety and Health Act, National Advisory Commission on Criminal Justice Standards and Goals, American Bar Association, National Council on Crime and Delinquency.

In May of 1975, former Commissioner of Corrections, Kenneth F. Schoen, selected a Juvenile Inspection and Licensing Task Force. The Task Force inspected two juvenile detention facilities and two juvenile residential facilities, using a draft of the standards as guidelines for the inspection and evaluation. The combined knowledge

and experience of this task force was then used to review the first draft of standards and make appropriate changes. From the fall of 1975 to the present, those draft standards have been used in the inspection and licensing of secure juvenile detention and residential facilities. Copies of such standards were provided to correctional administrators, superintendents and directors of juvenile detention and residential facilities as well as county boards for the purpose of creating a forum to obtain input from those knowledgeable and experienced professionals.

During the past year the draft standards have been closely reviewed and revised by a committee of administrators of juvenile detention facilities. Representatives of the State Department of Health were consulted on health related standards; the Federal Bureau of Prisons was consulted for consistency with standards of it's office as applied to Minnesota facilities which contract for service to Federal jurisdiction juveniles; and, an on-going communication has existed between the Department of Corrections and administrators of secure juvenile detention facilities in the state.

After all of the above activities were done leading to a final draft of the proposed rules for secure juvenile detention facilities, the product was presented to a task force established under Chapter 15 for review, input and approval. Members of this task force are as follows:

Diane Ahrens, Ramsey County Commissioner

Lee Blenkush, Director - P.O.R.T. of Olmsted County

James Brown, Director - Bremer House

David Chase, Director - Harborlight

Richard DeBeau-Melting, Therapist - Minnesota Sheriffs' Boys Ranch

Burt Galaway, School of Social Development

Willard Lorette, Judge of County Court - St. Cloud

William Nelson, Director - Volunteers of America

Chris Peterson, Ramsey County Juvenile Center

Carole Smith, MCA Executive Secretary

Wayne Wendel, Community Corrections - Todd/Wadena Counties

It is the sincere hope of the Task Force and Department of Corrections that the proposed rules will provide the basis for a fair and objective evaluation of Minnesota's secure juvenile detention facilities. The proposed rules have been designed to provide for the health, care and safety of those confined to and working in those facilities. The proposed rules, if effected and enforced, also will reduce the risk to local units of government throughout the State against expensive litigation and/or the judiciary imposing standards.

The Department of Corrections and it's Advisory Task Force members recognize the fact that there will never be unaminous agreement on proposed rules necessary in secure juvenile detention facilities to make them acceptable for detention or confinement of juveniles. The proposed rules as submitted to the Office of the Hearing Examiner and State Register have resulted from extensive research, have been through close scrutiny by numerous consultants and have been designed to reflect the realities of existing conditions and limited financial resources.

CORR. 2.501 INTRODUCTION

rationale: A. is needed to clarify the statutory basis for the development of the proposed rules.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

rationale: B. is needed to set out the purpose for the promulgation of proposed rules.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication Corrections, standard 9.3 "State Inspection of Local Facilities", pp. 294-295.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8041, p. 8.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.505 DEFINITIONS

rationale: Definitions are needed to define the terms used in the proposed rules. Adoption of the proposed rules will effect secure juvenile detention facilities as defined in the proposed rules. Consequently, it is imperative that all concerned individuals, agencies and units of government have a clear understanding of terms used in the proposed rules and are in agreement when the terms defined in the proposed rules are used.

evidence: Testimony from evidence witnesses may be presented in support of definitions.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Glossary pp. 85-90 and introduction pp. xix to xxi.

Minn. Stat. § 260.015, Subds. 15, 16 and 17.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.101, p. 5.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.509 INSPECTIONS, INTENDED USE AND NON-CONFORMANCE WITH RULES

rationale: A. is needed to indicate to those affected by proposed rules that all inspections by the Department will be conducted in accordance with proposed rules. It also is needed to clarify the statutory basis for inspections and the fact that statutes require that all areas of the facility and all records related to the care, protection and custody of residents shall be open for inspection by the Department at all times.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

Minn. Stat. §§ 641.26 and 642.10 are offered in support of rule development, inspection and enforcement by state agencies.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

rationale: B. is needed to set forth intended use restrictions. The rule is designed to prevent a facility from operating at a classification for which it has not been approved. Proposed rules are also being developed for juvenile residential facilities. Such rules will reflect distinctions and differences as compared with juvenile detention rules. Consequently, useage of a facility inconsistent with its classification would seriously impair the intent of the rules set forth herein.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

Minn. Stat. §§ 641.26 and 642.10 are offered in support of rule development, inspection and enforcement by state agencies.

rationale: C. is needed to advise local units of government and facility administrators of the process of revocation of a facility's license and the involvement of an appropriate district court in such process.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

Minn. Stat. §§ 641.26 and 642.10, are cited as similar sanctions in jail and lockup facilities.

With respect to rule 2.509 C., the wording of such rule in the Department's opinion implies that the Department of Corrections and more specifically, its Inspection and Enforcement Unit must in fact show that conditions do not substantially conform or meet other criteria as mentioned therein. In essence, we are saying that we recognize the fact that facilities will have difficulty in compliance with rules. We further recognize the fact that there are certain rules that may not be complied with where substantial compliance may still be met. In those instances, we believe it is the Department's responsibility to show cause for revocation of a license. The burden of proof upon the Department is more clearly recognized when one notes that the Department is required by law to provide their revocation of license case to the district court for review and whatever action the court may deem appropriate.

rationale: D. is needed to advise local units of government and facility administrators of the criteria necessary to obtain a license to operate and the length of time for which such license will be granted.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

Minn. Stat. §§ 641.26 and 642.10, are cited as similar sanctions in jail and lockup facilities.

rationale: E. is needed to clarify that separate licenses are required for juvenile detention and juvenile residential facilities even though such facilities may be operated by the same jurisdiction.

evidence: Minn. Stat. 241.021, Subds. 1, 2 and 3.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

rationale: F. is needed to insure that juveniles admitted to the facility are aware of the facility's licensing status.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

rationale: G. is needed to advise local units of government and facility administrators that the validity of remaining rules shall not be jeopardized if one proposed rule is found inoperative. The proposed rule is intended to insure that all proposed rules are not jeopardized by findings related to specific proposed rules.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.102, section D.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.512 VARIANCES

rationale: A. is needed to advise local units of government and facility administrators that rules are not necessarily rigid and that the Department will entertain requests for variances. This proposed rule is intended to ensure that strict compliance does not cause unusual practical difficulties, hardships or counter-productive results due to unique circumstances.

evidence: Witnesses may be called to testify in support of the need for variance provisions.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities, Rules 1011 and 1012, p. 148.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, section 2, pp. 2-3.

Letter to North East Regional Corrections Center Director Dan Lawrence, dated October 1, 1979.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.103, section A.

rationale: B. is needed to provide an approved vehicle by which any rule may be suspended under emergency conditions. The Department is fully aware of the unusual, unique and difficult circumstances that facility operators are on occassion confronted with in the operation of facilities governed by these proposed rules. Notification of the Commissioner in such instances and approval for extended suspension of a rule is needed to ensure against arbitrary, capricious and unreasonable rule suspension.

evidence: Witnesses may be called to testify in support of the need for emergency rule suspension provisions.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities, Rules 1011 and 1012, p. 148.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, section 2, pp. 2-3.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.103, section B.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.515 PERSONNEL STANDARDS

rationale: A. is needed to ensure against disease transmission by staff. Requiring physician certification and return to work after a staff member has had a communicable disease is needed to ensure that such decision to return to work is medically sound. Similarly, requiring a suspected carrier of a communicable disease to have a medical examination is needed to ensure against disease transmission by individuals neglecting to seek medical assistance.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail, chapter 4.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 13-16.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.5, pp. 34-35 and standard 9.7-6.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8071, p. 14.

rationale: B. is needed to ensure that employees hired are qualified to perform the duties required in a particular job. Such requirements need to be non-discriminatory to meet constitutional and legal requirements and need to set forth basic requirements and disqualifying characteristics in order that all potential applicants are equally advised of same.

evidence: The National Sheriffs' Association, 1974 handbook on Jail Administration, pp. 28-33.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8077, p. 15; 8068-8098, pp. 13-19; 8077, p. 2; and 8070, p. 14.

rationale: C. Responsible personnel practices require regular employee evaluations.

evidence: U.S. Bureau of Prisons Jail Operations and Jail Management Courses, pp. 41-50.

The National Sheriffs' Association, 1974 handbook on Jail Administration, pp. 20-21 and 35-36.

The American Correctional Association, February 1974 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8091, 8092 and 8094, p. 18.

rationale: D. Indiscriminate scheduling of employees for two consecutive work periods -- 16 hours -- is likely to produce counter productive results in employee performance and morale. Poor morale and tired employees can result in serious consequences in facilities governed by these rules.

evidence: The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 18, states that "Unconventional tours of duty, uncertainty regarding days off, inability to schedule vacations, and similar factors can seriously damage employee morale and significantly effect efficiency".

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.104, D.1.

rationale: E. A staffing plan is needed to ensure that each facility is staffed with enough employees to perform all duties and discharge all responsibilities.

evidence: The National Sheriffs' Association, 1974 handbook on Jail Administration, pp. 16-18.

U.S. Bureau of Prisons, Jail Management Course, Book 2.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8075, p. 15 and 8088, p. 17.

rationale: E.2.a. is needed to identify primary responsibility for the overall operation of the facility as well as to determine where decision making authority for the facility rests.

The need for an assistant to the administrator in facilities with average daily population in excess of 50 is directly related to the volume of duties and responsibilities inherent in such facilities as well as other proposed rules indicating that such facilities are likely to require a greater degree of administrative activity of the facility administrator.

evidence: Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.104, E.2.a., p. 11.

rationale: E.2.a.(1), E.2.a.(2), and E.2.b. are needed to ensure that statutory provisions for staff presence are met, that there is a clearly identified person in charge of the facility at all times and that the facility is never left in the care of a staff person not capable of responding to an emergency.

evidence: Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.104, E.2.a. (1) and (2), p. 11.

rationale: E.2.c. is necessary to comply with statutory requirements and protect the prisoners rights to privacy.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, p. 26.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8150, p. 31; 8281, p. 57; and 8289, p. 58.

rationale: E.2.d. & E.2.e. are needed to ensure that such services are provided as necessary without jeopardizing the efficiency of operations.

evidence: Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.104, E.2.d., E.2.d.(1) and E.2.d., p. 11.

rationale: E.2.f. Sufficient staff should be available so that juveniles are not left unsupervised at any time. At least one staff person should always be present to perform duties and functions not directly connected with supervision. During the day more staff will be available to provide programs in the facility. Guidelines often used for the ratio of youth care workers to residents are one to eight during daylight hours and one to sixteen during sleeping hours. Ratios of total staff to residents generally require a ratio of one to one (total staff includes maintenance personnel and similar categories of personnel not working directly with juveniles).

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8281, p. 57.

rationale: E.2.g., h., i., and j., are needed to ensure that sufficient staff are available so that juveniles are not left unsupervised at any time.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8357, p. 72; 8358, p. 72; 8406, p. 82; 8410-8413, pp. 83-84; and 8304, p. 61.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.518 STAFF TRAINING

rationale: The National Sheriffs' Association 1970 Manual on Jail Administration, p. 8 states that "Of all the essentials for the operation of a jail, none is more important than personnel. The most securely constructed jails and prisons have not prevented escapes by way of the front door and over a 30 foot guarded wall, because of deficiencies in numbers and the quality of the guard force".

"The climate of the jail can be depressive, detrimental to constructive resocialization programs and contributory to recidivism. It can also be conducive to good morale, good discipline and a desire for self-improvement. Either condition is a result of the attitude and efficiency of the jail personnel, all the way down the chain of command."

"The need for a competent staff, dictates the need for personnel management practices that will aid in job satisfaction, more efficient job performance and the operation of the jail in accordance with acceptable standards."

It is the contention of the Department of Corrections that the above comments are equally applicable to secure juvenile detention facilities.

Also, the Department of Corrections cites a quotation from the American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, which on page 2 states, "...proper training is essential for the protection of all concerned. This should include a general understanding of the rights and responsibilities of those confined as well as the rights and responsibilities of correctional staff. Line officers should also understand why correctional administrators adopt rules which limit their power and redefine operating policies. In many instances, this is done at the direction of the court or to avoid time-consuming litigation."

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8099-8155, pp. 19-23.

The National Sheriffs' Association, 1970 Manual on Jail Administration, pp. 12-13.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.521 STAFF DEPLOYMENT, JOB DESCRIPTIONS, WORK ASSIGNMENTS, POST ORDERS, POLICIES AND PROCEDURES

rationale: Proposed rules A-H are needed to ensure that each employee is familiar with what he is supposed to do and that he has the qualifications to successfully complete assigned responsibilities. Proposed rules are also necessary to ensure operational consistency, communications and accountability. The availability of policy and procedure manuals, personnel policies and standards are all needed to ensure that employees unfamiliar with same or who have not had regular refresher training courses are not forced to rely on their own recollection or judgement which may prove in error upon review. A public information plan is needed to ensure that confidentiality concerns and legal requirements as well as critical security information is not inadvertently made available to the public.

evidence: The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter 3.

The U.S. Bureau of Prisons, Jail Operations and Jail Management Courses.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapters I-IV.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services.

rationale: I. is needed to recognize the fact that in some facilities job descriptions and personnel policies are developed by such bodies as civil service commissions or through collective bargaining negotiations.

evidence: Support for rule I. may be found in the report of the Hearing Examiner dated September 22, 1977 referencing the matter of the proposed adoption of Rules of theDepartment of Corrections governing the operation and management of holding facilities, lockups, jails and adult correctional facilities. File No. Corr. 77-002-SM.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.524 RECORDS AND REPORTS

rationale: The need for Records and Reports has been, in the past, due to the fact that the Department of Corrections is required to inspect and assess conditions in such facilities. As a function of that process, adequate documentation is necessary to the Department's ability to carry out the responsibility of the Commissioner of Corrections. Furthermore, the Department is under an obligation to investigate complaints made by residents as referred to it, either directly to the Department of Corrections from the resident, sent to it through the Attorney General's Office and a number of other offices that deal with a number of the concerns mentioned under the section of Records. As examples: food service, medical and dental records, etc. To properly facilitate investigation of such complaints, it is incumbent that documentation be maintained to assist in that process and also to document that in fact the facility has met their legal obligations with respect to same.

Similarly records of budget requests and work orders are especially important in the investigation of physical plant conditions. If physical plant conditions of an unsanitary, unsafe or insecure condition are found by the inspector, for the purpose of facilitating correction, it is extremely important that the Department be able to establish whether or not the facility administrator has submitted a request for repair. If so, has a local governing body taken appropriate action. If the facility administrator has not submitted such request it would be unreasonable to expect that the governing body take action with respect to such need. Additionally, such records act as documentation where the responsibility for failure to affect improvement lies. More specifically, in the event that the Department of Corrections finds it necessary to initiate action to revoke a facility's license it should be noted very clearly and specifically where the responsibility for failure to rectify the given condition falls. In summary, the rule is very specifically designed for the safety of both facility administrator and the local governing board.

evidence: The U.S. Bureau of Prisons, Jail Management Courses, Book 1, pp. 36-38.

The U.S. Bureau of Prisons, Jail Operations, Book 2, pp. 51-52 and Book 4, pp. 77-78.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 56.

American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, p. 2.

It is the Department's contention that statements contained in such documents are equally applicable to secure juvenile detention facilities.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8130-8144, pp. 26-30.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.527 RESIDENT WELFARE

rationale: A. and B., separation and classification, are directly related to one another. In addition to Minnesota Statutory requirements mandating separation of males and females, separation and classification requirements are needed to ensure that reasonable care has been taken to assign juveniles to appropriate living areas within the facility in order to achieve maximum compatibility and safety within each resident living area.

The Department of Corrections contends that juvenile detention facilities are also subject to dealing with a wide variety of residents with similar special interest needs as indicated in the National Sheriffs' Association, 1974 handbook cited as evidence.

Due to the fact that secure juvenile detention facilities house both male and female juveniles and that both sexes may be in need of specialized program services such as drug dependency counseling or routine services such as educational provisions, provisions for coeducational programs are needed to ensure the availability of such programs to both sex residents without the unwarranted necessity of duplication of such programs.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8347, p. 70.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, p. 31.

rationale: C. in respect to information to residents is needed to ensure that due process considerations in the event of disciplinary actions have been met.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8187, p. 37; and 8314-8328, pp. 63-66.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 22, states that every jail must have a system for maintaining inmate discipline which is consistent with constitutional requirements for due process.

"The first step towards such a system is to compile a clear and comprehensive set of rules which explain the required standard of conduct, define behavior which would be in violation of the rules and indicate the penalty for proven violations."

The Department of Corrections contends that the above statements are equally applicable to a secure juvenile detention facility.

While items such as personal hygiene items, visiting, correspondence, etc., may not appear on the surface to be directly related to due

process, they are areas in which resident rights have been established and recognized. Consequently, there is a need to provide equal protection to such rights to individuals for similar circumstances. The development of rules and regulations which are uniformly distributed and enforced is needed as a basis for protection of due process and resident constitutional rights.

rationale: D. Administrative segregation and resident discipline. Disciplinary isolation is essentially viewed as a last resort in a number of alternatives available within a facility to deal with an offender and his behavior. Consequently, the use of disciplinary isolation has been limited by a definition of same as well as the constraints under which such sanction can be utilized.

Separate rules and a separate definition have been developed for administrative segregation to ensure that the facility administrator clearly distinguishes between disciplinary and non-disciplinary issues. Additionally, such rules are intended to provide facility administrators with recognized discretion to deal with unusual circumstances inherent in administrative segregation but also are intended to ensure that administrative segregation is not used in an arbitrary, capricious or unreasonable manner.

The Department's position with respect to the utilization of restraints as specified in rules 2.527, D.6.a.(2) and (3) are similar to the Department's position with respect to the utilization of disciplinary isolation. More specifically, the utilization of restraints under such conditions constitutes a last alternative in dealing with a resident. Consequently, staff must be trained in the proper utilization of proper restraint equipment and the utilization of restraints must be documented and capable of being defended should the resident file a suit or a complaint on misuse of restraining equipment. We recognize the fact that residents as a routine security practice are moved from one jurisdiction to another and consequently the utilization of restraining equipment in the transport of residents need not be documented. However, on medical grounds by direction of the consulting or attending physician or psychologist or when restraints are used as indicated under 6.a.(3), when all other methods of control fail, we feel it incumbent and consistent with judicial decisions concerning due process that such instances be documented.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, chapter 11.

The National Advisory Committee on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.12, pp. 51-53.

The National Sheriffs' Association 1974 handbook on Jail Security, Classification and Discipline, pp. 59-70.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8393, p. 59; and 8328-8342, pp. 66-69.

Although support of evidence references may not recommend proposed prisoner discipline rules in precisely the same language or be as specific with respect to a specific rule, the proposed rules have been developed after thoughtful consideration of overwhelming support for protection of residents from abuses under the guise of discipline.

rationale: E. is needed to ensure against resident idleness, a failure to meet the legal rights of residents and to ensure the constructive scheduling of resident time. The need and support for the constructive scheduling of time is recognized by virtually every creditable agency involved in promulgation of standards.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8349-8368, pp. 71-74.

rationale: E.4. In addition to designating staff to serve as liaison with schools, the agency should contact and maintain close cooperative relationships with two and four year colleges and trade schools for purposes of developing and maintaining suitable programs for participants. A staff member should be available to each such learning institution to help resolve the social and behavioral problems that accompany offender enrollment in school programs.

evidence: Minnesota Code of Agency Rules, Department of Education, Rules 1.0120-1.0129.

rationale: Proposed rules concerning religious services and counseling are needed to ensure that first amendment rights of the United States Constitution concerning freedom of religion are protected.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, pp. 14-16.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.16, pp. 63-65.

The National Advisory Commission on Criminal Justice Standards and Goals, August 1975 publication, Jointly Recommended Revisions of the Commission's Standards and Goals on Corrections, prepared by Association of State Correctional Administrators and American Association of Wardens and Superintendents, pp. 7-8.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 40-41.

Survey of United States Implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners, prepared by the ABA Commission on Correctional Facilities and Services, December 1974, p. 29.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8320, p. 73.

rationale: E.3. Proposed rules concerning library services are needed to ensure resi-

dents have access to leisure reading materials, an opportunity to pursue educational pursuits and that residents' rights of access to legal materials are provided for.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, p. 21, #12.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 33-34 and 44-45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, pp. 28-29.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8361, p. 73.

rationale: E.5. Proposed rules governing work assignments of residents confined in these facilities are needed to ensure that residents are medically capable of performing assigned tasks and are not required to perform tasks that are the responsibility of staff.

evidence: The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities, p. 142.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8366-8368, p. 74.

rationale: E.7. Rules concerning exercise and recreation are needed to ensure that residents are afforded an opportunity to meet basic physical and mental health needs.

evidence: The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 13 and p. 16.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8323, p. 65.

rationale: E.8. In addition to proposed rules for exercise and recreation, proposed rules for leisure services are needed to assist the resident in learning constructive ways to make use of leisure time. Constructive use of leisure time can be of considerable benefit in helping the resident make a successful adjustment in the community.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8358, p. 72.

rationale: F. is needed to meet recognized constitutional and statutory rights of residents as well as to establish uniformity of basic visiting provisions for residents on a statewide basis.

evidence: The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 42-43.

The National Advisory Commission on Criminal Justice Standards and Goals, August 1974 publication, Jointly Recommended Revisions of the Commission's Standards and Goals on Corrections, prepared by Association of State Correctional Administrators and American Association of Wardens and Superintendents, standard 9.7, p. 18.

Minn. Stat. § 260.171 (1974), section 11, as amended by Laws of 1976, ch. 318.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8349, p. 71; and 8377-8381, pp. 76-77.

rationale: G. An established plan for the handling of resident correspondence inclusive of those areas covered by rules is needed to ensure that resident's legal rights with respect to correspondence are met.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, chapter 7.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 43, 31 and 32.

The National Sheriffs' Association, 1970 Manual on Jail Administration, pp. 56-59.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 66-68.

The National Advisory Commission on Criminal Justice Standards and Goals, August 1975 publication, Jointly Recommended Revisions of the Commission's Standards and Goals on Corrections, prepared by Association of State Correctional Administrators and American Association of Wardens and Superintendents, standard 2.17, p. 9.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8348, p. 70; 8369-8376, pp. 74-76; and 8382, p. 77.

rationale: H. Proposed rules are needed to ensure that the sanitation of the facility is protected from the spread of lice or other agents of disease. For this reason, there is a need to ensure the cleanliness of residents' clothing at the time of admission. Rules H.1.a., b., c., (1), (2) and (3) are needed to ensure against disease transmission as well as to afford the facility staff with ample time to thoroughly search clothing for articles of contraband.

Residents often are confined with little clothing in their possession and with limited funds or resources available to provide clothing. For these reasons, there is a need to ensure the availability of facility clothing to such residents to ensure that their personal clothing is laundered at regular intervals and that they have clothing appropriate to the season when confined for extended periods of time.

Provisions requiring regular exchange of clothing, bedding and linens

are needed to ensure that such items are laundered at intervals consistent with State Department of Health recommendations.

Proper storage, identification, inventory and security for residents' excess personal clothing is needed to ensure that clothing receipts at the time of release are consistent with those at the time of admission.

Basic provisions outlined under H.2.a., b., and c., are recognized throughout the field of Corrections as reasonable and necessary provisions for the well-being of residents.

evidence: Jail Standards and Procedures, effective July 1, 1975, State of Kansas, section 42-43.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 15, item #3.

Survey of the United States Implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners, prepared by the ABA Commission on Correctional Facilities and Services, December 1974, pp. 19 and 30.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities, pp. 166-167.

Standards - Jails - Lockups - Houses of Correction Rehabilitation Camps, Revised January 1975, p. 16, A., 53.37 and B., 1-6.

The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail, chapter 2.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, p. 26, item I.; p. 27, item Q.; and pp. 59-64, items B., A., and V.

rationale: Provisions are needed to recognize that there are occasions when clothing or bedding should be removed from residents for either the safety and welfare of the resident or the security of the facility. The filing of an unusual occurrence report is deemed necessary and appropriate to the review of such action and to prevent against arbitrary, capricious or unreasonable removal of clothing or bedding by the facility staff.

Rules concerning laundry services are needed to ensure that laundry services meet daily needs concerning linens, bedding and clothing, that such services are consistent with Health Department recommendations and that disease transmission is minimized.

evidence: U.S. Bureau of Prisons, Jail Operations, Book 2, pp. 59-64.

U.S. Bureau of Prisons, Jail Management, Book 1, p. 34.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8194, p. 39; 8202, p. 41; and 8209-8213, p. 42.

rationale: Proposed rules are needed to ensure that employees of such facilities, "particularly supervisors, on all shifts are familiar with steps to be taken in such situations. Emergency plans are required by law in most jurisdictions."

evidence: The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, p. 71.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 44.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8195-96, p. 39; and 8199; p. 40.

rationale: Proposed rule I.4., is needed to ensure that adequate lighting, heating and communication are maintained during power outages. The loss of such services are difficult at best to cope with in the normal community but are considered critical in the operations governed by these rules.

Regularly scheduled meetings with staff concerning emergency procedures are needed to ensure that staff are knowledgeable of such procedures, are advised of any changes in procedures and/or equipment and have not forgotten the primary responsibilities should an emergency occur.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8193-8200, pp. 39-40; 8301 and 8303, p. 61.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, pp. 44-45.

The U.S. Bureau of Prisons, Jail Management, Book 1, pp. 17-25.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities, p. 151, item #1025.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, p. 13, section 20, item 2.

rationale: I.8. Proposed rules concerning unusual occurrences are needed to ensure that the Department is made aware of such incidents in order that inquiries concerning such incidents can be effectively handled by the Department, that the Department is informed in the event of complaints or litigation, that the Department may assess such situations and assist where appropriate in the prevention of similar such incidents and that where staff have contributed to such incidents such knowledge may be used to the benefit of other facilities. Unusual occurrences listed are generally recognized as being of a serious and unusual nature by practitioners in the field of juvenile detention facilities operations.

evidence: Jail Standards and Procedures, effective July 1, 1975, State of Kansas, pp. 8-9.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, p. 15, item (H).

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.108, I.6.

A copy of Corrections form Corr. 390 is on file with the Hearing Examiner.

rationale: I.9. Resident deaths are highly unusual and likely to attract public attention. Additionally, they may result in litigation. For these reasons, special care and attention must be given to compliance with all pertinent laws and scrupulous attention must be given to the documentation of such incidents.

evidence: Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.108, I.7.a-e., p. 29.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.530 FOOD SERVICE

rationale: A. Proposed rules are needed to ensure that food service concerns inclusive of nutrition, quantity and variety, sanitary preparation and temperature are addressed by facility administrators and food personnel.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39, and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: B. Proposed rules are needed to ensure that State of Minnesota Health Department requirements are met. A copy of Minnesota State Board of Health Regulations (7 MCAR §§ 1.161-1.165) which has been adopted by reference by the Department of Corrections, is on file with the Hearing Examiner.

evidence: The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities,

September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: C. Proposed rules concerning dietary allowances have been developed in consultation with the Minnesota Department of Health and are needed to ensure that residents' rights to a nutritionally adequate diet are met.

evidence: The National Sheriffs' Association 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: D. The proposed rule concerning frequency of meals is needed to ensure that meals are scheduled at regular intervals and that the time between an evening meal and a breakfast do not exceed recommendations of the State Department of Health.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: E. The proposed rule on therapeutic diets is needed to ensure that residents under medical care with prescribed diets receive same.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: F. Written policy and procedures should provide for special diets as approved by the chaplain or facility administrator.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8265, p. 54.

rationale: G. The proposed rule concerning the use of food in discipline is needed to ensure against the possibility of litigation resulting from deprivation of food as punishment. Increasingly, judicial decisions have considered the use of food in discipline with respect to possible findings of cruel and unusual punishment.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: H. Provisions for staff supervision of meal serving are needed for sanitary reasons and to eliminate the possibility of favoritism being exercised by residents.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Cor-

rectional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates, Legal Rights, p. 14.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: I. This training should include, but not be limited to: operations planning, meal preparation, menu planning, staff supervision, ordering procedures, health and safety policies, theft precautions and inventory control.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8275, p. 55.

rationale: J. Provisions for menu records are needed to document nutritional needs, therapeutic diets and to act as evidence in the event of resident complaints or litigation concerning food services.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: K. The rule concerning a hot meal minimum is needed to ensure that residents are provided with a minimum of one hot meal per day.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: L. Proposed rules concerning canteen are needed to provide residents with an opportunity to purchase snacks and convenience items which are not normally available or supplied by the facility. The canteen is viewed as an addition to, not a substitute for, a good food program.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: M. Proposed rules concerning budgeting, purchasing and accounting are needed to ensure that attention is given to food service needs in advance of their necessity, that food service expenditure can be reviewed, justified and modified due to changing conditions such as inflationary trends and in order that purchases of food are consistent with budget limitations, storage availability and resident eating habits.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: N. Proposed rules concerning containers and food storage are needed to ensure that foods are stored in accordance with Department of Health recommendations concerning temperature and storage provisions.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: O. Proposed rules concerning transport of food are needed to ensure sanitation of food during transporting and to ensure that food temperatures are maintained at desired levels during such transport.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.533 SECURITY

rationale: A. Proposed rules requiring the development of policies and procedures for items number 1-6 are needed to ensure that reasonable and prudent precautions are taken to ensure that the primary objective of the facility to protect the public by securely detaining persons who present a danger to the community or to themselves is met.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition (11 MCAR § 2.100) Rule 2.110.

rationale: B. Proposed rules concerning admissions are needed to ensure against contraband entry into the facility, disease transmission by lice , and are needed to ensure that residents receive prompt medical attention where appropriate. Additionally, personal property inventories are needed to ensure against litigation at the time of the release.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition (11 MCAR § 2.100) Rule 2.110.

rationale: C. Proposed rules concerning releases are needed to ensure that the release of resident property is documented, that residents are clothed appropriate to the season and have been afforded an opportunity to arrange transportation prior to release.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition (11 MCAR § 2.100) Rule 2.110.

rationale: D. Proposed rules concerning contraband control searches are needed to ensure against contraband entry into the facility, that security equipment is in proper working order and that security policies and procedures are not being violated.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, (11 MCAR § 2.100) Rule 2.110.

rationale: E. & F. Proposed rules concerning locks and keys and weapons, tools, equipment, medications, and hazardous substances are needed to ensure the safety of residents, the staff and the public. Locks and keys must be in proper working order and secured to prevent against escape or to prevent against a resident being trapped in an area with inoperable locks in the event of fire. Firearms used by law enforcement personnel must be secure outside of resident living areas to ensure against residents having the possibility of securing same. Tools are a critical contraband item and can be used as weapons or instruments to effect an escape. Consequently, their use must be controlled. Hazardous substances must be controlled to ensure that such materials are not used for purposes other than their intended use. As an example, aerosol containers can be highly flammable.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition (11 MCAR § 2.100) Rule 2.110.

rationale: G. Proposed rules are needed for count procedures to ensure that all residents confined to the facility are present or accounted for and that such residents are not in need of medical assistance or involved in breaches of security.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.536 ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION

rationale: A. Proposed rules concerning availability of medical and dental resources are needed to ensure that in the event emergency medical dental or ambulance services are needed, they are available. Examination of residents in need of medical care is a recognized right of residents and cannot be neglected. Additionally, annual inspections by local health officials or designated physician are needed to ensure maintenance of sanitation and health conditions and availability of consultation concerning same.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35, Jail Management Course, Book 5, pp. 18-19, and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37, and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26, B., pp. 27-28, A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

rationale: B. The proposed rule concerning receiving is needed to assure that the health status of the juvenile is known and recorded.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35, Jail Management Course, Book 5, pp. 18-19, and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37, and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26, B., pp. 27-28, A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Rules 8230 and 8231.

rationale: C. The proposed rule concerning sick call is needed to ensure residents the opportunity to report and receive appropriate medical services for illness or injury.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35, Jail Management Course, Book 5, pp. 18-19, and Jail Management Course, Book 2, p. 1.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26, B., pp. 27-28, A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Rule 8234.

rationale: E. Proposed rules concerning hospitalization of a resident are needed to ensure resident access to local hospital facilities when needed and to ensure that proper security coverage of hospitalized residents is provided as deemed necessary by the facility administrator and hospital administrator.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35, Jail Management Course, Book 5, pp. 18-19, and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37, and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26, B., pp. 27-28, A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

rationale: D. Proposed rules concerning posting of available resources are needed to ensure that all employees are informed of such resources and can readily identify which resource is available at a certain time of day and do not have to search a phone book or other source for the telephone numbers of such resources.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35, Jail Management Course, Book 5, pp. 18-19, and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37, and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p.26, B., pp. 27-28, A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

rationale: F. Standard operating procedures govern the provision of all care to juveniles and are signed by the responsible physician. In systems which have a medical administrator, the administrator should promulgate standard medical procedures for the entire system.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8222, p. 44.

rationale: G. Proposed rules concerning first aid are needed to ensure that child care workers are trained in emergency first aid procedures and that first aid supplies are available and replenished on a regular basis.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35, Jail Management Course, Book 5, pp. 18-19, and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standards 2.6, pp. 36-37, and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

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Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

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Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

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The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

rationale: H. The maintenance of medical and dental records is necessary to document all complaints of illness, medical attention received and to advise all staff of a resident's medical or dental needs and their responsibilities for care with respect to same. Medical and dental records are also needed to ensure against litigation.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standards 2.6, pp. 36-37, and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59; 2.6, p. 2; and 9.7, p. 18.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

rationale: I. Proposed rules concerning preventive health services are needed to ensure that residents are advised and required to maintain personal hygiene and are provided with regular opportunities for bathing, showering and personal hygiene items. Delousing of residents is needed on occasion to protect against disease transmission. Medical consultation and approval of delousing procedures is needed to ensure that such procedures are used only when appropriate and effective when used.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standards 2.6, pp. 36-37; and 9.7, p. 18.

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The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

rationale: J. Proposed rules concerning delivery, supervision and control of medicine are needed to ensure that residents in need of prescription medications receive same in a manner which is consistent with security needs and minimizes the possibility of drug abuse by the recipient. The proposed rules have been developed in consultation with the State Department of Health and are inclusive of recommendations received from the State Pharmacy Board.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standards 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition (11 MCAR § 2.100), Rule 2.111, G.

rationale: K. The proposed rule concerning the reporting of suspected communicable disease has been developed in accordance with Minnesota Health Department 252 (10795) Reportable Diseases Policies and Procedures as Required in Supervised Living Facilities. The rule is designed to ensure prompt medical evaluation and assessment of suspected communicable disease and to protect other residents in the event a contagious disease is confirmed.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37, and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

rationale: L. Proposed rules concerning the isolation for communicable disease are needed to ensure that residents placed in isolation for suspected communicable disease receive prompt medical attention and are not unreasonably deprived of privileges as a result of placement in isolation. Isolation for communicable disease is not a disciplinary action and consequently the individual's privileges and rights must be maintained to the greatest extent possible under the circumstances.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standards 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59; 2.6, p. 2; and 9.7, p. 18.

The American Correctional Association, 1970 Manual on Jail Administration,

chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

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The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

rationale: Rules are needed to ensure that residents deemed mentally ill receive prompt medical assessment and that it at all possible such residents be placed in a faiclity more appropriate to the care of the resident.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standards 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards section 9, pp. 58-59; 2.6, p. 2; and 9.7, p. 18.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3, p. 32.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health For Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene Section and Health Care Services Section.

rationale: N. Proposed rules are needed to ensure that a primary responsibility of the facility to maintain high standards of cleanliness and sanitation is met. Similarly, keeping the facility in a good state of repair is necessary to ensure against unnecessary deterioration of buildings and equipment, safety hazards and breaches of security.

To ensure that housekeeping, sanitation and plant maintenance needs are met, daily inspections of the facility by staff are needed so that problems can be readily identified and acted upon.

Proposed rules concerning budgets and work requests are needed to ensure that local governing bodies such as county boards, city councils or similar such bodies responsible for the facility are fully apprised of housekeeping, sanitation and maintenance needs as they develop and can make decisions concerning such needs after consideration of factual presentation of needs and available finances.

Documentation of budget and work requests is needed to affix responsibility for failure to correct housekeeping, sanitation or maintenance needs. In the event of litigation, it is deemed important and necessary that the facility administrator and governing body clearly show that they have identified needs and acted on same consistent with their knowledge of needs responsibilities and authority to effect improvements.

Proposed rules concerning insect and rodent control are needed to ensure against disease transmission by same. Licensed pest control operators are necessary to ensure that selection of equipment and procedures assure the most effective application of poisons, dusts, sprays and traps.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standards 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association,1969 edition of Manual of Correctional Standards, section 9, pp. 58-59; 2.6, p. 2; and 9.7, p. 18.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.539 JUVENILE DETENTION PROGRAMS

rationale: A. Although statutes specify the legislative authorization and the general mission assigned, there is a need for in-depth exposition. The written statement should specify the programs philosophy, goals and purposes as they relate to the basic concepts of major public policy issues in juvenile corrections.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standard 8003, p. 1.

rationale: B. This proposed rule is needed to ensure that a plan for programming and/or service capability is developed consistent with the facility's statement of program objectives. More specifically, the program plan is intended to translate program objectives into a specified process which defines how such objectives will be met.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standard 8008, p. 2.

rationale: C. The proposed rule is needed to ensure that adequate program space, equipment and materials are provided to meet the facility's statement of program objectives and it's program plan. More specifically, the rule is needed to ensure that adequate resources are provided to meet the facility's program objectives.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standard 8008, p. 2.

rationale: D. Proposed rules relating to intake policies and procedures are needed to ensure that the admission of juveniles to the facility is done in a consistent manner and that clear guidelines exist with respect to juveniles that may be admitted to the facility and juveniles that should not be admitted to such a facility.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standards 8386-8398, pp. 78-80.

rationale: E. The intake information should provide for positive identification on the juvenile being admitted. All information should be verified. Every effort should be made to include additional information required for face sheet records, such as the alleged violation, reason for taking youth out of the home, probation status, name of probation officer assigned, unit assignment and juvenile court docket number.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standard 8130, p. 27.

rationale: F. A juvenile's constitutional right to privacy can be violated if case files are improperly disseminated. Prescribed means for idenfitying and separating the contents of the case records assist

staff in locating information, in filing reports properly, and identifying gaps in information. Staff members should be able to obtain clear and concise knowledge about a juvenile from the case record.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standards 8133, p. 27; 8130, p. 26; and 8137-8138, p. 28.

rationale: G. The proposed rule is needed to ensure that adequate resource capability exists to meet the facility's program objectives and that such resources are clearly identifiable.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standards 8008, p. 2.

rationale: H. The proposed rule is needed to ensure that the facility has developed and implemented a plan for crisis intervention which may be activated in the event of a need for same.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standard 8301, p. 61.

rationale: J. The proposed rule is needed due to the fact that in addition to fulfilling it's legal responsibilities, the governing board should be a link between the facility and the community it serves. Therefore, the governing board should receive advise, suggestions and recommendations from an advisory committee representative of the community at large.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standard 8050, p. 10.

rationale: K. The proposed rule is needed to ensure that a systematic format for presentation of specified information and plans or problems related to same occurs between the facility and the facility's parent agency at regular intervals.

evidence: The American Correctional Association, February 1979 edition, Manual of Juvenile Detention Facilities and Services, standards 8024-8026, p. 5.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.542 ADMINISTRATION

rationale: Proposed rules A., B., and F., are needed to ensure that any facility established by either a public or private agency for the purposes of secure juvenile detention be established consistent with certain administrative expectations. Additionally, the proposed rules are needed to ensure against the development of misunderstandings and inconsistencies in operations.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8001-8003, p. 1.

rationale: C. The fire and safety officer should have a minimum of three years experience in fire prevention and safety work and may be employed by contract with local fire officials or other agencies in local or state government.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8193, p. 39.

rationale: D. Written policies should specify all property that is to be inventoried as well as timetables for conducting inventories. Written procedures should specify methods for controlling equipment and other assets.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8064, p. 13.

rationale: E. Although insurance requirements vary among jurisdictions, detention facilities should be protected, either through private companies or as self-insurers, by liability insurance, physical plant insurance, workmen's compensation insurance, vehicle liability insurance, fire insurance, public employees blanket bond, and insurance to protect volunteers. There should also be a procedure to provide compensation, within reasonable limits, to employees and volunteers who have personal property damaged or destroyed by residents in its program.

evidence: The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standard 8062, p. 12.

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL

ADDRESS REPLY TO:
1100 BREMER TOWER
SEVENTH PL. AND MINNESOTA ST.
ST. PAUL, MN 55101
TELEPHONE: (612) 296-9412

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Assistant Attorney General, James N. Bradford, do hereby declare that I have examined the proposed rules and related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

James N. Bradford
Assistant Attorney General
Minnesota Department of Corrections

Dated: 1-26-81

The attached letter was sent to the following people on January 14, 1981:

Tom McGrath
Ombudsman for Corrections
333 Sibley, Suite 102
St. Paul, MN 55101

Art Cavara
Ramsey County Juvenile Center
480 St. Peter St.
St. Paul, MN 55101

Mary Jo Reiter
Ombudsman for Corrections
333 Sibley, Suite 102
St. Paul, MN 55101

Dean Holmes
Hennepin County Juvenile Center
1771 N. Kent
Roseville, MN 55113

Donald Hammergren
Hennepin County Juvenile Center
503 Courthouse
Minneapolis, MN 55415

January 14, 1981

Tom McGrath
Ombudsmans for Corrections
333 Sibley, Suite 102
St. Paul, Minnesota 55101

Dear Mr. McGrath:

On January 14, 1981, the rule governing Secure Juvenile Detention Facilities was delivered to the Attorney General's Office at the Minnesota Department of Administration. You are hereby notified of this action per your request. The Attorney General now has twenty days in which to approve or disapprove the rule pursuant to Minnesota Statutes § 15.0412, Subd. 4e.

If you have any questions in regard to this matter, please feel free to contact me.

Sincerely,

John R. McLagan, Director
Standards Development Unit

JRM/bs

SF-00006-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Corrections

TO : Attorney General's Office

DATE: January 15, 1981

FROM : John McLagan, Director
Standards Development Unit

PHONE: 296-6041

SUBJECT: Rules Governing Secure Juvenile Detention Facilities

For your information, we are sending to you a list of those people who had requested to be notified when the hearing record on the Secure Juvenile Detention Facility Rule has been submitted to your office (in compliance with Minn. Stat. 15.0412, Subd. 4e).

JRM/bs

att

RECEIVED
JAN 19 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF MINNESOTA
STATUTE § 15.0411, SUBD. 4

AFFIDAVIT OF DELETION
FROM REGISTER

Brenda G. Stiles, being first duly sworn, deposes and says:

That on the 15th day of September, 1980 in talking with Allen Yelsey, upon his request, she took his name off of the list of those people registered with the Minnesota Department of Corrections to receive notice of all public rule hearings.

Subscribed and sworn to before me on this 15th day of September, 19 80.

Brenda G. Stiles

Linda K. Anderson

LINDA K. ANDERSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires May 3, 1981

RECEIVED
SEP 9 1980
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF CORRECTIONS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF CORRECTIONS GOVERNING SECURE JUVENILE DETENTION FACILITIES.

AFFIDAVIT OF DELEGATION

Commissioner of Corrections, Jack G. Young, being first duly sworn, deposes and says:

That on the 18th day of August, 19 80, he did delegate the responsibility of the issuance of the Notice of Hearing and the Order for Hearing on the above entitled matter to Bruce W. McManus, who is serving as Assistant Commissioner for the Department of Corrections.

Subscribed and sworn to before me on this 25th day of August, 19 80.

Jack G. Young
Commissioner

Linda K. Anderson

LINDA K. ANDERSON
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires May 3, 1981

SF-00006-01

STATE OF MINNESOTA

DEPARTMENT Corrections

Office Memorandum

TO : Jidith Wehrwein
Attorney General's Office

DATE: January 14, 1981

FROM : John McLagan, Director
Standards Development Unit

PHONE: 296-6041

SUBJECT: Adoption of Rules Governing Secure Juvenile Detention Facilities

Included please find the following:

1) Rules as adopted;
2) Rules as proposed;
3) Order for hearing;
4) Notice of Hearing;
5) Affidavit of delegation;
6) Affidavit of deletion from register;
7) Affidavit of mailing (3);
8) Order for second hearing;
9) Notice of second hearing;
10) Affidavit of mailing;
11) Statement of need and reasonableness;
12) Hearing Examiner's report;
13) Agency's findings of fact;
14) Order adopting rules;
15) Order of the Chief Hearing Examiner;
16) Certificate of compliance with rulemaking procedures; — not submitted
17) Notice of intent to solicit outside opinion.

JRM/bs

enc

RECEIVED
JAN 14 19
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES