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STATE OF MINNESOTA
DEPARTMENT OF CORRECTIONS

In the Matter of Proposed Rules
of the Department of Corrections
Relating to Permanent Rules
Relating to Municipal
Jail Facilities
Chapter 2945

STATEMENT OF NEED
AND REASONABLENESS

INTRODUCTION

Minnesota Statutes, section 642.09, provides that the sheriff of a county in which 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 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.

**The Legislative Commission to
Review Administrative Rules**

JUN 16 1992



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

2945.0100 DEFINITIONS.

This part defines words and phrases that have meanings specific to Chapter 2945, that otherwise may have several possible interpretations or that need exact definitions to be consistent with statute or other department rules.

Subpart 1. Scope. This provision is necessary to clarify that the definitions apply to the entire sequence of Chapter 2945. This subpart and the definitions that follow in subpart 2 to 34 are necessary to inform county, sheriff and municipal law enforcement agencies of the meaning of specific words used in this rule.

Subpart 2. Administrative segregation. This definition is necessary to clarify a term in the rule. Administrative segregation means the physical separation of one prisoner from all others held based on the classification of the individual rather than behavior.

Subpart 3. Approved capacity. This definition is necessary to clarify a term in the rule. Approved capacity means the maximum number of prisoners that may be held in a facility based on the standards set forth in Chapter 2945.

SECRET

Subpart 4. Average daily population. This definition is necessary to clarify a term used in the rule. Average daily population means the average number of prisoners held in the facility per day during the previous calendar year and which types of prisoners are not to be included in this count.

Subpart 5. Class I municipal holding facility. This definition is necessary to clarify a term used in the rule. A Class I facility is any municipal lockup that may confine one or more prisoners for more than 48 hours. This will be reasonable due to the fact it is a mutual agreement between its municipality and the Department of Corrections.

Subpart 6. Class II municipal holding facility. This definition is necessary to clarify a term used in the rule. A Class II facility is any municipal lockup that may confine one or more prisoners for up to, but no longer than 48 hours. This will be reasonable due to the fact it is a mutual agreement between the municipality and the Department of Corrections.

Subpart 7. Class III municipal holding facility. This definition is necessary to clarify a term used in the rule. A Class III facility is any municipal lockup that may confine one or more prisoners for up to, but no longer than 16 hours. This will be reasonable due to the fact it is a mutual agreement between the municipality and the Department of Corrections.

Subpart 8. Class IV municipal holding facility. This definition is necessary to clarify a term used in the rule. A Class IV facility is any municipal lockup that may confine one or more prisoners for up to, but no longer than a maximum of 4 hours. This will be reasonable due to the fact it is a mutual agreement between the municipality and the Department of Corrections.

Subpart 9. Commissioner. This definition is necessary to clarify a term used in the rule. "Commissioner" means the Minnesota Department of Corrections. It is reasonable to shorten the term "Commissioner of the Minnesota Department of Corrections" to "Commissioner" to shorten the length of the rule.

Subpart 10. Communicable disease. This definition is necessary to clarify a term used in the rule. Communicable disease means a disease or condition by which an infectious agent may pass or be carried from the body of one person to the body of another. It is reasonable to require these facilities to take extra precautions against the spread of communicable diseases due to the nature of confinement within a jail facility.

Subpart 11. Contraband. This definition is necessary to clarify a term used in the rule. Contraband means those items defined by policy of the facility administration that are prohibited on the physical premises. This is reasonable in order to ensure the safety and security of the facility.

Subpart 12. Controlled substance. This definition is necessary to clarify a term used in the rule. Controlled substance means those drugs that must be accounted for when handled or dispensed within the facility. Those drugs are defined in Schedules I to V of Minnesota Statutes, section 152.02.

Subpart 13. Court holding facility. This definition is necessary to clarify a term used in the rule. A court holding facility is separate and distinct from a municipal jail facility. A court holding facility may be secure, but is non-residential in design and are used to hold an individual awaiting a court appearance for less than four hours.

Subpart 14. Custody personnel. This definition is necessary to clarify a term used in the rule. Custody personnel are those staff members or employees directly responsible for the custody and supervision of the prisoners held in the municipal jail facility.

Subpart 15. Department of Corrections.; department. This definition is necessary to clarify a term used in the rule.

"Department of Corrections" or "department" shall mean the Minnesota Department of Corrections. It is reasonable to shorten the term "Minnesota Department of Corrections" or Department of Corrections" to "department" in order to shorten the rule.

Subpart 16. Directory. This definition is necessary to clarify a term used in this rule. Directory means that any standard in the rule which is not identified as mandatory is a directory standard. It is reasonable to direct the facility to comply with these standards to ensure the security and safety of the prisoners to the greatest extent.

Subpart 17. Emergency. This definition is necessary to clarify a term used in the rule. Emergency shall mean any incident or activity which disrupts the normal facility operation. Examples of such are included in this definition.

Subpart 18. Existing facility. This definition is necessary to clarify a term used in the rule. Existing facility means any municipal jail facility built and used to confine prisoners prior to the effective date of the rule.

Subpart 19. Facility administrator. This definition is necessary to clarify a term used in the rule. Facility administrator is the one individual who is responsible for the administration and operation of the municipal jail facility.

Subpart 20. Holding cell. This definition is necessary to clarify a term used in the rule. A holding cell is the cell or room that is used to hold one or more prisoner within the municipal holding facility.

Subpart 21. Inspection. This definition is necessary to clarify a term used in the rule. Inspection is the actual assessment or evaluation of the municipal jail facility by the Sheriff or his designee or the county in which the municipality is located.

Subpart 22. Jail. This definition is necessary to clarify a term used in the rule. A jail is a secure adult detention facility which is inspected by the Department of Corrections pursuant to Minnesota Statute 241.021 Subdivision 1, and is regulated by Minnesota Rules Chapter 2910.

Subpart 23. Legend drug. This definition is necessary to clarify a term used in the rule. A legend drug is a drug that is required by the Federal Food, Drug and Cosmetic Act to bear the following, "Caution: Federal law prohibits dispensing without prescription."

Subpart 24. Local facility. This definition is necessary to clarify a term used in the rule. A local facility is any correctional facility in a city, county, or multiple jurisdiction used for the detention and confinement of an individual.

Subpart 25. Mandatory. This definition is necessary to clarify a term used in the rule. Mandatory means that any standard in the rule which is identified as mandatory must be complied with by the facility or waived by the commissioner in order for the facility to be licensed and continue to operate.

Subpart 26. Maximum security areas. This definition is necessary to clarify a term used in the rule. A maximum security area is that area of the municipal jail facility that provides the greatest degree of physical barriers in order to provide security for control and separation of the prisoners being detained.

Subpart 27. Medicine. This definition is necessary to clarify a term used in the rule. A medicine is any agent whether of a legend or nonlegend nature that may be given to a prisoner to cure, prevent, treat or mitigate a disease.

Subpart 28. Mentally ill person. This definition is necessary to clarify a term used in the rule. It is necessary to identify a mentally ill person as soon as possible for a jail type facility or staff are not properly equipped or trained to handle the special needs of this population. It is reasonable to require transfer to a facility that can meet the needs of this individual appropriately.

Subpart 29. Minimum security areas. This definition is necessary to clarify a term used in the rule. A minimum security area is that area of the municipal jail facility that relies the least on physical barriers, in order to provide security for the control and separation of the prisoners being detained.

Subpart 30. Municipal police facilities. This definition is necessary to clarify a term used in the rule. A municipal police facility means the area of a police facility used to temporarily detain persons primarily for processing purposes and held until they could be released to another responsible person. This area must be non-residential in nature, meaning the area or room does not have bed or bathroom facilities contained within. This area would not normally be locked or necessarily within the security perimeter of the building.

Subpart 31. Nonresidential. This definition is necessary to clarify a term used in the rule. Nonresidential is used to describe the area a person is detained which cannot be termed a cell or detention room which would normally have a bed, toilet and wash basin.

Subpart 32. Policy. This definition is necessary to clarify a term used in the rule. A policy is a written statement which outlines the stated course or method of action which guides and determines present and future decisions and actions within the facility.

Subpart 33. Prisoner. This definition is necessary to clarify a term used in the rule. A prisoner is any person who is detained or confined within the security of the municipal jail facility.

Subpart 34. Procedure. This definition is necessary to clarify a term used in the rule. A procedure is the method by which the established policy of the municipal jail facility is implemented.

Subpart 35. Rule. This definition is necessary to clarify a term used in the rule. The rule is the means of general applicability and future effect adopted to implement or make specific the law enforced or administrated, or to govern operation or procedure. The definition is reasonable because it is consistent with Minnesota Statutes, section 14.02, subdivision 4.

Subpart 36. Substantially conform. This definition is necessary to clarify a term used in the rule. Substantially conform means that a municipal jail facility when inspected must comply with all standards labeled as mandatory or 100% of that category. Additionally, the facility must comply with 70% of all standards not identified as mandatory contained within the rule at the time of the inspection.

Subpart 37. Undue hardship. This definition is necessary to clarify a term used in the rule. An undue hardship means the financial costs to a facility in order to comply with a particular standard is not warranted when weighted against the benefits derived in the estimation of the commissioner or his designee.

Subpart 38. Variance This definition is necessary to clarify a term used in the rule. A variance is written permission from the commissioner for the facility to temporarily depart from a specific rule for a specified period of time. The definition is reasonable because it is consistent with Minnesota Rule 2910.0400, Subpart 1.

2945.0110 INTRODUCTION.

This section is 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. It is reasonable to assume that the proposed standard will meet these requirements.

2945.0120 INTENDED USE NONCONFORMANCE; LIMITATIONS OF RULES.

Subpart 1. Intended use. Municipal facilities serve different functions in the state. Length of time a prisoner may be held varies from several hours to several days. It was necessary to develop various levels of classifications in order to adequately address each facility. It is reasonable to recognize that particular standards for one facility may not be appropriate for another. It is necessary to ensure that a facility is used only for the purpose for which it has been approved.

Subitem A. This subitem is necessary to identify exactly what a Class I facility must do in order to be approved to operate by the commissioner. It is reasonable to require a Class I municipal facility to meet the requirements of Chapter 2910 due to the fact it is authorized to hold prisoners as long as a county jail which is governed by Chapter 2910.

Subitem B. This subitem is necessary to identify exactly what a Class II facility must do in order to be approved to operate by the commissioner. It is reasonable to require a Class II facility to meet all mandatory rules and 70% of all rules not labeled as mandatory since this classification is permitted to hold prisoners for the longest period of time of all facilities governed by this chapter.

Subitem C. This subitem is necessary to identify exactly what a Class III facility must do in order to be approved to operate by the commissioner. It is reasonable to not require some of the standards be applied to this classification due to the limited time it is authorized to hold persons.

Subitem D. This subitem is necessary to identify exactly what a Class IV facility must do in order to be approved to operate by the commissioner. It is reasonable to require the least from this classification due to the fact they are authorized to hold persons for the least amount of time.

Subitem E. This subitem is necessary to clarify the mandatory implications of the terms "shall" or "must" when used in a directory standard. It is reasonable to use such terms to direct the facility with regards to the importance of these standards even if they are not mandatory.

Subpart 2. Nonconformance, unsafe, unsanitary, or illegal conditions. It is necessary to identify the statutes and actions available to the Commissioner if facilities do not substantially conform to the rule. It is reasonable to create a mechanism for discontinuing use of the facility.

2945.0130 VARIANCES.

Subpart 1. Variances; general. This subpart is necessary to identify information that must be included in a request for a variance from a rule requirement. This subpart is reasonable because it is consistent with the variance requirements under Minnesota Rule 2910.0400, Subpart 1, and Minnesota Statute 14.03, subpart 4. Items A through E are necessary to establish a uniform procedure for justifying a variance request and each of these items have to be met. Item A is reasonable to prevent the facility from having to take unnecessary steps if the facility can still maintain a safe and secure environment. Item B is reasonable to ensure the safe and secure environment with the variance. Item C is reasonable to ensure the variance does not prevent the maintenance of a safe and secure environment. Item D is reasonable to ensure a proactive stance on the part of the facility. Item E is reasonable to ensure that the facility comes as close to complete compliance with the rule as possible.

Subpart 2. Emergencies. 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.

Subpart 3. Notification of emergencies (mandatory). This subpart is needed to ensure that those people responsible for the operation of and monitoring of the facility are aware of the fact that one or more of its regulations have been suspended and the reasons why. It is reasonable to require this notification within 72 hours so that they could possibly respond to inquiries.

Subpart 4. Extension of emergency. This subpart is necessary to ensure that a facility administrator does not arbitrarily extend the suspension of any rule. In some cases it may be reasonable for the commissioner to grant a variance to extend the suspension.

PERSONNEL STANDARDS

2945.0500 MEDICAL EXAMINATIONS.

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.

2945.0510 STAFF RECRUITMENT

Subpart 1. Discrimination prohibited (mandatory). This subpart is necessary to ensure that 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. It is reasonable to expect that tests not be culturally bias.

Subpart 2. Staff selection. This subpart is necessary and reasonable to permit selection from a larger pool of applicants, and ensure that artificial barriers to employment should be removed.

2945.0520 EXTRA DUTY.

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.

2945.0530 STAFFING REQUIREMENTS.

Subpart 1. Staffing plan. This subpart is necessary to ensure that each facility is staffed with enough employees to perform all duties and discharge all responsibilities. This is reasonable to ensure the safety and security for all prisoners detained there.

Subpart 2. Staff person in charge. (mandatory). This subpart is necessary to identify primary responsibility for the overall operation of the facility. This is reasonable to determine where the decision making authority for the facility.

Subpart 3. Condition of staff person on duty. (mandatory). This subpart is necessary to ensure that staff presence is available and the someone is capable of responding to an emergency. This is reasonable so that the safety of anyone detained is protected.

Subpart 4. Opposite sex policy. (mandatory). This subpart is necessary to protect each residents' right to privacy. This is reasonable because it is consistent with Minnesota Statute 642.08, which prohibits the detention of a person of one sex without the presence of a staff member of the same sex, and consistent with Minnesota Rule 2910.0900, Subpart 5.

Subpart 5. Assistance for dispatcher/custody staffperson

(mandatory). This subpart is necessary to ensure that all services that are provided as necessary by the facility without jeopardizing the efficiency of the overall operation. This is reasonable for it is consistent with Minnesota Rule 2910.0900, subpart 7.

Subpart 6. Reporting incidents and responding to emergencies.

(mandatory). This subpart is necessary to ensure that sufficient staff is available so that the 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. It is reasonable to require staff to complete an incident report to ensure that the situation was handled in an appropriate manner.

Subpart 7. Ancillary functions. This subpart is necessary to ensure that prisoners are never left unsupervised while jail staff may be occupied with noncustodial duties. This is reasonable because it is consistent with Minnesota Statute 642.02, Subdivision 2 and Minnesota Rule 2910.0900, Subpart 10.

STAFF TRAINING

2945.1000 STAFF TRAINING PLAN

Subpart 1. Orientation and in-service training plan. This is necessary because 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 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 these 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.

Subpart 2. First aid and CPR training (mandatory). This is necessary and reasonable due to the fact that staff are charged with ensuring the health and safety of all persons detained within the facility.

Subpart 3. Other health and safety training (mandatory). This is necessary to ensure that staff is capable of responding to medical situations other than emergency. This is reasonable given to large diversity of individuals which may be detained in the facility.

Item A requires instruction which would enable the staff to respond to a health threatening situation within four minutes. This is reasonable so that the safety of the prisoner can be protected as best as possible.

Item B requires instruction on the recognition of signs and symptoms of health problems and the appropriate action that may be needed for reasonable treatment.

Item C requires instruction in the methods of obtaining appropriate assistance. This is reasonable so that time is not wasted in getting the assistance necessary.

Item D requires instruction in the identification of specific problems that would be best handled outside of a municipal jail facility.

Item E requires instruction in obtaining transfers to facilities other than the municipal jail facility. This is reasonable as the patient would receive proper medical or mental health care.

Item F requires instruction in the proper handling and care of a prisoner with a communicable disease. This is reasonable so that no other prisoner or staff member would become infected.

2945.1010 PART-TIME AND RELIEF STAFF

Needed to ensure that part-time or relief staff not ordinarily responsible for the supervision of prisoners have a basic understanding of the tasks they must perform. When part-time or relief staff are responsible for prisoners who are locked up, there is a prisoner concern and security concern. It is reasonable that an orientation to the facility operation be provided to these employees.

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

2945.1600 GUIDELINES AND RESPONSIBILITIES.

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. It is reasonable to have formal guidelines to ensure continuity.

2945.1610 POLICY AND PROCEDURE MANUAL.

Needed in order to ensure a uniform daily operation of the facility, the policy and procedure manual should be of sufficient detail. Every employee should have access to a copy. This is reasonable to ensure equal treatment and continuity.

RECORDS AND REPORTS

2945.2100 MAINTENANCE OF RECORDS AND REPORTS.

The need for records and reports has been, in the past, due to the fact that the Department of Corrections is required to inspect and assess conditions in such facilities. As a function of that process, adequate documentation is necessary to the Department's ability to carry out the responsibility of the Commissioner of Corrections. Additionally, the Department of Corrections is under an obligation to investigate complaints made by prisoners as referred to it, either directly to the Department of Corrections by the prisoner, 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 imperative 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 non-secure 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.

Subpart 1. All subitems A through C are mandatory requirements and must be maintained in order to continue to be licensed by the department. This is necessary in order to keep accurate count of the number of prisoners held and of any unusual or special occurrences within the facility.

Subpart 2. All subitems A through K are considered to be directory requirements. Therefore, at the time of inspection it is reasonable to require a minimum of 70% of these records be maintained. Each of these items are considered to be important even if not mandatory. Those in non-compliance will be noted in the facility's report with correction expected.

All records act as documentation as to 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.

2945.2110 STORAGE AND PRESERVATION OF RECORDS (MANDATORY)

Records should be stored in a secure area so that they are protected from theft, loss, tampering and destruction.

2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.

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. This standard is reasonable for it is required by Minnesota Statute 641.05.

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

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 confidential rights of prisoners. It is reasonable to require these facilities to comply with these requirements due to the fact that it is Minnesota Statute Chapter 13.05.

PRISONER WELFARE

2945.2500 SEPARATION OF PRISONERS (MANDATORY).

Subpart 1. General. This is necessary and reasonable to ensure that each facility licensed under this rule is in compliance with State Statute 641.14. It is reasonable to expect that prisoners be housed separately for reasons of age, nature of offense, and mental capabilities in order to maintain safety and security of the facility.

Subpart 2. Prisoners to be housed separately. This subpart with subitems A through C is necessary to spell out exactly which prisoners must be held separately. The provision of the statute requiring separation of sentenced prisoners from those awaiting trial was omitted because these municipal facilities do not hold sentenced prisoners.

Subpart 3. Separation by sight and sound. This subpart is necessary because it is a separate and distinct requirement of Minnesota Statute 641.14. It is reasonable to expect these facilities to keep juveniles out of the direct line of sight and adult prisoners as well as far enough away so that communication is not possible by normal conversational tones, anything louder would alert facility staff personally or over audio devices.

2945.2510 INFORMATION TO PRISONERS.

Subpart 1. Information to prisoners. This is necessary because prisoners have the right to know what they can and cannot do within the facility. It is reasonable to require that they be informed of what the consequences of their negative behavior might be.

Subpart 2. Official charge, legal basis for detention (mandatory). This is necessary in order to ensure that the prisoners know what the legal basis is for their detention and to whom all information will be disseminated.

Subpart 3. Limitations on disciplinary actions. This subpart 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. It is necessary to expect that all disciplinary actions be instituted by facility staff and never by other prisoners.

It is reasonable to expect that prisoners be provided with hygiene items such as toilet paper, soap, and water in order to maintain an acceptable level of personal hygiene. For those facilities that are authorized to house prisoners for more than 24 hours should also provide toothpaste, toothbrush, and shampoo.

Subpart 4. Instruments of restraint. This is necessary to ensure that instruments of restraint are never used as a punitive action.

Subitem A, 1-3. This is necessary to define under what circumstances the use of physical restraints may be used. It is reasonable to allow the use of restraints during transfer as a precaution against escape. It is reasonable to use restraints if under the direction and order of a physician in order to prevent a prisoner from harming him/herself. It is reasonable to require the use of restraints within the facility to prevent a prisoner from injuring him/herself, others or damaging property to be done only by order of the person in charge. This is a decision made by a responsible authority.

Subitem B. It is necessary for the facility administrator to develop written policies and procedures governing the use of restraints so that all staff will be consistent in their use. It is reasonable to require this in order to ensure the proper use of restraints.

Subitem C. This is necessary and reasonable to ensure that the use of restraints does not go beyond a preventative action into a punitive action.

Subitem D. This is necessary to document the reasons for the use of restraints, and reasonable in order to justify it if the prisoner complains to our department or sues the facility.

Subpart 5. Disciplinary records.

Needed in order to insure that the protection of the rights of prisoners is being safeguarded 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 may be available as the defense. The purpose of the disciplinary record is primarily one of documentation.

2945.2520 PRISONER VISITATION.

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. It is reasonable to require that the facility's visiting policy be in writing so that it is understood by prisoners and enforced by staff.

Subpart 1. Initial visits for juveniles (mandatory). This subpart is necessary due to fact that the act of being detained is a traumatic experience for most and especially so for a juvenile. It is reasonable to allow the initial visit by a juvenile's parent to take place as soon as possible.

Subpart 2. Visiting plan. This subpart is necessary to ensure that the visiting policies are equally applied to all prisoners. It is reasonable to require this plan in writing so that all staff, prisoners and visitors are aware of all stipulations.

Subitem A. This is necessary to ensure that attorney/client privilege is not breached. Subitem B. This is necessary and reasonable to ensure that all parties involved, prisoners, visitors, and staff are aware of when visiting is permitted.

Subitem C. This is necessary and reasonable in order to ensure that the facility can accommodate the demand and that all prisoners get the same treatment with respect to visits.

Subitem D. This is necessary and reasonable to ensure that a prisoner get an initial visit as soon as possible.

Subitem E. This is necessary and reasonable to ensure that visits are not being denied by staff for arbitrary and/or capricious reasons.

Subitem F. This is necessary and reasonable in order to keep an accurate accounting of all visitors for each prisoner.

Subitem G. This is necessary and reasonable to ensure privacy for the prisoner to the extent possible while maintaining the safety and security of the facility.

Subitem H. This is necessary and reasonable because for most juveniles the act of being locked up is a depressing and frightening experience. To make a juvenile wait until the next scheduled visiting time to see parents and/or attorney would be cruel and in certain circumstances dangerous if the juvenile is particularly depressed.

Subitem I. This is necessary and reasonable because the event of being detained is very depressing and disconcerting. If possible, a visit with accredited religious persons could be comforting to the prisoner and eliminate future problems within the facility.

2945.2530 CORRESPONDENCE.

Subpart 1. Plan for prisoner mail. An established plan for the handling of residents correspondence inclusive of those areas covered by rules here is needed and reasonable to insure that residents' legal rights with respect to correspondence are met.

Subpart 2. Unrestricted volume of mail. This is needed to ensure that a prisoner is not being punished by restricting his/her mail. It is reasonable to assume that if a prisoner is busy reading or writing mail he/she will be less likely to be involved in an activity detrimental to the prisoner or the facility.

Subpart 3. Inspection and censorship (mandatory). This is necessary and reasonable to ensure that all legitimate complaints or concerns an inmate may have concerning their care within the facility are conveyed to the appropriate authorities without interference.

Subpart 4. Money. Cash, checks or money orders should be received in the incoming mail and credited to the offender's account. This is necessary and reasonable 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.

Subpart 5. Contraband. This is necessary and reasonable 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.

Subpart 6. Sacred books (mandatory). 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.

2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.

Subpart 1. Bedding. This subpart is necessary due to the fact that upon arrest a prisoner may be tired and need to lie down. It is reasonable to require bedding to be furnished of a prisoner was to be held in the facility for longer than eight (8) hours if requested.

Subpart 2. Laundry (mandatory). This subpart is necessary to ensure a healthy environment for all prisoners. It is reasonable to require that the facility launder all bedding after each use. This is also required under Minnesota Statute 642.07.

Subpart 3. Removing clothing and bedding. This subpart is necessary in order to maintain the security and control of the facility. Policies should be established which ensures that the removal of these items is done only when the behavior of the prisoner warrants such and must never be done as a form of punishment. It is reasonable that these policies be written so that staff is uniform in their application. It is also reasonable to return these items when the person in charge determines that the prisoner's negative behavior has ceased.

2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.

Subpart 1. Emergency plan (mandatory). 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 and reasonable to ensure that employees of such facilities, particularly supervisors, on all shifts are familiar with steps to be taken in such situations.

Subitem A. is necessary and reasonable to ensure that all staff are familiar with where all alarms and fire fighting equipment is located.

Subitem B. is necessary so all staff is familiar with the steps to be taken in the event of an emergency. It is reasonable to require staff to practice the drill.

Subitem C. is necessary so that each staff member knows exactly what they are to do and reasonable to that there is no confusion.

Subitem D. is necessary to ensure that the appropriate and responsible people are notified.

Subitem E. is necessary to ensure that staff is familiar with the proper way to remove prisoners from the facility and reasonable to protect the health and safety of all involved.

Subitem F. is necessary to ensure the safety of the community by being able to reasonably continue to detain prisoners.

Subpart 2. Review of emergency procedures. 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. It is reasonable to require this review quarterly to keep the procedures fresh in staff's minds.

Subitem A is necessary and reasonable to ensure that each staff member knows exactly what they are to do without duplicating efforts.

Subitem B. is necessary and reasonable to ensure the efficient and appropriate use of the alarms.

Subitem C. is necessary and reasonable to ensure that the persons in charge of the facility are properly and promptly notified.

Subitem D. is necessary and reasonable to ensure that staff know where the equipment is and are instructed in the proper use.

Subitem E. is necessary to ensure the safest and fastest way out of the facility and reasonable to ensure to the greatest extent possible the health, safety and welfare of the staff and prisoners.

Subpart 3. Reporting of special incidents. 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.

Subitems A - K are examples of what the Department of Corrections considers to be special incidents. It is necessary to give these examples so that the facility and staff can reasonably determine if an incident which occurs in the facility needs to be reported. It would be impossible to list every circumstance, but by listing these examples a reasonable conclusion can be made by staff.

Subpart 4. Prisoner death (mandatory). 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. It is reasonable to require this of municipal facilities for it is consistent with the requirements of Chapter 2910 which regulates county jails and by Minnesota Statute 390 which governs the investigation of a death by the county coroner.

Subitem A. is reasonable to ensure that the prisoner's record is complete and accurate.

Subitem B. is reasonable to ensure that the circumstances surrounding the prisoner's death are investigated by the appropriate outside authorities.

Subitem C. is reasonable to ensure that the prisoner's belongings are handled responsibly and an accurate accounting of all items is maintained.

Subitem D. is reasonable to ensure that all records are maintained and kept in accordance with state law and needed in case of lawsuit.

Subitem E. is reasonable to ensure that an independent investigation is conducted and that an accurate conclusion to the cause of death is reached.

FOOD SERVICE

2945.3400 FOOD HANDLING PRACTICES (MANDATORY)

This standard is necessary and reasonable to ensure that the food handling practices are done in accordance with and consistent with Minnesota Department of Health rules 4625.2401 to 4625.4701.

2945.3410 FREQUENCY OF MEALS.

This standard is necessary to ensure that prisoners are being fed adequately. The requirements of no more than 14 hours between a substantial evening meal and breakfast as well as at least 3 meals in each 24 hour period were determined to be reasonable as a minimum standard by the task force appointed by the commissioner to develop this rule.

2945.3420 THERAPEUTIC DIETS (MANDATORY).

This standard is necessary and reasonable to ensure that a prisoner is receiving care as prescribed by a physician. To further ensure that this is the case, it is reasonable to require documentation.

2945.3430 USE OF FOOD IN DISCIPLINE (MANDATORY).

This standard is necessary and reasonable to ensure that a prisoner is not being punished by depriving him/her the minimum daily nutritional requirements as defined by the Minnesota Department of Health.

2945.3440 SUPERVISION OF MEAL SERVING.

This standard is necessary and reasonable to ensure that each prisoner receives an equal serving of food, and that all utensils used in the serving of the meal are accounted for in order to maintain the safety and security of the facility.

2945.3450 HOT MEAL MINIMUM.

This is necessary and reasonable to ensure a variety of food is served. It would be inappropriate to serve a prisoner 3 meals of cereal or peanut butter sandwiches in a 24 hour period.

SECURITY

2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.

Subpart 1. Security policies and procedures (mandatory). This subpart is necessary and reasonable due to the fact that 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 the primary objective of the facility, which is to protect the public by securely detaining persons who present a danger to the community or to themselves, is met.

Subitem A. is necessary and reasonable in order for all staff to be familiar with the approved methods of the facility to discover and confiscate contraband items.

Subitem B. is necessary and reasonable due to the nature of the clientele being detained; it is imperative that no weapons be carried into the security area for fear of it falling into the wrong hands.

Subitem C. is necessary and reasonable to ensure that there is personal contact between prisoners and staff. The 30 minute time frame was considered to be the minimum requirement by the task force charged with the development of this rule. It also is reasonable due to the fact it is consistent with the county jail standards Chapter 2910.

Subpart 2. Additional security policies and procedures. This subpart is necessary to define those policies and procedures that although not mandatory, were considered to be important by the task force which developed this rule and reasonable to be consistent with Chapter 2910.

Subitem A. is necessary and reasonable in an effort to control the visitors within the facility and maintain the integrity of the facility.

Subitem B. is necessary and reasonable in an effort to control contraband and limit damage to the facility.

Subitem C. is necessary and reasonable so that staff is aware of the proper techniques of escorting prisoners outside the security perimeter to maintain detention and prevent escape.

Subitem D. is necessary and reasonable so that staff is aware of the proper techniques to prevent escape from within the facility and the proper steps to take if an escape occurs.

Subitem E. is necessary and reasonable so that staff can account for these items at all times in an effort to maintain the safety and security of the facility.

Subitem F. is necessary and reasonable so that an accurate accounting of facility usage can be maintained.

Subitem G. is necessary and reasonable so that the facility can comply with Minnesota statute 641.14 and to protect one prisoner from another when necessary.

Subitem H. is necessary and reasonable so that all staff knows exactly what they are to do in the event of a riot.

2945.4710 ADMISSIONS.

Subpart 1. Admission policies. This subpart is necessary and reasonable for there are specific considerations which need to be put in place when admitting a person to a jail facility.

Subitem A. is reasonable in order to ensure against the possibility of contraband being introduced to the facility.

Subitem B. is necessary and reasonable in an effort to control the spread of disease transmitted by lice within the confined environment of a jail facility.

Subitem C. is necessary and reasonable so that staff knows how to do an initial assessment to ensure that prisoners will receive prompt medical attention where appropriate.

Subitem D. is necessary and reasonable so that staff knows how to determine classification for the protection of the prisoner or the protection of others.

Subitem E. is necessary and reasonable to ensure that the prisoner has had everything returned to them that they had when they were admitted.

Subitem F. is necessary and reasonable where appropriate to ensure proper identification and to assist in ongoing investigations from other jurisdictions.

Subitem G. is necessary and reasonable in order to ensure that all pertinent information required for each prisoner is obtained.

Subpart 2. Identification (mandatory). This subpart is necessary and reasonable to ensure that no individual is illegally detained thus minimizing the possibility of litigation at a later date.

Subpart 3. Privacy. This subpart is necessary to ensure that all transactions and conversations that take place at intake are done in a location and manner that will ensure to the greatest extent possible the privacy of the prisoner. This is reasonable since the prisoners held at this time type of facility are pre-trial prisoners and are still assumed to be innocent at this point.

2945.4720 RELEASES

Subpart 1. Return of prisoner property. This subpart is necessary to ensure that each resident receives back all of the personal property with which he entered the facility. It is reasonable to keep any property which is used as evidence in the court case. It is reasonable to require the prisoner to sign a receipt for property so that the prisoner cannot falsely claim at a later date that some of his/her property had been lost or stolen at the facility.

Subpart 2. Transportation. This subpart is necessary due to the fact that persons brought to these facilities after arrest are transported by the arresting officers thus having no way back to their cars after release. It is reasonable to allow these individuals the opportunity to arrange for a ride.

Subpart 3. No release in intemperate weather. This subpart is necessary due to how quickly weather changes in this area of the country and that what a prisoner may be wearing at admission may not be appropriate at release. It is reasonable to protect a prisoner's health and comfort.

2945.4730 SEARCHES AND SHAKEDOWNS.

Subpart 1. Visitor searches. It is necessary for the facility to develop written policies regarding the searches of visitors and their belongings in order to maintain the security of the facility. Adopting and following a policy is a reasonable way to ensure that searches are done uniformly and not subject to an individual staff member's prejudices.

Subpart 2. Regular inspection of the facility. This is necessary and reasonable in order to achieve the main goal of staff to maintain the safety of prisoners and security of the facility. A form should be developed to document inspections.

Subpart 3. Inspection of materials. This subpart is necessary and reasonable due to the fact the main concern of staff is the safety and security of the facility.

2945.4740 LOCKS AND KEYS

Subpart 1. General (mandatory). This subpart is necessary to ensure the safety of prisoners, staff and the public. It is reasonable that a facility of this nature, given the need for security, would need a good system of key control.

Subpart 2. Regular inspection. This subpart is necessary and reasonable to ensure that in the event of an emergency, no prisoner would be trapped in an area with inoperable locks.

Subpart 3. Inoperable locks (mandatory). This subpart is necessary to ensure that when an inoperable lock is identified, it is repaired at once. It is reasonable to prohibit any prisoner from being placed in a cell or area of the facility with inoperable locks. A prisoner's safety must be protected.

2945.4750 DANGEROUS MATERIALS (MANDATORY).

This standard is necessary to ensure that any material determined by the facility administrator to be hazardous to the physical safety of prisoners or the security of the facility such as tools that could be used as weapons, cleaning materials that may be poisonous or aerosol containers that may be flammable must be controlled. It is reasonable to require that such items be under lock and key in the facility or outside of the security perimeter all together.

2945.4760 COUNT PROCEDURE

This standard is necessary and reasonable to ensure that all prisoners confined to the facility are present and accounted for and that such prisoners are not in need of medical assistance or involved in breeches of security. The larger the facility, the greater the need for formal counts.

ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION

2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES (MANDATORY).

This subpart is necessary for the staff of the facility who are not trained medical personnel and are not qualified to make medical judgement. Therefore, it is reasonable to require the facility have such a person or medical facility available 24 hours a day to consult.

Subpart 2. Emergency dental care. This subpart is necessary and reasonable due to the fact that a dental emergency is extremely painful and attention is needed immediately.

Subpart 3. Ambulance service. This subpart is necessary due to the fact that in the event of a medical emergency speed is of the utmost importance. It is reasonable to assume that staff cannot leave the facility and therefore outside transportation is required.

Subpart 4. Examination of prisoner where medical attention is necessary. This subpart is necessary since staff of these facilities are not qualified to make medical judgements. It is reasonable to require a medical examination for a prisoner in need of medical care and they cannot be neglected.

2945.5410 POSTING OF AVAILABLE RESOURCES (MANDATORY).

Proposed rules concerning posting of available resources are needed and reasonable 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.

2945.5420 HOSPITALIZATION OF A PRISONER.

Subpart 1. Agreement between facility and hospital. This subpart is necessary to ensure prisoner access to local hospital facilities when needed. It is reasonable to require these arrangements to be made in advance to eliminate any delay in getting the proper medical care.

Subpart 2. Guarding of prisoner. This subpart is necessary to ensure the safety of the hospital personnel and the community at large if the prisoner is deemed to be a dangerous individual by the facility administrator based on the facility's classification system. It is reasonable to allow the facility administrator the flexibility to decide that guarding the prisoner is not necessary due to the fact he is not dangerous based on classification or in the opinion of the attending physician the prisoner is medically incapacitated.

2945.5430 FIRST AID

Subpart 1. Training of personnel (mandatory). This subpart is necessary and reasonable to ensure that persons who are responsible for the care and custody of a prisoner are trained in emergency first aid procedures. Generally accepted course is the American Red Cross Basic First Aid Course. The certificate for completion of this course is good for a 3 year period.

Subpart 2. First aid kit. This subpart is necessary to ensure that the supplies to administer first aid are available in the facility. It is reasonable to require the kit to be kept at a central location familiar to all staff to eliminate delay in locating.

Subpart 3. Records of illness and injury. This subpart is necessary in order to ensure that the medical needs of inmates are being met and reasonable to require a record so that a prisoner cannot later claim mistreatment.

Subpart 4. Medical or dental records (mandatory). This subpart is necessary to ensure that those prisoners that are under medical or dental care receive this care as directed by the medical personnel. It is reasonable to require these facilities to provide proper care. To this end it is reasonable to require at a minimum the following subitems.

Subitem A. is necessary and reasonable so that all staff are aware of exactly what the prisoner is or is not physically capable of doing.

Subitem B. is necessary and reasonable so that all staff are instructed in the proper medical attention to be given each prisoner.

Subitem C. is necessary and reasonable in order to keep a permanent record of all medication and the proper methods for dispersal.

Subitem D. is necessary and reasonable to ensure that a prisoner is receiving all special treatment or diet as ordered by the responsible physician.

Subitem E is necessary and reasonable so that staff will not require a prisoner to do something they are physically unable to do.

Subitem F is necessary and reasonable so that an accurate record of medical attention given a prisoner is maintained primarily in defense of allegations of improper medical attention and treatment.

2945.5440 PREVENTIVE HEALTH SERVICES.

Subpart 1. Written plan for personal hygiene This subpart is necessary and reasonable to ensure that each prisoner is required to maintain proper personal hygiene and it is reasonable to require staff to assist those prisoners unable to care for themselves.

Subpart 2. Delousing materials. This subpart is necessary and reasonable due to the fact that if these materials are used improperly it could be hazardous to the prisoner. Additionally, it is important these materials are used only when appropriate and in a manner that will be most effective.

Subpart 3. Bathing. This subpart is necessary to ensure each prisoner has access to washing, bathing or showering if detained for an extended period. It is reasonable to require this opportunity to bathe on a daily basis at a minimum.

Subpart 4. Indigent prisoners (mandatory). While it is acceptable to require a prisoner to pay for hygiene items if this is the policy of the facility, this subpart is necessary and reasonable to ensure that if a prisoner has no money that prisoner is not denied any items necessary to maintain an acceptable hygiene level.

2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

Subpart 1. Legend drugs (mandatory). This subpart is necessary to ensure that staff are not dispensing legend drugs without a prescription.

Subpart 2. Delivery by unlicensed staff. This subpart is necessary to ensure that all medicine is delivered under the direction of a consulting physician to ensure its proper usage. It is reasonable due to the short period of time that prisoners will be held in these facilities to believe this will be adequate.

Subpart 3. Policy for storage, delivery, and control of medicine.

This subpart is necessary in order to have a uniform consistent plan so that all staff are aware of the proper method of handling medicine. It is reasonable to require this plan to be formulated in conjunction with a trained medical person. It is necessary and reasonable to detail at a minimum what should be included in a minimum policy.

- Subitem A) is necessary and reasonable so that medicine does not fall into the wrong hands.
- Subitem B) is necessary and reasonable to ensure that unauthorized personnel does not have access to medicine.
- Subitem C) is necessary and reasonable to ensure medicine is stored in the appropriate manner.
- Subitem D) is necessary and reasonable to ensure prisoners do not have access to an unauthorized area.
- Subitem E) is necessary and reasonable to control who has access to medicine.
- Subitem F) is necessary and reasonable to ensure that the proper medicine is given to the proper prisoner by the proper method.
- Subitem G) is necessary and reasonable to ensure that internal medicine does not become accidentally contaminated.

Subpart 4. Policy for delivery of medicine. It is necessary and reasonable to ensure that all medicine is delivered in an approved, appropriate manner, and to outline all areas which are required.

Subitem A. is necessary and reasonable to ensure these policies are included.

- 1) is necessary and reasonable due to the fact that staff of these facilities are not trained medically and are not qualified to administer injections.
- 2) is necessary and reasonable due to the fact that staff of these facilities are not trained medically and would not be familiar with how certain drugs may interact and cause adverse reactions
- 3) is necessary and reasonable to insure the proper treatment for the reaction and to maintain the record in case of litigation.
- 4) is necessary and reasonable in order for the physician to address an additional course of treatment, and to guard against a prisoner claiming at a later date that he/she was not offered their medicine..
- 5) is necessary and reasonable to ensure that staff does not use medicine as a form of punishment.
- 6) is necessary and reasonable to limit access to medicine to those individuals or staff who are given this responsibility.
- 7) is necessary and reasonable to verify that the medicine is in fact what the prisoner claims so that staff are not dispensing non-prescribed drugs.

Subitem B. is necessary and reasonable in order to define the minimum requirements that should be included in the plan for the delivery of medicine.

- 1) is necessary and reasonable to ensure that the medicine is administered in the most sanitary manner.
- 2) is necessary and reasonable to ensure that all medicine is given to the prisoner for when it is prescribed.
- 3) is necessary and reasonable to ensure that the physician's orders are being followed directly.
- 4) is necessary and reasonable to ensure that a prisoner is not hiding the individual dosage under his/her tongue or elsewhere in an effort to stockpile medicine in an effort to take all together at a later time in an attempt at suicide or a high.

Subpart 5. Records of receipt; disposition of drugs. This subpart is necessary and reasonable to ensure that all medicine has been handled by staff in a proper and appropriate manner in an effort to eliminate any abuse by prisoners or staff.

Subpart 6. Medicine given to prisoner upon release. This subpart is necessary and reasonable for the medicine was prescribed for the prisoner and only the prisoner and in most cases was purchased by the prisoners thus is their property. It is reasonable that if the prisoner is not responsible enough to handle the medicine it is given to the appropriate authority taking custody of the prisoner.

Subpart 7. Destruction of unused prescribed medicine. This subpart is necessary if a prisoner refuses to take their medicine, absconds without medicine or is released directly from court and does not return for the medicine. The facility is prohibited from stockpiling legend drugs thus it must be destroyed. It is reasonable to require such destruction to be done consistent with procedures developed by Minnesota Board of Pharmacy in their rule defined in Chapter 6800.6500. Subpart 3.

2945.5460 REPORTING SUSPECTED COMMUNICABLE DISEASE (MANDATORY).

This standard is necessary in order to control the spread of a communicable disease as defined in this rule and to report it to the appropriate authority. This is reasonable and consistent with the Minnesota Department of Health Rule, Chapter 2605.7030. Subpart 2.

2945.5470 SEPARATION OF PRISONERS SUSPECTED OF HAVING A COMMUNICABLE DISEASE (MANDATORY).

This standard concerning the separation for communicable disease are needed and reasonable to ensure that prisoners placed in separation for suspicion of a communicable disease receive prompt medical attention and are not unreasonable deprived of privileges as a result of placement in separation. Separation for communicable disease is not a disciplinary action and, consequently, the individuals privileges and rights must be maintained to the greatest extent possible under the circumstances.

2945.5480 MENTALLY ILL PRISONERS

This standard is necessary to ensure that prisoners deemed mentally ill, as defined in this rule, by the facility administrator or person in charge and in consultation with an attending physician receive prompt medical assessment so that they are not a danger to themselves or others. If at all possible, such prisoners are to be placed in a facility more appropriate to the care of the prisoner.

2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Subpart 1. General. This subpart is necessary and reasonable in order to achieve the main goal of the facility which is to detain persons in a secure, safe, and healthy environment.

Subpart 2. Maintenance plan. This subpart is necessary and reasonable to ensure the upkeep and repair of the facility if the person responsible is absent. It also assists that person to develop a routine maintenance schedule for the facility.

Subpart 3. Compliance with rules (mandatory). This subpart is necessary and reasonable due to the fact that corrections officials or representatives of the county sheriff's department charged with enforcing the standards of the rule are not experts in these related areas. Therefore, it is reasonable to require that these facilities be in compliance with the rules of these other agencies.

Subpart 4. Plan for daily inspection. This subpart is necessary and reasonable to identify any unsanitary or unsafe conditions and to provide a method to correct the situation.

Subpart 5. Policies and procedures to detect deterioration or building and equipment. This subpart is necessary and reasonable to provide a vehicle for the repair of the physical structure and define the minimum procedures required.

Subpart 6. Reporting of unsanitary and unsafe conditions (mandatory). This subpart is necessary to begin to have an unsafe or unsanitary condition corrected.

Subpart 7. Priority of work requests. This subpart is necessary and reasonable to ensure that those conditions which are most dangerous are corrected first.

Subpart 8. Records of repair. This subpart is necessary to affix responsibility for failure to correct housekeeping, sanitation, or maintenance needs. In the event of litigation, it is 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.

Subpart 9. Elimination of conditions conducive to vermin (mandatory). This subpart is necessary and reasonable 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.

Subpart 10. Fire inspection (mandatory). This subpart is necessary and reasonable due to the fact that the most dangerous and deadly incident that could occur in a facility that has individuals locked up is fire. It is reasonable to require the facility to be inspected by fire officials and to immediately or within the time frames allowed, correct all orders.

