

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Corrections rules
notes July, 1991
MJM + PN

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.3400-3460. The SNR is inadequate. Two sentences are insufficient to explain the requirements of the rule. Why 14 hours? Why not 12? 16? Why do you need staff supervision to eat? Why do you need to serve one hot meal (is oatmeal sufficient or do you mean the traditional evening meal)??

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(1) This is insufficient either as a rule or SNR. When exactly is it that visitors will be required to be searched. Minn. Rule 2910.5000 is much more specific for adult detention.

The rule cannot simply say a search is required "in accordance with written policy." Visitors have a right to know when and how they will be searched. And the SNR should explain the rationale for the specific rule.

(2) Again, there is no definition in the rule of "contraband."

(3) Inspection documented how, by whom, and placed where??

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DEPARTMENT OF CORRECTIONS

Order withdrawing Proposed Permanent Rules Relating to Municipal Jail Facilities.

Notice is hereby given that the above-captioned rules as proposed and published in the State Register on June 11, 1990 (14 S.R. 2876) are hereby withdrawn pursuant to Minnesota Statutes, section 14.05, subdivision 3 (1990).

Orville B. Pung, Commissioner
Department of Corrections

Dated 27 June, 1991

RECEIVED
JUL 01 1991
Office of the Attorney General
Government Services Section
Capitol Office Bldg. - Suite 500
525 Park Street
St. Paul, MN 55103

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

FACSIMILE TRANSMISSION

MINNESOTA ATTORNEY GENERAL'S OFFICE
Government Services Section
525 Park Street, Suite 500
St. Paul, Minnesota 55103
Telephone: (612) 297-2040
Facsimile: (612) 297-2576

Date: _____

Time: _____

TO: Ken Merz
Corrections

FAX NUMBER: 642-0223

FROM: Patty Nolte
A.G. office

NUMBER OF PAGES (INCLUDING THIS PAGE): 7

MESSAGE: Ken- This is a complete list of the Attorney General comments on the Corrections rules. Two lists were merged so you may want to use this list

IF THERE ARE PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL:

Cheryl Yelk AT (612) 296-9644

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2945.0530 Subd 6
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2945.1000 Staff Training
The Solar doesn't address why A-G are necessary.
The Solar talks about moral etc while the rules require medical training for physical problems. They don't match

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2945.1010 talks about part-time and relief staff. Solar talks about staff not responsible for the supervision of prisoners this doesn't match with the rule - Part-time can be staff that work with prisoners

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2945.2100 states the following ... shall be kept - a couple state mandatory ~~does~~ does that mean if it doesn't state mandatory it don't have to keep them. The Solar only addresses a few of the records. I guess the beginning statements

③ 2945.2100.

Cover them all. They should have gone into detail. what if I don't keep these records?

2945.2110

Solar again state more requirements then what is in the rule ie written guidlines

2945.2130

Doesn't make sense. Should it state (confidential) data in ...

2945.2500

separated by sight and sound - doesn't this apply to male - female and insane and sane or is there something unique about juvenile and adults nothing in Solar explaining this. What does sight and sound mean?

(4)

2945.2510 subp 4

Sola states restraints may only be used with approval of facility administrator - nothing in the rules that state this. No explanation in SOLAR why A (1) - (3) B C D are reasonable

" " subd 5

There is nothing in the rules that state the disciplinary records will only be used in the defense of a legal action (SOLAR) Why can't they use testimony? SOLAR goes too far.

2945.2520

would attorneys be included under G. ~~Why~~ Is this different than A.? F. should have been explained why is this necessary and reasonable - this maybe questioned - what business is it of - there - my relationship to prisoner, business etc

(3)

2945.2520

Why is H reasonable why is it necessary?. They don't explain I but it seems more obvious.

2945.2530 subds 1, 2, 3

SOLAR states "counterbore control" - I think the rule is broader than that in protecting the facility's security Subd 3 is not explained in Solar

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subd 3 - this is not explained in SOLAR - why ten days?

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2945.4700

SOLAR - very general explanation i.e why every 30 minutes for F?

(6)

2945.4740 subd 2 and 3

Nothing in Solar that explains this. Why

(over)

(47)

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Stat Auth 241.021 subd 1

The commissioner shall promulgate rules pursuant to chapter 14, rules establishing minimum standards for ~~thos~~ these facilities with respect to management etc

Findings of Fact - missing of Notice of Submission to A. G was requested - there is an affadavit of mailing of notice and affidavit of mailing of the notice dated - August 9, 1990 - this should be when the submitted this to us now. - Findings of Fact dated August 10, 1990 they must have thought they were going to submit them to us then. Where were they for a year? The documents are dated 1990

Made changes in ~~findings~~ rules don't justify them in findings of fact K. (6).

- Findings with have to be done

180 deadline

14.12

14.26 - did not meet deadline
they must notify its failure to the
legislative commission to review rules,
appropriate leg. committees and the gov.

Questions

~~14.26~~ Are the rules new - then didn't
14.12 meet the 180 day dealline - must
notify appropriate agencies of failure

14.29 Didn't meet it - did they send letter

Notice of submission to A.G. Aug 1996

need proposed rule

STATEMENT OF NEED AND REASONABLENESS

FOR

Proposed Permanent Rules Relating
to Municipal Jail Facilities
CHAPTER 2945

May, 1991

STATEMENT OF NEED AND REASONABLENESS

History and Background:

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

Minnesota Statute, section 241.021, subdivision 1, provides that the commissioner adopt rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined in them according to law except to the extent that they are inspected or licensed by other state regulating agencies.

To this end the minimum standards set forth in this rule were established for the inspection of all municipal jail facilities by the sheriff or designee of the county in which the facility is located.

2945.0100 DEFINITIONS.

Rationale: Definitions are necessary in clarifying the terms used in the proposed rules. It is imperative that all concerned individuals, operators and agencies understand the meaning of the terms and are in agreement with them.

Evidence: Minnesota Rule 2910.0100

2945.0110 INTRODUCTION.

Rationale: Needed to clarify the statutory basis for the development of the proposed rules, as well as the statutory authority to inspect such facilities on an annual basis.

Evidence: Minnesota Statute 241.021, Subd. 1.
Minnesota Statute 642.09
Minnesota Rules 2910.0200

2945.0120 INTENDED USE NONCONFORMANCE; LIMITATIONS OF RULES.

Rationale: Subp. 1. Municipal facilities serve different functions in the state. Length of time a prisoner may be held varies from several hours to several days. Classifications developed. Rule needed to clarify that the facilities can only be used for the purpose for which it has been approved.

Evidence: Minnesota Statute 241.021, Subd. 1.
Minnesota Statute 642.10
Minnesota Rule 2910.0300

Rationale: Subp. 2. Needed to identify the statutes and actions available to the Commissioner if facilities do not substantially conform to the rule.

Evidence: Minnesota Statute 241.021, Subd. 1.

Minnesota Statute 641.26

Minnesota Statute 642.10

2945.0130 VARIANCES.

Rationale: Subp. 1. Needed to establish a procedure whereby a variance may be granted, to prevent an undue hardship and to provide flexibility in the rules.

Evidence: Minnesota Rules 2910.0400

Minnesota Statute 14.03, Subp. 4.

Rationale: Subp. 2. 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 occasion 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: 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, 1985, State of Kansas, section 2, pp. 2-3.

Minnesota Rules 2910.0400

Minnesota Statute 14.03, Subp. 4.

PERSONNEL STANDARDS

2945.0500 MEDICAL EXAMINATIONS.

Rationale: Staff whose responsibilities include security and control or regular contact with inmates in an institutional setting must have physical examinations to protect their health, ensure their ability to perform effectively, and avoid appointments or assignments incompatible with their physical condition. The basic health status of all employees should be evaluated against the specific job requirements of their assignments. Physical examination and screening procedures may be established by the appropriate medical authority for the agency in accordance with applicable laws and regulations. Policy should encourage the hiring of handicapped persons.

Evidence: The American Correctional Association, 1990 Supplement, Adult Local Detention Facilities, Standard 2-5053.

Minnesota Rules 2910.0500

2945.0510 STAFF RECRUITMENT.

Rationale: All job qualifications and hiring policies should be examined with the assistance of equal employment specialists from outside agencies. Employment qualifications should be demonstrably related to the skills required to perform the work. Tests should not be culturally bias. To permit selection from a larger pool of applicants, artificial barriers to employment should be removed.

Evidence: American Correctional Association, "Standards for Adult Local Detention Facilities", Second Edition, February, 1984, p. 12, Standards 2-5047 and 2-5051.

Minnesota Rules 2910.0600

2945.0520 EXTRA DUTY.

Rationale: Needed to recognize the nature of the work is stressful and that employees should not be expected to routinely work longer than one shift at a time. The standard allows for deviation in case of emergency or unexpected staff shortages.

Evidence: Minnesota Rules 2910.0800

2945.0530 STAFFING REQUIREMENTS.

Rationale: Subp. 1. The 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 Sheriff's Association, 1974 Handbook on Jail Administration, pp. 16-18.

2945.0530 STAFFING REQUIREMENTS. - Continued

Evidence: (Continued) US Bureau of Prisons, Jail Management Course, Book Two.

Minnesota Rules 2910.0900, Subp. 1.

Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 2, 72.1.2.

Rationale: Subp. 2. Standard 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.

Evidence: The American Correctional Association, April, 1987, Standards for Adult Local Detention Facilities, Standard 2-5006, p. 2.

Minnesota Rules 2910.0900, Subp. 3.

Rationale: Subp. 3. 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: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 2-3, Standard 2-5012.

Minnesota Rule 2910.0900, Subp. 4.

Rationale: Subp. 4. This is necessary to comply with statutory requirements and protect each resident's right to privacy.

Evidence: Minnesota Statute 642.08.

Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 12, 72.8.4.

Minnesota Rule 2910.900, Subp. 5.

Rationale: Subp. 5. Needed to ensure that all services that are provided as necessary by the facility without jeopardizing the efficiency of the overall operation.

Evidence: Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 11, 72.8.2.

Minnesota Rules 2910.0900, Subp. 7.

Rationale: Subp. 6. Needed to ensure that sufficient staff is available so that premises are not left unsupervised at any time, and that sufficient staff is available and able to respond to the emergency needs of a prisoner.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, Standards 2-5149 - 2-5162.

Minnesota Rules 2910.0900, Subp. 8.

Rationale: Subp. 7. Needed to ensure that prisoners are never left unsupervised while jail staff may be occupied with noncustodial duties.

Evidence: Standards for Law Enforcement Agencies Accreditations Program, December, 1985, p. 11, 72.8.

Minnesota Statute 642.02, Subd. 2.

Minnesota Rules 2910.0900, Subp. 10.

STAFF TRAINING

2945.1000 STAFF TRAINING PLAN.

Rationale: Of all the aspects of the operation of a municipal jail facility, none is more important or essential than personnel. The most securely constructed jail or prison have not prevented escapes by way of the front door and over 30 foot guarded wall, because of the 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, in the 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.

Proper training is essential for the protection of all concerned. This should include a general understanding of the rights and responsibility of those confined as well as the rights and responsibilities of correctional staff.

Line officers should also understand why correctional administrators adopt the 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: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 18, Standard 2-5076.

American Correctional Association, Juvenile Detention Facilities and Services, February, 1979 Edition, pp. 19-23, Standards 8099 - 8115.

National Sheriff's Association, 1980 Manual on Jail Administration, p. 8.

American Bar Association, Resource Center on Correctional Law and Legal Services, and the American Correctional Association, January 1974 publication, Legal Responsibilities and Authority of Correctional Officers, p. 2.

Minnesota Rules 2910.1000.

2945.1010 PART-TIME AND RELIEF STAFF.

Rationale: Needed to ensure that staff not ordinarily responsible for the supervision of prisoners have a basic understanding of the tasks they must perform. When staff is responsible for prisoners who are locked up, there is a prisoner concern and security concern. An orientation is essential in this circumstance.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 20, Standard 2-5086.

Minnesota Rule 2910.1500.

STAFF DEPLOYMENT, JOB DESCRIPTIONS, WORK ASSIGNMENTS

POST ORDERS, POLICIES & PROCEDURES

2945.1600 GUIDELINES AND RESPONSIBILITIES.

Rationale: Due to the smaller nature and short term stay of prisoners in municipal jail facilities, it may be necessary for a variety of staff persons to be involved in the supervision of a prisoner. This responsibility may not be a part of their normal job description. Therefore, this is needed so that staff know clearly what their responsibilities are when they work within the jail facility, what tasks must be done, and what the agencies policies and procedures are.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 3, Standard 2-5012.

Minnesota Rule 2910.1600.

Minnesota Rule 2910.1700.

Minnesota Rule 2910.1800.

2945.1610 POLICY AND PROCEDURE MANUAL.

Rationale: Needed in order to ensure a uniform daily operation of the facility, the policy and procedure manual should be of sufficient detail to assist employees in completing their assigned tasks. Every employee should have access to a copy, and a program should be conducted to familiarize employees with those parts of the document that concern their respective job responsibilities.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 3, Standard 2-5015.

Standard for Law Enforcement Agencies Accreditation Program, December, 1985, p. 2, Section 72.1.1.

Minnesota Rule 2910.1800.

RECORDS & REPORTS

2945.2100 MAINTENANCE OF 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 Departments' ability to carry out the responsibility of the Commissioner of Corrections.

Furthermore, the Department of Corrections 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 record (as examples: food service, medical and dental records, etc.). To properly facilitate investigation of such complaints, it is incumbent that the documentation be maintained to assist in that process and to also document that, in fact, the facility has met its legal obligations with respect to same.

Similarly, records of budget requests and work orders are especially important to the investigation of physical plant conditions. If physical plant conditions of an unsanitary, unsafe, or nonsecure 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 the 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 lie. In the event the Department of Corrections finds it necessary to initiate action to revoke the facilities license, it should be noted very clearly and specifically where the responsibility for failure to rectify the given conditions falls. The rule is very specifically designed for the safety of both the facility administrator and the local governing board.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 26-27, Standards 2-5099, 2-5101, 2-5103, 2-5104.

Minnesota Rules 2910.2100, A-P.

2945.2110 STORAGE AND PRESERVATION OF RECORDS.

Rationale: Records should be stored in a secure area so that they are protected from theft, loss, tampering and destruction. Written guidelines should specify the length of time an inmate record should be maintained after inmate release from custody, and the conditions under which archives should be maintained.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 26, Standard 2-5100.

Minnesota Rules 2910.2200.

2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.

Rationale: State law requires that a facility maintain a prisoner register. The documents in the custody record insures that the inmates are properly committed, that inmate property is correctly managed, that a record of major events while in custody is maintained. The purpose of the custody record is primarily one of a documentation.

Evidence: Minnesota Statute 641.05

American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 26, Standard 2-5101.

Minnesota Rule 2910.2300

2945.2130 CONFIDENTIALITY OF AND ACCESS TO PRISONER RECORDS.

Rationale: Access to records for legitimate purposes should be limited only to the extent necessary to protect confidentiality. Statutes govern the confidentiality and protection of information on inmates; these statutes apply also to persons who have been discharged. When statutorily required, judicial and correctional authorities involved with the case should be supplied information without a signed consent form. Those who jail individuals are responsible under the law to protect these rights of prisoners.

Evidence: Data Practices Act 13.05

American Correctional Association Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 28, Standards 2-5105, 2-5106.

Minnesota Rule 2910.2400

PRISONER WELFARE

2945.2500 SEPARATION OF PRISONERS.

Rationale: Needed in order to comply with state statute. It is reasonable to expect that prisoners be housed separately for reasons of age, sex and nature of offense in order to maintain safety and security of the facility.

Evidence: Minnesota Statute 641.14

Standards for Law Enforcement Agencies, Accreditation Program, December, 1985, p. 7, (72.5.4), (72.5.5), (72.5.6).

Minnesota Rule 2910.2500.

2945.2510 INFORMATION TO PRISONERS.

Rationale: Subp. 1 & 2. Prisoners have the right to know what they can and can not do within the facility, what the consequences of their negative behavior might be, and the options available to them for program and what rights they have via policy. Prisoners also have the right to know what the legal basis is for their detention and what the charges are.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 82-84, Standards 2-5303, 2-5305.

Rationale: Subp. 3. Policy is needed to protect the rights of prisoners from punitive actions from either staff or fellow prisoners. When prisoners are deprived of clothing or other items due to behavior, a superior officer and one who has not been immediately involved, needs to oversee the disciplinary action.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 53, Standard 2-5200.

Minnesota Rule 2910.2800.

Rationale: Subp. 4. Proposed rule needed to insure that instruments of restraint are never used as punitive action. Instruments of restraint, such as handcuffs, irons, straightjackets, and the like, are never to be applied as punishment, and should be applied only with the approval of the facility administrator. Restraints should not be applied for more time than is absolutely necessary.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 53, 75, Standards 2-5199, 2-5283.

Minnesota Rule 2910.2800, Subp. 5.

Rationale: Subp. 5. Needed in order to insure that the protection of the rights of prisoners is being safe guarded as well as the protection of the facility staff. Records of disciplinary action need to be documented and records maintained in the event that legal action may occur years later and only the records will be used as the defense. The purpose of the disciplinary record is primarily one of documentation.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 26-27, Standard 2-5101.

Minnesota Rule 2910.2900, Subp. 6.

2945.2520 PRISONER VISITATION.

Rationale: Visiting is needed to meet recognized constitutional and statutory rights of residents as well as to establish uniformity of basic visiting provisions for all residents of the facility. Inmates should not be denied access to visitation of persons of their choice, except where administrators or designee has clear and convincing evidence that such visits jeopardize the security of the facility, or the safety of the inmate or visitor. Legal counselors and religious advisors should be allowed additional visitor privileges, and accommodations that insure privacy should be provided for these visitors. The degree of informality of inmate visiting facilities should be consistent with the facility's overall security requirements.

Evidence: The National Sheriff's Association, 1974 Handbook on Inmates Legal Rights, pp. 42-43.

American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 89-90, Standards 2-5336, 2-5337, 2-5338, 2-5340, 2-5341, 2-5342.

Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 12, Standard 72.8.5.

2945.2530 CORRESPONDENCE.

Rationale: Subp. 1, 2, and 3. An established plan for the handling of residents correspondence inclusive of those areas covered by rules here is needed to insure that residents legal rights with respect to correspondence are met and that contraband control for the maintenance of security is exercised.

Evidence: Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 12, Standard 72.8.5.

American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 88-89, Standards 2-5327, 2-5328, 2-5329, 2-5331, 2-5332, 2-5333, 2-5334.

Minnesota Rules 2910.3100, Subp. 1, 2, and 3.

Rationale: Subp. 4. Cash, checks or money orders should be received in the incoming mail and credited to the offenders account. This is necessary in order to control the potential liability of one prisoner stealing money from another, and to curtail the possibility of gambling taking place between prisoners.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 88, Standard 2-5333.

Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 12, Standard 72.8.5.

Minnesota Rule 2910.3100, Subp. 4.

Rationale: Subp. 5. Needed so that if contraband is discovered in either incoming or outgoing mail it is removed. Only illegal items and items that threaten the security of the facility should be considered contraband.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 89, Standard 2-5334.

Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 12, Standard 72.8.5.

Minnesota Rule 2910.3100, Subp. 5.

Rationale: Subp. 6. People in jail are in a life crisis situation. Often religion is a comfort to them. The statutes have recognized this and have required facilities to respond by providing books to read of a religious nature at the facilities expense.

Evidence: Minnesota Statutes 641.16.

2945.2540 BEDDING, LAUNDRY AND CLOTHING REMOVAL.

Rationale: Subp. 1, 2, 3. Upon arrest a prisoner may be tired and need to lie down. Bedding would need to be provided to a prisoner if he/she were in the facility for longer than eight (8) hours or upon request. Inmates have a right to expect clean bedding and clean clothing. It is necessary to clean bedding after each use to ensure that the sanitation of the facility is protected from the spread of lice or other agents of disease. Clothing, bedding and linens need to be laundered after each use, consistent with State Department of Health recommendations. To remove such items from a prisoner must only be done for cause. The cause must be behavioral and associated with misbehavior.

Evidence: Minnesota Statutes 642.07

American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 65, Standard 2-5252.

Minnesota Rules 2910.3200.

2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.

Rationale: Subp. 1, 2, 3, 4. There is a need for all facilities to develop an emergency plan because they are charged with the care and custody of prisoners who are vulnerable and dependent. 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 those jurisdictions.

If an emergency occurs, staff must be able to respond appropriately. Therefore, it is not enough to just have a plan, staff must review that plan on a regular basis.

Proposed rules concerning special 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 of the event of complaints for 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. Special occurrences listed are generally recognized as being of a serious and special nature.

The ultimate emergency or special occurrence is a death of a prisoner. It is important that staff know what to do in case of death and is important that the facility has a plan prior to such a crisis.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 41-44, Standard 2-5149 thru 2-5162.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 3-4, (72.3-72.3.7).

Minnesota Rules 2910.3300, Subp. 1-5.

FOOD SERVICE

2945.3400 GENERAL REQUIREMENTS FOR FOOD SERVICE.

Rationale: Proposed rules 2945.3400, through 2945.3460 are needed to ensure that food service concerns inclusive of nutrition, quality, quantity, sanitary preparation and temperature are addressed by facility administrators and food personnel. Rules are needed to ensure that the State of Minnesota Health Department requirements are met.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 60-63, Standard 2-5228 thru 2-5242.

Minnesota Rules 2910.3400 - 2910.4200.

SECURITY

2945.4700 SECURITY POLICIES AND PROCEDURES, General.

Rationale: Security is the primary activity when operating any type of locked facility. Proposed rules requiring the development of policies and procedures are needed to ensure that reasonable and prudent precautions are taken to ensure that primary objective of the facility, to protect the public by securely detained persons who present a danger to the community or to themselves, is met.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 45-54, Standard 2-5163 thru 2-5205.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 4-6, (62.4.1-62.4.11).

Minnesota Rules 2910.4700, A-N.

2945.4710 ADMISSIONS:

Rationale: Subp. 1, 2, 3. There are specific considerations which need to be put in place when admitting a person to a jail facility. Proposed rules concerning admission are needed to ensure against contraband entry into the facility, disease transmission by lice, and to ensure that residents receive prompt medical attention where appropriate. Additionally, personal property inventories are needed to ensure against litigation at the time of release. All admission policy deal with the safety, security, and health issues for the facility.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 91, Standard 2-5343 thru 2-5350.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 6-7, (72.5-72.5.4).

Minnesota Rules 2910.4800, Subp. 1, 2, 3.

2945.4720 RELEASES.

Rationale: Subp. 1, 2, 3. Proposed rules concerning the release are needed to ensure that the release of resident property is documented, that residents are clothed appropriate to the season, and have been afforded opportunity to arrange transportation prior to release.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 92, 93, Standard 2-5350 thru 2-5351.

Minnesota Rules 2910.4900, Subp. 1-3.

2945.4730 SEARCHES AND SHAKEDOWN.

Rationale: Subp. 1, 2, 3. 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 policy and procedures are not being violated.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 48, Standard 2-5176, 2-5179.

Minnesota Rules 2910.5000, Subp. 1, 2, 3.

2945.4740 LOCKS AND KEYS.

Rationale: Subp. 1, 2, 3. Proposed rules concerning locks and keys 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 or other emergencies. Fire arms used by law enforcement personnel must be secured outside of resident living areas to ensure against residents having the possibility of securing same. The proposed rules would assure a good system of key control, inspection and repair of inoperable locks.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 51, Standard 2-5190.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 5, (72.4.3).

Minnesota Rules 2910.5100, Subp. 1, 2, 3.

2945.4750 DANGEROUS MATERIALS.

Rationale: Proposed rules for dangerous materials is needed for the health, safety, and security of the facility and the people detained therein. Tools can be used as weapons or instruments to affect 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: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 44, Standard 2-5162.

Minnesota Rules 2910.5200.

2945.4760 COUNT PROCEDURES.

Rationale: 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 breeches of security. The larger the facility, the greater the need for formal counts.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 48, Standard 2-5178.

Minnesota Rules 2910.5300.

ENVIRONMENTAL - PERSONAL HEALTH & SANITATION:

2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.

Rationale: Subp. 1, 2, 3, 4. Proposed rules concerning the availability of medical and dental resources are needed to ensure that, in the event of emergency, whether self inflicted or from external causes, medical, dental or ambulance services are available when needed.

Persons who are incarcerated often get depressed or ill when in custody and a system needs to be prepared to respond to these situations. Examination of residents in need of medical care is a recognized right of residents and can not be neglected.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 68-79, Standard 2-5260 thru 2-5292.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 9-10, (72.6 - 72.6.5).

Minnesota Rules 2910.5400, Subp. 1-4.

2945.5410 POSTING AVAILABLE RESOURCES.

Rationale: 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 material for the telephone numbers of such resources.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 69, Standard 2-5266.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 10, (72.6.4).

Minnesota Rules 2910.5500.

2945.5420 HOSPITALIZATION OF A PRISONER.

Rationale: Subp. 1, 2. 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 or hospital administrator.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 68-69, Standard 2-5260 thru 2-5266.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 9, (72.6).

Minnesota Rules 2910.5600, Subp. 1, 2.

2945.5430 FIRST AID.

Rationale: Subp. 1, 2, 3. Proposed rules concerning first aid are needed to ensure that persons responsible for the care and custody of a prisoner are trained in emergency first aid procedures and that first aid supplies are available and replenished on a regular basis. 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 responsibility for care with respect to same. Medical and dental records are also needed to ensure against litigation.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 69, 71, Standard 2-5265, 2-5271.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 9, (72.6.2).

Minnesota Rules 2910.5700, Subp. 1-3.

2945.5440 PREVENTIVE HEALTH SERVICES.

Rationale: Subp. 1, 2, 3, 4. 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. While it is acceptable to have a prisoner pay for hygiene items, no prisoner should go without hygiene items because he has no money. 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 are effective when used.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 64, 66, Standard 2-5243, 2-5245, 2-5256, 2-5257.

Minnesota Rules 2910.5800, Subp. 1-4.

2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

Rationale: Subp. 1, 2, 3, 4, 5. 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 of the facility 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: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 77, Standard 2-5288, 2-5289.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 10, (72.6.5).

Minnesota Rules 2910.5900, Subp. 1-7.

Department of Health Minnesota Rules 6800.4300.

2945.5460 REPORTING SUSPECTED CONTAGIOUS DISEASE.

Rationale: Proposed rules are necessary to ensure that health of society as a whole is protected by those people involved in service to the public by cooperating with the Department of Health by reporting any person suspected of having a contagious disease.

Evidence: Minnesota Rules 2910.6000.

Department of Health Minnesota Rules 4605.0500.

2945.5470 SEPARATION OF A PRISONER SUSPECTED OF HAVING A CONTAGIOUS DISEASE.

Rationale: Proposed rules concerning the separation for contagious disease are needed to ensure that residents placed in separation for suspicion of a contagious disease receive prompt medical attention and are not unreasonably deprived of privileges as a result of placement in separation. Separation for contagious disease is not a disciplinary action and, consequently, the individuals privileges and rights must maintain to the greatest extent possible under the circumstances.

Evidence: Minnesota Rules 2910.6100.

2945.5480 MENTALLY ILL PRISONERS.

Rationale: Proposed rules are needed to ensure that residents deemed mentally ill receive prompt medical assessment so that they are not a danger to themselves or others. If at all possible, such residents be placed in a facility more appropriate to the care of the resident.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 73, 74, Standard 2-5275, 2-5276.

Minnesota Rules 2910.6200

2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Rationale: Subp. 1, 2, 3, 4, 5, 6, 7. Proposed rules are needed to ensure that a primary responsibility of the facility to maintain high standards of cleanliness and sanitation is met. Keeping the facility in a good state of repair is necessary to insure against unnecessary deterioration of buildings and equipment, safety hazards and breeches 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 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 affect 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, dust, sprays and traps.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 64-67, Standard 2-5243 thru 2-5259.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 3, 4, (72.3).

Minnesota Rules 2910.6300, Subp. 1-7.

Department of Corrections

Adopted Permanent Rules Relating to Municipal Jail Facilities

Rules as Adopted

CHAPTER 2945
DEPARTMENT OF CORRECTIONS
MUNICIPAL JAIL FACILITIES

2945.0100 DEFINITIONS.

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

Subp. 2. **Administrative segregation.** "Administrative segregation" means the physical separation of prisoners prone to escape, prone to assault staff or other prisoners, likely to need protection from other prisoners or themselves, or determined to be mentally deficient and in need of special care.

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

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

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

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

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

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up to 16 hours.

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

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

Subp. 10. **Controlled substance.** "Controlled substance" means a drug, substance, or immediate precursor in Schedules I to V of Minnesota Statutes, section 152.02. The term does not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

Subp. 11. **Court holding facilities.** "Court holding facilities" means those areas where persons are held in conjunction with a court appearance. Court holding facilities may be secure but are nonresidential in design and persons are not normally held beyond four hours.

Subp. 12. **Custody personnel.** "Custody personnel" means those staff members or employees who are responsible for the custody and supervision of prisoners.

Subp. 13. **Department of Corrections; department.** "Department of Corrections" or "department" means the Minnesota Department of Corrections.

Subp. 14. **Emergency.** "Emergency" means a significant incident or disruption of normal facility procedures, policies, routines, or activities arising from fire, riot, natural disaster, suicide, assault, or medical emergency.

Subp. 15. **Existing facility.** "Existing facility" means a facility used for detention and confinement of prisoners before the effective date of this chapter.

Subp. 16. **Facility administrator.** "Facility administrator" means the individual who has been delegated the responsibility and authority for the administration and operation of a local facility.

Subp. 17. **Holding cell.** "Holding cell" means a cell or room in a holding facility used to hold one or more persons

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temporarily while awaiting release, booking, court appearance, transportation, or interrogation.

Subp. 18. **Inspection.** "Inspection" means an on-site assessment or existing conditions made to determine the facility's compliance with this chapter.

Subp. 19. **Jail.** "Jail" means a secure adult detention facility used to confine sentenced prisoners for a time not to exceed one full year per conviction, adult pretrial and presentenced detainees indefinitely, and juveniles up to limits prescribed by Minnesota statute and commissioner approval.

Subp. 20. **Legend drug.** "Legend drug" means a drug required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

Subp. 21. **Local facility.** "Local facility" means any city, county, city and county, or multiple county corrections facility.

Subp. 22. **Mandatory.** "Mandatory" means the rule must be met by the facility in order for the facility to be licensed.

Subp. 23. **Maximum security areas.** "Maximum security areas" means areas that provide the greatest degree of physical security for the control and separation of prisoners.

Subp. 24. **Medicine.** "Medicine" means a remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purpose of this chapter, medicine includes legend and nonlegend drugs.

Subp. 25. **Minimum security areas.** "Minimum security areas" means areas that provide functional living accommodations with a nominal reliance on physical security for the control and management of prisoners.

Subp. 26. **Municipal police facilities.** "Municipal police facilities" means police facilities including an administrative processing area used to temporarily detain persons for up to six hours. Municipal police facilities are specifically designed to be nonresidential in nature, have either audio or visual

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capability, would normally not be locked except for routine security reasons, and would be used only long enough for identification, investigation, transfer arrangements, or release to a responsible person.

Subp. 27. **Nonresidential.** "Nonresidential" means that the holding area or room is not designed to be lived in. Nonresidential space would not typically include a bed, toilet, and wash basin.

Subp. 28. **Policy.** "Policy" means a statement declaring mission, purpose, and ideological position.

Subp. 29. **Prisoner.** "Prisoner" means an individual, adult or juvenile, detained or confined in a local facility.

Subp. 30. **Procedure.** "Procedure" means a written statement establishing the action plan to implement policy.

Subp. 31. **Rule.** "Rule" means that which is defined by Minnesota Statutes, section 14.02, subdivision 4.

Subp. 32. **Substantially conform.** "Substantially conform" means a compliance rating of 100 percent on items labeled mandatory and a rating of 70 percent compliance on all other items in this chapter.

Subp. 33. **Undue hardship.** "Undue hardship" means the financial costs are not warranted when weighed against the benefits derived.

Subp. 34. **Variance.** "Variance" means the waiver of a specific rule for a specified period of time.

2945.0110 INTRODUCTION.

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

Minnesota Statutes, section 241.021, subdivision 1, provides that the commissioner adopt rules establishing minimum

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standards for all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined in them according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules that follow are minimum standards for municipal lockup facilities. Facilities that house males and females must provide comparable care for each group. Facilities housing juveniles must meet the special criteria established for that group. All inspections made by the sheriff must be according to the standards in this chapter and must compare the care level for male and female groups.

2945.0120 INTENDED USE NONCONFORMANCE; LIMITATIONS OF RULES.

Subpart 1. **Intended use.** A facility must be used only for classifications for which it is intended. These rules do not regulate municipal police facilities or court holding rooms.

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

B. Class II municipal holding facilities must meet all standards in chapter 2945.

C. Class III municipal holding facilities must meet all standards except those waived as Class III municipal holding facilities.

D. Class IV municipal holding facilities must meet all standards except those waived as Class IV municipal holding facilities.

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

2945.0130 VARIANCES.

Subpart 1. **Variances; general.** The granting of a variance

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

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

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

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

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

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

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

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

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

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where the emergency exists.

PERSONNEL STANDARDS

2945.0500 MEDICAL EXAMINATIONS.

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

2945.0510 STAFF RECRUITMENT.

The selection, appointment, and promotion of facility personnel must be based on assessed ability. There must not be discrimination on the grounds of race, color, religion, sex, or national origin (mandatory). Custody personnel must be a minimum of 18 years old. Recruitment standards must set forth the basic requirements of ability, preparatory experience, physical condition, and character, as well as those qualities that may disqualify.

2945.0520 EXTRA DUTY.

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

2945.0530 STAFFING REQUIREMENTS.

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

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

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

Subp. 4. **Opposite sex policy (mandatory).** There must be a policy consistent with state statute that provides procedures to

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be followed by staff supervising prisoners of the opposite sex.

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

Subp. 6. **Reporting incidents and responding to emergencies. (mandatory).** A combination of staff and physical plant resources shall provide the capability of reporting incidents and responding to emergencies.

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

STAFF TRAINING

2945.1000 STAFF TRAINING PLAN.

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

A training program must be established in cooperation with a responsible health authority and with the facility administrator to provide instruction in the following areas:

A. the ability to respond to health-related situations within four minutes;

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

C. administration of first aid and cardiopulmonary resuscitation (CPR);

D. methods of obtaining assistance;

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

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

G. prevention of communicable diseases.

2945.1010 PART-TIME AND RELIEF STAFF.

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

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

2945.1600 GUIDELINES AND RESPONSIBILITIES.

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

2945.1610 POLICY AND PROCEDURE MANUALS.

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

RECORDS AND REPORTS

2945.2100 MAINTENANCE OF RECORDS AND REPORTS.

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

A. admission and release records (mandatory);

B. prisoner personal property records;

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

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

E. special occurrence records (mandatory);

F. records of policies and procedures;

G. employee personnel records;

H. records of staff training;

I. accounting records (not applicable to Class III

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and IV municipal holding facilities);

J. registers (mandatory);

K. food service records;

L. daily logs;

M. medical and dental records; and

N. disciplinary records.

The department must make available sample approved forms upon request on items A to N.

2945.2110 STORAGE AND PRESERVATION OF RECORDS (MANDATORY).

Space must be provided for the safe storage of records.

2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.

Prisoner booking records shall be maintained.

2945.2130 CONFIDENTIALITY OF AND ACCESS TO PRISONER RECORDS (MANDATORY).

Confidentiality of prisoner records and prisoner access to factual (nonconfidential) data in their personal files must be provided in conformity with state law.

PRISONER WELFARE

2945.2500 SEPARATION OF PRISONERS.

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

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

A. female prisoners from male prisoners;

B. juvenile prisoners from adult prisoners; and

C. insane prisoners from all other prisoners.

Juvenile prisoners must be separated from adult prisoners by sight and sound.

2945.2510 INFORMATION TO PRISONERS.

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

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provided to the inmate.

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

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

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

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

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

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

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

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

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

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

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

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

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

2945.2520 PRISONER VISITATION.

Each facility administrator shall develop and implement a prisoner visiting policy. The policy shall be in writing and include the requirements in items A to I.

A. Nonmonitored visits between the prisoner and the prisoner's attorney must be permitted.

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

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

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

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

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

G. Visiting must not be audio monitored.

H. Policies for parents, guardians, and attorneys visiting juvenile prisoners must be as unrestrictive as is administratively possible. The initial visit for parents, guardians, and attorneys must be permitted at any time (mandatory).

I. Prisoners requesting private interviews for family problems with accredited clergy, nuns, seminarians, and laypersons active in community church affairs, must be afforded this opportunity within such policies as are reasonable and

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necessary to protect the facility's security (not applicable to Class IV).

2945.2530 CORRESPONDENCE.

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

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

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

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

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

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

2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.

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

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facilities).

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

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

2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.

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

A. location of alarms and fire fighting equipment;

B. emergency drill policy;

C. specific assignments and tasks for personnel;

D. persons and emergency departments to be notified;

E. a procedure for evacuation of prisoners; and

F. arrangements for temporary confinement of prisoners.

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

A. assignment of persons to specific tasks in case of emergency situations;

B. instructions in the use of alarm systems and signals;

C. systems for notification of appropriate persons outside the facility;

D. information on the location and use of emergency equipment in the facility; and

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E. specification of evacuation routes and procedures.

Subp. 3. **Reporting of special incidents.** Incidents of a special or serious nature that endanger the lives of staff or prisoners or the physical plant must be reported in writing within ten days to the county sheriff and the department. The reports must include the names of staff members and prisoners involved, the nature of the special occurrence, actions taken, and the date and time of the occurrence. Special occurrences include:

A. attempted suicide;

B. suicide;

C. homicide;

D. death other than suicide or homicide;

E. serious injury or illness incurred after detention;

F. escape or runaway;

G. fire causing serious damage;

H. riot;

I. assaults requiring medical care;

J. other serious disturbances; or

K. occurrences of infectious diseases and disposition of the occurrences.

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

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

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

A. the date, time, and circumstances of the prisoner's death must be recorded in the prisoner's record;

B. if the prisoner dies in the facility, the coroner, medical examiner, or sheriff must be notified immediately;

C. personal belongings must be handled in a responsible and legal manner;

D. records of a deceased prisoner must be retained for a period of time in accordance with law; and

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

FOOD SERVICE

2945.3400 GENERAL REQUIREMENTS FOR FOOD SERVICE.

The goal of food service in each facility is to provide prisoners with food and beverages that are nutritionally adequate, palatable, produced in a manner to prevent foodborne illness, of adequate quantity and variety, served at appropriate temperatures, and prepared by methods that conserve nutritional value.

2945.3410 FOOD HANDLING PRACTICES (MANDATORY).

Food service shall be provided according to parts 4625.2500 to 4625.5000.

2945.3420 FREQUENCY OF MEALS.

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

2945.3430 THERAPEUTIC DIETS (MANDATORY).

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

2945.3440 USE OF FOOD IN DISCIPLINE (MANDATORY).

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

2945.3450 SUPERVISION OF MEAL SERVING.

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

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2945.3460 HOT MEAL MINIMUM.

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

SECURITY

2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.

Security policies and procedures must be written, operational, and include the following:

A. control and recovery of contraband (mandatory);

B. visitor and visit control;

C. prohibition on firearms in prisoner areas (mandatory);

D. search and shakedown schedules and procedures;

E. escort of prisoners outside security areas;

F. the requirement that all inmates are personally observed by an employee at least every 30 minutes, but on an irregular schedule; more frequent observation is required for those inmates who are violent, suicidal, mentally disordered, or who demonstrate unusual or bizarre behavior (mandatory);

I. escape prevention and action plans;

J. tool, medication, key, and weapon control procedures;

K. count procedure;

L. classification of prisoners; and

M. riot prevention and control procedures (not applicable to Class III and IV municipal holding facilities).

2945.4710 ADMISSIONS.

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

A. a thorough search of all admissions and prisoners on release status returning to the facility;

B. showering and delousing facilities (Class III and IV municipal holding facilities must have some type of facilities for inmates to wash up if showers are not available);

C. an assessment of health status;

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D. security classification (not applicable to Class III and IV municipal holding facilities);

E. inventory of prisoner's property;

F. fingerprinting and photographing, if appropriate; and

G. completion of admission form.

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

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

2945.4720 RELEASES.

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

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

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

2945.4730 SEARCHES AND SHAKEDOWNS.

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

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

Subp. 3. **Inspection of materials delivered to or**

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transported from the detention facility. All materials delivered to or transported from the facility must be inspected for contraband before distribution. Inspections must be documented.

2945.4740 LOCKS AND KEYS.

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

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

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

2945.4750 DANGEROUS MATERIALS (MANDATORY).

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

2945.4760 COUNT PROCEDURE.

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

ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION

2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES (MANDATORY).

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

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

Subp. 3. **Ambulance service.** Ambulance services must be available on a 24-hour-a-day basis.

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

2945.5410 POSTING OF AVAILABLE RESOURCES.

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

2945.5420 HOSPITALIZATION OF A PRISONER.

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

Subp. 2. **Guarding of prisoner.** When a prisoner requires hospitalization, the prisoner must be guarded on a 24-hour-per-day basis unless one of the following conditions has been satisfied: the prisoner is not in need of custody supervision; or the prisoner is medically incapacitated in the opinion of the attending physician.

2945.5430 FIRST AID.

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

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

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primary staff station.

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

Medical or dental records must be maintained on prisoners under medical or dental care (mandatory). The records must include:

A. the limitations and disabilities of the prisoner;

B. instructions for prisoner care;

C. orders for medication, including stop date;

D. any special treatment or diet;

E. activity restriction; and

F. times and dates when the prisoner was seen by medical personnel.

2945.5440 PREVENTIVE HEALTH SERVICES.

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

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

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

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

2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

Subpart 1. **Delivery by unlicensed staff.** The delivery of legend drugs by unlicensed staff must be under the direction of a consulting physician.

Subp. 2. **Plan for storage, delivery, and control of medicine.** A facility administrator, in consultation with a

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licensed physician or physician trained paramedic, shall develop a plan and procedure for the secure storage, delivery, and control of medicine.

A. The plan must include the following storage requirements:

(1) medicine must be stored in a locked area;

(2) the storage area must be kept locked at all times;

(3) medicine requiring refrigeration must be refrigerated and secured;

(4) prisoners must not be permitted in the medicine storage area;

(5) only staff authorized to deliver medicine may have access to keys for the medicine storage area;

(6) stock supplies of legend, prescription-type drugs must not be maintained (mandatory);

(7) prescribed medicine must be kept in its original container, bearing the original label; and

(8) poisons and medicine intended for external use must be clearly marked and stored separately from medicine intended for internal use.

B. Policy must dictate the delivery of medicine and must include the following:

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

(2) Medicine delivered to a prisoner must be self-administered under staff supervision.

(3) There must be a means for the positive identification of the recipient of medicine.

(4) Policy must include procedures and records to assure that medicine is delivered in accordance with physician instructions, and by whom.

(5) No prisoner while receiving legend drugs may

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receive any nonlegend drug without the approval of the attending physician (mandatory).

(6) Policy must include procedures for confirming that medicine delivered for oral ingestion has been ingested.

(7) Policy must include procedures for reporting to the physician any adverse reactions to drugs. Any reports shall be included in the prisoner's file (mandatory).

(8) Policy must include procedures for reporting to the attending physician a prisoner's refusal of prescribed medicine, and an explanation made in the prisoner's record (mandatory).

(9) Policy must include procedures for ensuring that no prisoner is deprived of medicine as prescribed because of penalty or staff retaliation (mandatory).

(10) Policy must include procedures that prohibit the delivery of medicine by prisoners (mandatory).

(11) Policy must include procedures requiring that a physician be contacted for instructions before the next prescribed medicine dosage time for all newly admitted prisoners who are either in possession of prescribed medicine or indicate a need for prescribed medicine (mandatory).

C. Records of receipt, the quantity of the drugs, and the disposition of legend drugs shall be maintained in sufficient detail to enable an accurate accounting.

Subp. 4. **Medicine given to prisoner upon release.** Prescribed medication belonging to a prisoner must be given to the prisoner or to the appropriate authority upon transfer or release. This shall be recorded in the prisoner's file.

Subp. 5. **Destruction of unused prescribed medicine.** Unused prescribed medicine must be destroyed by incineration or by flushing into the sewer system. A notation of the destruction must be made in the prisoner's record and must include a statement of what was destroyed, who destroyed it, and how it was destroyed.

2945.5460 REPORTING SUSPECTED CONTAGIOUS DISEASE (MANDATORY).

Approved
by Revisor _____

It is the responsibility of the facility administrator or person in charge to report to the Minnesota Department of Health any known or suspected contagious disease.

2945.5470 SEPARATION OF PRISONERS SUSPECTED OF HAVING A CONTAGIOUS DISEASE.

Prisoners suspected of having a contagious disease must be separated from other prisoners (mandatory).

2945.5480 MENTALLY ILL PRISONERS.

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

2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

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

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

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

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

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

Approved
by Revisor _____

conditions. Policies and procedures must include:

A. a requirement that facility staff report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs (mandatory);

B. a process for prioritizing work requests and reporting to the governing body in an expedient manner; and

C. a records system for review of budget and work requests, expenditures, dates and actions pursuant to detection of need, submission of work orders, and completion of requests.

Subp. 6. **Elimination of conditions conducive to vermin (mandatory).** A condition in the facility conducive to harborage or breeding of insects, rodents, or other vermin must be eliminated immediately.

Subp. 7. **Fire inspection (mandatory).** Fire inspections of the facility must be conducted on an annual basis by a state fire marshal or local fire official. Documentation of the inspection and any resulting orders must be maintained and available for inspection by the regulatory authority. Failure to comply with fire safety requirements will result in a denial of approval to continue facility operations.

Approved
by Revisor _____

POLICE DEPARTMENT
CITY OF COLUMBIA HEIGHTS

559 Mill Street Northeast
Columbia Heights, MN 55421-- 3882

(612) 788-9221

EDWARD M. CARLSON
Mayor

STUART W. ANDERSON
Chief of Police

June 1, 1990

Kenneth E. Merz
Director of Standards Development
Inspection and Enforcement Unit
300 Bigelow Building
450 North Syndicate Street
St. Paul, MN 55104

Dear Mr. Merz:

Please accept this letter as my request for a public hearing on the proposed permanent rules governing municipal jail facilities. I am concerned with the restrictive definition of municipal police facility and the fact that the rule seems to be more concerned with the architecture or design rather than the use of the space.

You have advised me that because of the design of our space that Columbia Heights would be classified as a Class IV Municipal Holding Facility. I believe that if the current rule is adopted, it will be the prisoner that will suffer. Further, I am concerned with the safety of my employees while letting prisoners go to the restroom facility, etc., should I be forced to remove the plumbing from the current holding room. Removal of plumbing would also cause a major problem for the Anoka County Bailiff, as he makes the overwhelming majority of the detentions. All of the court prisoners would be deprived of the present plumbing facilities. I feel the present rule is a conflict of the intent of granting protection, comfort, and safety to the person detained.

I would like to see new language on "residential" such as persons not held over four hours or facilities not intended to be for residential use.

I request a complete copy of the Statement Of Need And Reasonableness for each provision of the proposed rule. I request notification of the date of submission to the Attorney General should that event take place. Should the rule be adopted without a hearing, I request a copy of the adopted rule.

Thank you in advance for your assistance.

Sincerely,

Stuart W. Anderson

Stuart W. Anderson
Chief of Police

SWA:mld
90-366

POLICE DEPARTMENT
CITY OF COLUMBIA HEIGHTS

559 Mill Street Northeast
Columbia Heights, MN 55421-- 3882

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EDWARD M. CARLSON
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Thank you in advance for your assistance.

Sincerely,

Stuart W. Anderson

Stuart W. Anderson
Chief of Police

SWA:mld
90-366

Spring Lake Park Police Department
1301 Eighty First Avenue Northeast
Spring Lake Park, Minnesota 55432

Emergency 427-1212
Administration 784-6491

Bruce G. Porter, Chief of Police

June 7, 1990

Kenneth E. Merz, Direction Standard Development
Inspection and Enforcement Unit
300 Bigelow Building
450 North Syndicate Street
St. Paul, MN 55104

Dear Director Merz:

Please consider this letter as a request for a public hearing on the "Proposed Permanent Rules to Municipal Jail Facilities."

Because we are a small department we have little concerns over many of the proposed rules. I find, however, that there is little if any concern for the financial situation of the Municipalities covered by the proposed rules. There seems to be far more concern that the rules are the rules than the use of the individual facilities.

I will not go further into my feelings about the proposed rules at this time.

Thank you.

Sincerely,

Bruce G. Porter
Chief of Police

BGP:mv

CITY OF FRIDLEY

CIVIC CENTER • 6431 UNIVERSITY AVE. N.E. FRIDLEY, MINNESOTA 55432 • PHONE (612) 571-3450

May 29, 1990

Kenneth E. Merz, Director Standards Development
Inspection and Enforcement Unit
300 Bigelow Building
450 No. Syndicate St.
St. Paul, MN 55104

Dear Director Merz:

Request is hereby made for a public hearing on the "proposed permanent Rules to Municipal Jail facilities".

My major concern is one of individual interpretations being applied under 2945.0100 Definitions Sub. 26 Municipal Police Facilities and Sub.27 Nonresidential, specifically to the word "designed".

There are newer municipal police facilities that are designed with toilets, wash basins and cement and metal slabs for the health, safety, and comfort of those being temporarily detained. These facilities were never designed or intended to be for "residential" use.

It's conceivable that a change of inspection personnel later on could bring an interpretation that to qualify as a "municipal police facility" a city would have to remove a toilet, wash basin or cement slab. This would only serve to reduce the health, safety and comfort factor for detainees, which would seen to be in direct conflict of the proposed rule intent.

I would propose that under Sub. 26, Municipal police facilities that the statement "specifically designed to be nonresidential in nature" be changed to read "specifically utilized as nonresidential". I further propose that under Sub. 27 Nonresidential, the statement "not designed to be lived in" be changed to read "not used to live in". Line 7 and 8 under Sub. 27 should be deleted.

Very truly yours,

James P. Hill

James P. Hill
Assistant City Manager/
Public Safety Director

STATE OF MINNESOTA
DEPARTMENT OF CORRECTIONS

In the Matter of the Proposed Adoption of the Rule of the State of Minnesota Governing Municipal Jail Facilities

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on June 11, 1990 and was sent by United States mail to all persons on th list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on May 25, 1990. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) The agency received 3 requests for a public hearing. Therefore, the agency did not receive requests for a public hearing from 25 or more persons which were not withdrawn.

Based on the comments and evidence in the record before the agency, I find the following:

(8) The above-captioned rule is needed and reasonable.

(9) NOW THEREFORE, IT IS ORDERED that the rule identified as Rule Governing Municipal Jail Facilities is adopted this 10th day of August, 1990, pursuant to authority vested in me by Minnesota Statutes, section 241.021.

Orville B. Pung

Commissioner

STATE OF MINNESOTA
DEPARTMENT OF CORRECTIONS

In the Matter of Proposed Adoption
of the Rule of the State of Minnesota
Governing Municipal Jail Facilities

NOTICE OF
SUBMISSION OF
RULE ADOPTED
WITHOUT PUBLIC
HEARING TO THE
ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26:

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, August 10, 1990 for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the attorney general. You may submit written comments to the attorney general on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rule, part 2010.1000. You may receive a copy of the attorney general decision upon written request to the attorney general. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
Public Finance Division
515 Transportation Building
John Ireland Boulevard
Saint Paul, Minnesota 55155
Telephone Number: (612) 297-2040

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Kenneth E. Merz, Director Standards Development
Minnesota Department of Corrections
300 Bigelow Building
450 North Syndicate Street
Saint Paul, Minnesota 55104
Telephone Number: (612) 642-0333

Orville B. Pung

Commissioner

August 10, 1990

In the Matter of the Proposed Adoption
of the Rule of the State of Minnesota
Governing Municipal Jail Facilities

AFFIDAVIT OF
MAILING THE NOTICE
OF SUBMISSION OF
RULE ADOPTED
WITHOUT PUBLIC
HEARING
TO THE ATTORNEY
GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Joan M. Lahti, being sworn says:

That on the 9th day of August, 1990, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the United State mail, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rule in the above-entitled matter has been submitted to the Attorney General.

Joan M. Lahti

Joan M. Lahti
Inspection & Enforcement Unit

Subscribed and sworn to before me
this 9th day of August, 1990.

Constance R. Weaver

CONSTANCE R. WEAVER
NOTARY PUBLIC—MINNESOTA
GOODHUE COUNTY
MY COMMISSION EXPIRES 6-18-96

In the Matter of Adoption
of the Rule of the State of Minnesota
Governing Municipal Jail Facilities

DECLARATION
OF COUNSEL

I, Jacquie Regis, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0164.

M. Jacqueline Regis

Jacquie Regis
Special Assistant
Attorney General

Dated: 6/14/91

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Corrections

Community Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Municipal Jail Facilities

NOTICE IS HEREBY GIVEN that the State Department of Corrections is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing municipal jail facilities. The adoption of the rule is authorized by *Minnesota Statutes*, section 241.021, which requires the agency to promulgate rules governing correctional facilities.

The State Department of Corrections requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Kenneth E. Merz, Director Standards Development, Minnesota Department of Corrections, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, MN 55104. Oral statements will be received during regular business hours over the telephone at 612/642-0333 and in person at the above address.

All statements of information and opinions shall be accepted until May 15, 1990. Any written material received by the State Department of Corrections shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 29 March 1990

Orville B. Pung, Commissioner
Department of Corrections

Health Care Access Commission

Notice of Meeting of Health Care Access Commission

The next meeting of the Minnesota Health Care Access Commission will be Thursday, April 26, 1990 from 1:00 to 5:00 p.m. in Room 107 of the Capitol Building. Please call the Health Care Access Commission office, 297-5980 for further information.

Department of Labor and Industry

Code Enforcement High Pressure Piping Division

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Amendment of Rules of the Minnesota Department of Labor and Industry Governing High Pressure Piping

NOTICE IS HEREBY GIVEN that the Minnesota Department of Labor and Industry, Code Enforcement High Pressure Piping Division is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing high pressure piping installers and installation. The promulgation of these rules is authorized by *Minnesota Statutes* § 326.48, Subd. 1 (1988), *Minnesota Statutes* § 326.46, (1988), and *Minnesota Statutes* § 326.50, (1988).

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Department of Corrections
In the Matter of the Proposed
Adoption of the Rule of
the State of Minnesota
Governing Municipal Jail Facilities

NOTICE OF INTENT TO
ADOPT A RULE WITHOUT
A PUBLIC HEARING

(1) Notice is hereby given that the State of Minnesota intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, section 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 241.021, Subd. 1.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. (3) Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes section 14.131 to 14.20.

Comments or written requests for public hearing must be submitted to:

(5) Kenneth E. Merz, Director Standards Development
Inspection and Enforcement Unit
300 Bigelow Building
450 North Syndicate Street
St. Paul, MN 55104
612/642-0333

(8) The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a subsequent change in the proposed rule as noticed.

(11) The rule proposed for adoption relates to the following matters. Minimum standards governing municipal jail facilities. A free copy of the rule is available upon request from Kenneth E. Merz.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Kenneth E. Merz upon request.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Kenneth E. Merz.

May 25, 1990

Orville B. Pung
Commissioner

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Corrections

Proposed Permanent Rules Relating to Municipal Jail Facilities

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State of Minnesota intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, section 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 241.021, Subd. 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes* section 14.131 to 14.20.

Comments or written requests for public hearing must be submitted to:

Kenneth E. Merz, Director Standards Development
Inspection and Enforcement Unit
300 Bigelow Building
450 North Syndicate Street
St. Paul, MN 55104
612/642-0333

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a subsequent change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Kenneth E. Merz upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Kenneth E. Merz.

Orville B. Pung
Commissioner

In the Matter of the Proposed Adoption
of the Rule of the State of Minnesota
Governing Municipal Jail Facilities

AFFIDAVIT OF MAILING THE
NOTICE OF INTENT TO ADOPT
A RULE WITHOUT A PUBLIC HEARING
AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Joan M. Lahti, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State of Minnesota rulemaking mailing list is accurate, complete and current at of this 25th day of May, 1990.

That on the 25th day of May, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the United States mail, a copy thereof, with postage prepared, to all persons and associations on the aforementioned mailing list.

Joan M. Lahti
Inspection and Enforcement Unit

Subscribed and sworn to before me
this 25th day of May, 1990.

Mary A. Kahnke

MARY A. KAHNKE
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
MY COMMISSON EXPIRES MAY 2, 1991

Department of Corrections

Proposed Permanent Rules Relating to Municipal Jail Facilities

Rules as Proposed (all new material)

CHAPTER 2945

DEPARTMENT OF CORRECTIONS

MUNICIPAL JAIL FACILITIES

2945.0100 DEFINITIONS.

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

Subp. 2. **Administrative segregation.** "Administrative segregation" means the physical separation of prisoners prone to escape, prone to assault staff or other prisoners, likely to need protection from other prisoners or themselves, or determined to be mentally deficient and in need of special care.

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

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

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

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

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

Approved by Revisor RPK

up to 16 hours.

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

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

Subp. 10. **Controlled substance.** "Controlled substance" means a drug, substance, or immediate precursor in Schedules I to V of Minnesota Statutes, section 152.02. The term does not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.

Subp. 11. **Court holding facilities.** "Court holding facilities" means those areas where persons are held in conjunction with a court appearance. Court holding facilities may be secure but are nonresidential in design and persons are not normally held beyond four hours.

Subp. 12. **Custody personnel.** "Custody personnel" means those staff members or employees who are responsible for the custody and supervision of prisoners.

Subp. 13. **Department of Corrections; department.** "Department of Corrections" or "department" means the Minnesota Department of Corrections.

Subp. 14. **Emergency.** "Emergency" means a significant incident or disruption of normal facility procedures, policies, routines, or activities arising from fire, riot, natural disaster, suicide, assault, or medical emergency.

Subp. 15. **Existing facility.** "Existing facility" means a facility used for detention and confinement of prisoners before the effective date of this chapter.

Subp. 16. **Facility administrator.** "Facility administrator" means the individual who has been delegated the responsibility and authority for the administration and operation of a local facility.

Subp. 17. **Holding cell.** "Holding cell" means a cell or room in a holding facility used to hold one or more persons

Approved
by Revisor _____

temporarily while awaiting release, booking, court appearance, transportation, or interrogation.

Subp. 18. **Inspection.** "Inspection" means an on-site assessment or existing conditions made to determine the facility's compliance with this chapter.

Subp. 19. **Jail.** "Jail" means a secure adult detention facility used to confine sentenced prisoners for a time not to exceed one full year per conviction, adult pretrial and presentenced detainees indefinitely, and juveniles up to limits prescribed by Minnesota statute and commissioner approval.

Subp. 20. **Legend drug.** "Legend drug" means a drug required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

Subp. 21. **Local facility.** "Local facility" means any city, county, city and county, or multiple county corrections facility.

Subp. 22. **Mandatory.** "Mandatory" means the rule must be met by the facility in order for the facility to be licensed.

Subp. 23. **Maximum security areas.** "Maximum security areas" means areas that provide the greatest degree of physical security for the control and separation of prisoners.

Subp. 24. **Medicine.** "Medicine" means a remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purpose of this chapter, medicine includes legend and nonlegend drugs.

Subp. 25. **Minimum security areas.** "Minimum security areas" means areas that provide functional living accommodations with a nominal reliance on physical security for the control and management of prisoners.

Subp. 26. **Municipal police facilities.** "Municipal police facilities" means police facilities including an administrative processing area used to temporarily detain persons for up to six hours. Municipal police facilities are specifically designed to be nonresidential in nature, have either audio or visual

Approved
by Revisor _____

capability, would normally not be locked except for routine security reasons, and would be used only long enough for identification, investigation, transfer arrangements, or release to a responsible person.

Subp. 27. **Nonresidential.** "Nonresidential" means that the holding area or room is not designed to be lived in. Nonresidential space would not typically include a bed, toilet, and wash basin.

Subp. 28. **Policy.** "Policy" means a statement declaring mission, purpose, and ideological position.

Subp. 29. **Prisoner.** "Prisoner" means an individual, adult or juvenile, detained or confined in a local facility.

Subp. 30. **Procedure.** "Procedure" means a written statement establishing the action plan to implement policy.

Subp. 31. **Rule.** "Rule" means that which is defined by Minnesota Statutes, section 14.02, subdivision 4.

Subp. 32. **Substantially conform.** "Substantially conform" means a compliance rating of 100 percent on items labeled mandatory and a rating of 70 percent compliance on all other items in this chapter.

Subp. 33. **Undue hardship.** "Undue hardship" means the financial costs are not warranted when weighed against the benefits derived.

Subp. 34. **Variance.** "Variance" means the waiver of a specific rule for a specified period of time.

2945.0110 INTRODUCTION.

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

Minnesota Statutes, section 241.021, subdivision 1, provides that the commissioner adopt rules establishing minimum

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standards for all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined in them according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules that follow are minimum standards for municipal lockup facilities. Facilities that house males and females must provide comparable care for each group. Facilities housing juveniles must meet the special criteria established for that group. All inspections made by the sheriff must be according to the standards in this chapter and must compare the care level for male and female groups.

2945.0120 INTENDED USE NONCONFORMANCE; LIMITATIONS OF RULES.

Subpart 1. **Intended use.** A facility must be used only for classifications for which it is intended. These rules do not regulate municipal police facilities or court holding rooms.

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

B. Class II municipal holding facilities must meet all standards in chapter 2945.

C. Class III municipal holding facilities must meet all standards except those waived as Class III municipal holding facilities.

D. Class IV municipal holding facilities must meet all standards except those waived as Class IV municipal holding facilities.

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

2945.0130 VARIANCES.

Subpart 1. **Variances; general.** The granting of a variance

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

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

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

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

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

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

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

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

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

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where the emergency exists.

PERSONNEL STANDARDS

2945.0500 MEDICAL EXAMINATIONS.

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

2945.0510 STAFF RECRUITMENT.

The selection, appointment, and promotion of facility personnel must be based on assessed ability. There must not be discrimination on the grounds of race, color, religion, sex, or national origin (mandatory). Custody personnel must be a minimum of 18 years old. Recruitment standards must set forth the basic requirements of ability, preparatory experience, physical condition, and character, as well as those qualities that may disqualify.

2945.0520 EXTRA DUTY.

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

2945.0530 STAFFING REQUIREMENTS.

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

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

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

Subp. 4. **Opposite sex policy (mandatory).** There must be a policy consistent with state statute that provides procedures to

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be followed by staff supervising prisoners of the opposite sex.

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

Subp. 6. **Reporting incidents and responding to emergencies. (mandatory).** A combination of staff and physical plant resources shall provide the capability of reporting incidents and responding to emergencies.

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

STAFF TRAINING

2945.1000 STAFF TRAINING PLAN.

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

A training program must be established in cooperation with a responsible health authority and with the facility administrator to provide instruction in the following areas:

A. the ability to respond to health-related situations within four minutes;

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

C. administration of first aid and cardiopulmonary resuscitation (CPR);

D. methods of obtaining assistance;

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

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

G. prevention of communicable diseases.

2945.1010 PART-TIME AND RELIEF STAFF.

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

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

2945.1600 GUIDELINES AND RESPONSIBILITIES.

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

2945.1610 POLICY AND PROCEDURE MANUALS.

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

RECORDS AND REPORTS

2945.2100 MAINTENANCE OF RECORDS AND REPORTS.

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

A. admission and release records (mandatory);

B. prisoner personal property records;

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

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

E. special occurrence records (mandatory);

F. records of policies and procedures;

G. employee personnel records;

H. records of staff training;

I. accounting records (not applicable to Class III

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and IV municipal holding facilities);

J. registers (mandatory);

K. food service records;

L. daily logs;

M. medical and dental records; and

N. disciplinary records.

The department must make available sample approved forms upon request on items A to N.

2945.2110 STORAGE AND PRESERVATION OF RECORDS (MANDATORY).

Space must be provided for the safe storage of records.

2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.

Prisoner booking records shall be maintained.

2945.2130 CONFIDENTIALITY OF AND ACCESS TO PRISONER RECORDS (MANDATORY).

Confidentiality of prisoner records and prisoner access to factual (nonconfidential) data in their personal files must be provided in conformity with state law.

PRISONER WELFARE

2945.2500 SEPARATION OF PRISONERS.

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

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

A. female prisoners from male prisoners;

B. juvenile prisoners from adult prisoners; and

C. insane prisoners from all other prisoners.

Juvenile prisoners must be separated from adult prisoners by sight and sound.

2945.2510 INFORMATION TO PRISONERS.

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

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provided to the inmate.

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

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

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

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

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

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

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

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

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

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

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

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

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

2945.2520 PRISONER VISITATION.

Each facility administrator shall develop and implement a prisoner visiting policy. The policy shall be in writing and include the requirements in items A to I.

A. Nonmonitored visits between the prisoner and the prisoner's attorney must be permitted.

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

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

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

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

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

G. Visiting must not be audio monitored.

H. Policies for parents, guardians, and attorneys visiting juvenile prisoners must be as unrestrictive as is administratively possible. The initial visit for parents, guardians, and attorneys must be permitted at any time (mandatory).

I. Prisoners requesting private interviews for family problems with accredited clergy, nuns, seminarians, and laypersons active in community church affairs, must be afforded this opportunity within such policies as are reasonable and

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necessary to protect the facility's security (not applicable to Class IV).

2945.2530 CORRESPONDENCE.

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

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

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

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

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

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

2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.

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

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facilities).

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

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

2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.

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

A. location of alarms and fire fighting equipment;

B. emergency drill policy;

C. specific assignments and tasks for personnel;

D. persons and emergency departments to be notified;

E. a procedure for evacuation of prisoners; and

F. arrangements for temporary confinement of prisoners.

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

A. assignment of persons to specific tasks in case of emergency situations;

B. instructions in the use of alarm systems and signals;

C. systems for notification of appropriate persons outside the facility;

D. information on the location and use of emergency equipment in the facility; and

E. specification of evacuation routes and procedures.

Subp. 3. **Reporting of special incidents.** Incidents of a

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special or serious nature that endanger the lives of staff or prisoners or the physical plant must be reported in writing within ten days to the county sheriff and the department. The reports must include the names of staff members and prisoners involved, the nature of the special occurrence, actions taken, and the date and time of the occurrence. Special occurrences include:

A. attempted suicide;

B. suicide;

C. homicide;

D. death other than suicide or homicide;

E. serious injury or illness incurred after detention;

F. escape or runaway;

G. fire causing serious damage;

H. riot;

I. assaults requiring medical care;

J. other serious disturbances; or

K. occurrences of infectious diseases and disposition of the occurrences.

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

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

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

A. the date, time, and circumstances of the prisoner's death must be recorded in the prisoner's record;

B. if the prisoner dies in the facility, the coroner, medical examiner, or sheriff must be notified immediately;

C. personal belongings must be handled in a responsible and legal manner;

D. records of a deceased prisoner must be retained for a period of time in accordance with law; and

E. the facility administrator shall observe all pertinent laws and allow appropriate investigating authorities

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full access to all facts surrounding the death.

FOOD SERVICE

2945.3400 GENERAL REQUIREMENTS FOR FOOD SERVICE.

The goal of food service in each facility is to provide prisoners with food and beverages that are nutritionally adequate, palatable, produced in a manner to prevent foodborne illness, of adequate quantity and variety, served at appropriate temperatures, and prepared by methods that conserve nutritional value.

2945.3410 FOOD HANDLING PRACTICES (MANDATORY).

Food service shall be provided according to parts 4625.2500 to 4625.5000.

2945.3420 FREQUENCY OF MEALS.

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

2945.3430 THERAPEUTIC DIETS (MANDATORY).

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

2945.3440 USE OF FOOD IN DISCIPLINE (MANDATORY).

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

2945.3450 SUPERVISION OF MEAL SERVING.

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

2945.3460 HOT MEAL MINIMUM.

A minimum of one hot meal must be provided for each 24

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hours of confinement (not applicable to Class III and Class IV municipal holding facilities).

SECURITY

2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.

Security policies and procedures must be written, operational, and include the following:

A. control and recovery of contraband (mandatory);

B. visitor and visit control;

C. prohibition on firearms in prisoner areas (mandatory);

D. search and shakedown schedules and procedures;

E. escort of prisoners outside security areas;

F. the requirement that all inmates are personally observed by an employee at least every 30 minutes, but on an irregular schedule; more frequent observation is required for those inmates who are violent, suicidal, mentally disordered, or who demonstrate unusual or bizarre behavior (mandatory);

I. escape prevention and action plans;

J. tool, medication, key, and weapon control procedures;

K. count procedure;

L. classification of prisoners; and

M. riot prevention and control procedures (not applicable to Class III and IV municipal holding facilities).

2945.4710 ADMISSIONS.

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

A. a thorough search of all admissions and prisoners on release status returning to the facility;

B. showering and delousing facilities (Class III and IV municipal holding facilities must have some type of facilities for inmates to wash up if showers are not available);

C. an assessment of health status;

D. security classification (not applicable to Class III and IV municipal holding facilities);

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E. inventory of prisoner's property;

F. fingerprinting and photographing, if appropriate; and

G. completion of admission form.

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

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

2945.4720 RELEASES.

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

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

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

2945.4730 SEARCHES AND SHAKEDOWNS.

Subpart 1. **Visitor searches.** Searches and shakedowns of visitors must be done in accordance with written policy and legal procedures.

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

Subp. 3. **Inspection of materials delivered to or transported from the detention facility.** All materials delivered to or transported from the facility must be inspected

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for contraband before distribution. Inspections must be documented.

2945.4740 LOCKS AND KEYS.

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

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

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

2945.4750 DANGEROUS MATERIALS (MANDATORY).

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

2945.4760 COUNT PROCEDURE.

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

ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION

2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES (MANDATORY).

Subpart 1. **Availability of resources, general.** Each facility must have a licensed physician or medical resource such as a hospital or clinic designated for the medical supervision

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and treatment of prisoners. Resources must ensure 24-hour-a-day service.

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

Subp. 3. **Ambulance service.** Ambulance services must be available on a 24-hour-a-day basis.

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

2945.5410 POSTING OF AVAILABLE RESOURCES.

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

2945.5420 HOSPITALIZATION OF A PRISONER.

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

Subp. 2. **Guarding of prisoner.** When a prisoner requires hospitalization, the prisoner must be guarded on a 24-hour-per-day basis unless one of the following conditions has been satisfied: the prisoner is not in need of custody supervision; or the prisoner is medically incapacitated in the opinion of the attending physician.

2945.5430 FIRST AID.

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

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

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

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Medical or dental records must be maintained on prisoners under medical or dental care (mandatory). The records must include:

A. the limitations and disabilities of the prisoner;

B. instructions for prisoner care;

C. orders for medication, including stop date;

D. any special treatment or diet;

E. activity restriction; and

F. times and dates when the prisoner was seen by medical personnel.

2945.5440 PREVENTIVE HEALTH SERVICES.

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

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

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

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

2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

Subpart 1. **Delivery by unlicensed staff.** The delivery of legend drugs by unlicensed staff must be under the direction of a consulting physician.

Subp. 2. **Plan for storage, delivery, and control of medicine.** A facility administrator, in consultation with a licensed physician or physician trained paramedic, shall develop a plan and procedure for the secure storage, delivery, and control of medicine.

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A. The plan must include the following storage requirements:

(1) medicine must be stored in a locked area;

(2) the storage area must be kept locked at all times;

(3) medicine requiring refrigeration must be refrigerated and secured;

(4) prisoners must not be permitted in the medicine storage area;

(5) only staff authorized to deliver medicine may have access to keys for the medicine storage area;

(6) stock supplies of legend, prescription-type drugs must not be maintained (mandatory);

(7) prescribed medicine must be kept in its original container, bearing the original label; and

(8) poisons and medicine intended for external use must be clearly marked and stored separately from medicine intended for internal use.

B. Policy must dictate the delivery of medicine and must include the following:

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

(2) Medicine delivered to a prisoner must be self-administered under staff supervision.

(3) There must be a means for the positive identification of the recipient of medicine.

(4) Policy must include procedures and records to assure that medicine is delivered in accordance with physician intructions, and by whom.

(5) No prisoner while receiving legend drugs may receive any nonlegend drug without the approval of the attending physician (mandatory).

(6) Policy must include procedures for confirming

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that medicine delivered for oral ingestion has been ingested.

(7) Policy must include procedures for reporting to the physician any adverse reactions to drugs. Any reports shall be included in the prisoner's file (mandatory).

(8) Policy must include procedures for reporting to the attending physician a prisoner's refusal of prescribed medicine, and an explanation made in the prisoner's record (mandatory).

(9) Policy must include procedures for ensuring that no prisoner is deprived of medicine as prescribed because of penalty or staff retaliation (mandatory).

(10) Policy must include procedures that prohibit the delivery of medicine by prisoners (mandatory).

(11) Policy must include procedures requiring that a physician be contacted for instructions before the next prescribed medicine dosage time for all newly admitted prisoners who are either in possession of prescribed medicine or indicate a need for prescribed medicine (mandatory).

C. Records of receipt, the quantity of the drugs, and the disposition of legend drugs shall be maintained in sufficient detail to enable an accurate accounting.

Subp. 4. **Medicine given to prisoner upon release.** Prescribed medication belonging to a prisoner must be given to the prisoner or to the appropriate authority upon transfer or release. This shall be recorded in the prisoner's file.

Subp. 5. **Destruction of unused prescribed medicine.** Unused prescribed medicine must be destroyed by incineration or by flushing into the sewer system. A notation of the destruction must be made in the prisoner's record and must include a statement of what was destroyed, who destroyed it, and how it was destroyed.

2945.5460 REPORTING SUSPECTED CONTAGIOUS DISEASE (MANDATORY).

It is the responsibility of the facility administrator or person in charge to report to the Minnesota Department of Health any known or suspected contagious disease.

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2945.5470 SEPARATION OF PRISONERS SUSPECTED OF HAVING A CONTAGIOUS DISEASE.

Prisoners suspected of having a contagious disease must be separated from other prisoners (mandatory).

2945.5480 MENTALLY ILL PRISONERS.

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

2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

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

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

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

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

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

A. a requirement that facility staff report unsanitary and unsafe conditions as well as physical plant and

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equipment repairs and replacement needs (mandatory);

B. a process for prioritizing work requests and reporting to the governing body in an expedient manner; and

C. a records system for review of budget and work requests, expenditures, dates and actions pursuant to detection of need, submission of work orders, and completion of requests.

Subp. 6. **Elimination of conditions conducive to vermin (mandatory).** A condition in the facility conducive to harborage or breeding of insects, rodents, or other vermin must be eliminated immediately.

Subp. 7. **Fire inspection (mandatory).** Fire inspections of the facility must be conducted on an annual basis by a state fire marshal or local fire official. Documentation of the inspection and any resulting orders must be maintained and available for inspection by the regulatory authority. Failure to comply with fire safety requirements will result in a denial of approval to continue facility operations.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Municipal Jail Facilities

AGENCY: Department of Corrections

MINNESOTA RULES: Chapter 2945

The attached rules are approved for publication in the State Register

Robert P. Kittel

Robert P. Kittel
Assistant Deputy Revisor

MJM

RULE REVIEW CHECKLIST

File No. 1835
DATE RECEIVED 6-14-91
REVIEW DATE 6-24-91
DUE DATE 6-28-91
(DIS)APPROVED
WITHDRAWN

Docket No. 05.0009.0164
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 6-18-91
REVISOR (DIS)APPROVED 6-21-91
FILED W/SEC. OF STATE
RETURNED TO AGENCY

_____ Rule as adopted (4 copies)

April 9, 1990 Notice to Solicit Outside Information/Opinion (if applicable)
_____ Date published in State Register
✓ Comments

_____ ~~Petition for Adoption of a Rule~~

_____ Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
_____ Revisor's Certificate

_____ Notice of Intent to Adopt Rule ~~no signature copy~~
241.021 subd Statutory Authority
NO Small Business Statement
NO Expenditure of public money statement
May 25, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
NO Statement Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
May 25, 1990 Dated 30/25 days before adoption
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
June 11, 1990 Date 30/25 days before adoption

_____ 180-day deadline from:
_____ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
didn't meet it end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ ~~Resolution Adopting~~
_____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
August 10, 1990 Date

✓ Written Requests, Submissions or Comments

_____ Declaration of Attorney
Jackie Regis Name of SAAG representing agency

✓ Notice of Submission to Attorney General (if applicable)

✓ Affidavit of Mailing Notice to Attorney General (if applicable)