



Central Office

1450 Energy Park Drive Suite 200 • St. Paul MN. 55108
PH 651.361.7200 • Fax 651.642.0223 • TTY 800.627.3529
www.doc.state.mn.us

September 4, 2014

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the Department of Corrections Governing
Municipal Lockup Facilities; Revisor's ID Number 4058

Dear Librarian:

The Minnesota Department of Corrections intends to adopt amendments to rules governing municipal lockup facilities. We plan to publish a Notice of Intent to Adopt Rules without a Public Hearing in the State Register.

The Department has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-361-7152.

Yours very truly,

A handwritten signature in cursive script that reads "Diane Grinde".

Diane Grinde
Inspection and Enforcement

Enclosure: Statement of Need and Reasonableness

Minnesota Department of Corrections

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Governing Municipal Lockup Facilities, Minnesota Rules, Chapter 2945; Revisor's ID 4058

INTRODUCTION

The proposed Minnesota Department of Corrections rules governing municipal lockup facilities is an amended version of Minnesota Rules, Chapter 2945, Municipal Lockup Facilities. The last amendment of municipal lockup facilities rules was 1992. A group, which included, municipal lockup facility staff, sheriff department personnel, the League of Minnesota Cities, the Minnesota Chiefs of Police Association, and Minnesota Department of Corrections staff, worked together from 2011-2012 to revise Chapter 2945.

ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Tracy Gerasch at Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108-5219, phone 651-361-7581, fax 651-306-0036, or TTY users may call the Minnesota Relay Service at 800-627-3529.

STATUTORY AUTHORITY

The department's statutory authority to adopt the amendment to these rules is set forth in Minnesota Statutes section 241.021, subdivision 1, which provides:

“Correctional facilities; inspection; licensing. (a) Except as provided in paragraph (b), the commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons detained or confined therein...(f) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent.”

Under this statute, the department had the necessary statutory authority to adopt the proposed rules and thereby amend those rules. All sources of statutory authority were adopted and effective prior to January 1, 1996 and therefore Minnesota Statutes, section 14.125, does not apply. See Minnesota Laws 1995, Chapter 233, article 2, section 58.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”

The classes of people that are most likely to be affected by these rules are the current facilities inspected under Minnesota Rules, Chapter 2945. All of these facilities have been invited to participate in the writing of the amended rule. All of these facilities have received copies of the proposed amendments. In the future if a city wants to open a municipal lockup facility, they would also be affected by the rule.

“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”

Since the facilities are currently licensed under the present rule, the group does not believe there will be significant costs to the programs under the amended rule. There is no anticipated effect on state revenues.

“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”

As stated above, if there are any costs they will be minimal.

“(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”

This is an amendment of a current rule. The rule was mandated by statute. Most of the changes in the rule are a benefit or of no significant impact on the facilities.

“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”

The group does not believe that there will be significant increases in costs under the amended rule. There will be a cost saving to some sheriff's departments and cities, as under the new rule fewer facilities will be inspected.

“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”

The primary consequences of not modifying the rule would be continued outdated language and financial costs for some sheriff's offices and cities. The amended rule identifies that Class IV holding facilities will no longer be inspected.

“(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”

The group is not aware of any sections of the rule that are in contrast to federal regulations.

“(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘[C]umulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.”

The primary purpose of these rule amendments is to remove outdated language and streamline which holding facilities require inspection by the state (removing Class IV facilities from this group). These changes should be a benefit to some cities and sheriff’s offices. The rule revisions do not contradict other federal and state regulations on municipal holding facilities, but work in unison with them.

PERFORMANCE-BASED RULES

The proposed amendment to the Municipal Lockup Facilities rule (Minnesota Rules, Chapter 2945) are performance based in that the amended rule provides for a clear delineation of mandatory standards for compliance from those that are essential.

However, flexibility in the rule remains in that municipal lockup facilities are provided guidance on standards that are considered essential to compliant operation. In order to be in compliance with the rules a facility needs to obtain 90 percent compliance with the essential standards and 100 percent compliance with mandatory standards, unless a mandatory standard is waived.

ADDITIONAL NOTICE

We will distribute the amended rules, the Notice of Intent to Adopt and the Statement of Need and Reasonableness to all municipal lockup facilities, sheriff offices that complete the inspections, the League of Minnesota Cities, the Minnesota Chiefs of Police Association, and the Minnesota Sheriffs’ Association. The municipal lockup facilities will be instructed to post the notice, SONAR and amended rules inside the facility in a location that is checked frequently by facility residents and staff, to ensure they are aware of the proposed rule amendments.

Our notice plan also includes giving notice required by statute. Currently, the department does not have anyone registered on a mailing list to receive notice of rulemaking under Minnesota Statutes, section 14.14, subdivision 1a. However, we will mail the amended rules, the Notice of Intent to Adopt and the Statement of Need and Reasonableness to the following parties who may have an interest in this rule revision:

Minnesota Sheriffs' Association
1951 Woodlane Drive, Suite 200
Woodbury, MN 55125

League of Minnesota Cities
145 University Avenue W
St. Paul, MN 55103-2044

Minnesota Chiefs of Police Association
1951 Woodlane Drive
Woodbury, MN 55125

Minnesota Board of Defense
331 Second Avenue S Suite #900
Minneapolis, MN 55401

Minnesota State Fire Marshal's Office
445 Minnesota Street, Suite 145
St. Paul, MN 55101-5145

Airport Police Department
6040 28th Avenue S
Minneapolis, MN 55450

Anoka Police Department
275 Harrison Street
Anoka, MN 55303

Apple Valley Police Department
7100 147th Street W
Apple Valley, MN 55124

Blaine Police Department
10801 Town Square Drive NE
Blaine, MN 55449

Bloomington Police Department
1800 West Old Shakopee Road
Bloomington, MN 55431

Brooklyn Center Police Department
6645 Humboldt Avenue N
Brooklyn Center, MN 55430

Brooklyn Park Police Department
5400 85th Avenue N
Brooklyn Park, MN 55443

Burnsville Police Department
100 Civic Center Parkway
Burnsville, MN 55337

Centennial Lakes Police Department
54 North Road
Circle Pines, MN 55014

Champlin Police Department
11955 Champlin Drive
Champlin, MN 55316

Columbia Heights Police Department
825 41st Avenue NE
Columbia Heights, MN 55421

Coon Rapids Police Department
11155 Robinson Drive
Coon Rapids, MN 55433

Cottage Grove Police Department
12800 Ravine Parkway
Cottage Grove, MN 55016

Crystal Police Department
4141 Douglas Drive N
Crystal, MN 55422

Eagan Police Department
3830 Pilot Knob Road
Eagan, MN 55122

East Grand Forks Police Department
520 Demers Avenue NW
East Grand Forks, MN 56721

Eden Prairie Police Department
8080 Mitchell Road
Eden Prairie, MN 55344

Edina Police Department
4801 West 50th Street
Edina, MN 55424

Faribault Police Department
25 Fourth Street NW
Faribault, MN 55021

Farmington Police Department
19500 Municipal Drive
Farmington, MN 55024

Forest Lake Police Department
210 N Lake Street
Forest Lake, MN 55025

Fridley Police Department
6431 University Avenue NE
Fridley, MN 55432

Golden Valley Police Department
7800 Golden Valley Road
Golden Valley, MN 55427

Hopkins Police Department
1010 First Street S
Hopkins, MN 55343

Inver Grove Heights Police Department
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Lakeville Police Department
9237 183rd Street W
Lakeville, MN 55044

Lino Lakes Police Department
640 Town Center Parkway
Lino Lakes, MN 55014

Maple Grove Police Department
12800 Arbor Lakes Parkway
PO Box 1180
Maple Grove, MN 55311

Maplewood Police Department
1830 E County Road B
Maplewood, MN 55109

Medina Police Department
600 Clydesdale Trail
Medina, MN 55340

Mendota Heights Police Department
1101 Victoria Curve
Mendota Heights, MN 55118

Minnetonka Police Department
14600 Minnetonka Boulevard
Minnetonka, MN 55343

Minnetrista Police Department
7651 County Road 110 W
Minnetrista, MN 55364

New Brighton Department of Public Safety
785 Old Highway 8 NW
New Brighton, MN 55112

New Hope Police Department
4401 Xylon Avenue N
New Hope, MN 55428

Orono Police Department
2730 Kelley Parkway
Long Lake, MN 55356

Orono Substation Booking Facility
2415 Wilshire Boulevard
Mound, MN 55364

Plymouth Police Department
3400 Plymouth Boulevard
Plymouth, MN 55447

Prior Lake Police Department
4649 Dakota Street SE
Prior Lake, MN 55372

Ramsey Police Department
7550 Sunwood Drive NW
Ramsey, MN 55303

Richfield Police Department
6700 Portland Avenue S
Richfield, MN 55423

Robbinsdale Police Department
2875 145th Street W
Robbinsdale, MN 55422

Rosemount Police Department
2875 145th Street W
Rosemount, MN 55068

Roseville Police Department
2660 Civic Center Drive
St. Paul, MN 55113

Shakopee Police Department
475 Gorman Street
Shakopee, MN 55379

South Lake Minnetonka Police Department
24150 Smithtown Road
Shorewood, MN 55331

South St. Paul Police Department
125 Third Avenue N
South St. Paul, MN 55075

St. Francis Police Department
3741 Bridge Street NW
St. Francis, MN 55070

St. Louis Park Police Department
3015 Raleigh Avenue S
St. Louis Park, MN 55416

Wayzata Police Department
600 Rice Street E
Wayzata, MN 55391

West St. Paul Police Department
1616 Humboldt Avenue
West St. Paul, MN 55118

Municipal Inspectors

Anoka County Sheriff's Office
Lt. Shelia Larson
325 Jackson St.
Anoka, MN 55303

Dakota County Sheriff's Office
Captain Joe Leko
1580 Highway 55, PO Box 247-J
Hastings, MN 55033

Hennepin County Sheriff's Office
Lt. Brent Sizer
401 Fourth Ave. S
Minneapolis, MN 55415

Northwest Regional Corrections Center
Phillip Greer, Executive Director
816 Marin Ave.
Crookston, MN 56716

Ramsey County Sheriff's Office
Colinda Horton & Duane Renville
425 Grove St.
St. Paul, MN 55101

Rice County Sheriff's Office
Jake Marinenko, Jail Administrator
118 NW Third Street, PO Box 158
Faribault, MN 55021

Scott County Sheriff's Office
Doug Schnurr, Jail Administrator
301 Fuller St.
Shakopee, MN 55379

Washington County Sheriff's Office
Lt. Roger Heinen
15015 62nd Street N
Stillwater, MN 55082

In addition, we will post the Notice of Intent to Adopt, the SONAR and amended rules on the department's rulemaking page at:
<http://www.doc.state.mn.us/PAGES/index.php/about/reports-and-publications/rulemaking/>.

We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the department consulted with Minnesota Management and Budget (MMB) by sending MMB copies of the documents that we sent to the Governor's Office for review and approval on the same day we sent them to the Governor's office. The documents included: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The department will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH with the documents it submits for Administrative Law Judge (ALJ) review.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the department has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The agency has determined that they do not because these rules deal primarily with individual facility standards. All inspections and local requirements are determined by the local entities and the amended rules do not weigh in on those requirements.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

As required by Minnesota Statutes, section 14.127, the department has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The department has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

The department has made this determination based on the probable costs of complying with the proposed rule, as described in the Regulatory Analysis section of this SONAR on pages 2-3.

LIST OF WITNESSES

If these rules go to a public hearing, the department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Staff from the department's inspection and enforcement (licensing) unit.
2. Municipal lockup staff.

RULE-BY-RULE ANALYSIS

2945.0100 DEFINITIONS. Throughout the definitions there are grammatical changes such as changing "must" to "shall" and "prisoner" to "detainee". These do not change the intent of the definitions and have been noted as "minor grammatical changes" for purposes of this analysis. The word mandatory was also removed. Mandatory rules are now listed instead of identified with each mandatory rule.

Subp. 2. **Administrative Segregation.** This was removed as municipal lockups do not use administrative segregation.

Subp. 5. **Class I Municipal Lockup facility.** The name was changed from Municipal Holding Facility to Municipal Lockup Facility. This occurred because it more accurately reflects the nature of the facilities licensed under the rule.

Subp. 6. **Class II Municipal Lockup facility.** The name was changed from Municipal Holding Facility to Municipal Lockup Facility. This occurred because it more accurately reflects the nature of the facilities licensed under the rule.

Subp. 7. **Class III Municipal Lockup facility.** The name was changed from Municipal Holding Facility to Municipal Lockup Facility. This occurred because it more accurately reflects the nature of the facilities licensed under the rule.

Subp. 8. **Class IV Municipal Lockup facility.** The name was changed from Municipal Holding Facility to Municipal Lockup Facility. This occurred because it more accurately reflects the nature of the facilities licensed under the rule.

Sub. 16. **Directory.** This was removed as it referred to "mandatory" rules and this term is no longer used.

Subp. 17. **Emergency.** Added the words "events such as" to clarify the definition.

Subp. 18. **Existing Facilities.** Removed as it is not used in the rule.

Subp. 22. **Jail.** Removed as it is not used in the rule.

Subp. 23. **Legend Drugs.** Changed to prescription medication as that is a more current term and renumbered subp. 32a.

Subp. 24. **Local Facility.** Is edited to limit the scope of the definition to city lockups.

Subp. 25. **Mandatory.** Removed as rules requiring 100 percent compliance are now detailed specifically in the rule.

Subp. 26. **Maximum Security Areas.** Removed as this does not apply to municipal lockup facilities.

Subp. 27. **Medicine.** Medicine was changed to medication and legend was changed to prescription. Non legend drugs was changed to nonprescription medications.

Subp. 28. **Person who is mentally ill.** Removed as this has been included in the special needs detainee definition.

Subp. 29. **Minimum Security Areas.** Removed as this does not apply to municipal lockup facilities.

Subp. 30. **Municipal police facilities.** Removed as the facilities are not regulated by this rule.

Subp. 32. **Policy.** Added that there is a written statement and removed ideological position.

Subp. 32a. **Prescription medication.** Legend drug was changed to prescription drug.

Subp. 33. **Prisoner** was changed to Detainee. This was changed as it more accurately defines the people held in the municipal lockup facilities. The subpart was moved to 15.A. to maintain the alphabetizing of the definitions.

Subp. 34.A. **Special Management Detainee.** This definition was added as it reflects detainees who can be difficult to manage.

Subp. 34.B. **Special Needs Detainee.** This definition was added to reflect detainees that may need more attention by staff.

Subp. 35. **Rule.** Removed the definition of rule. The term rule is used in a common way.

Subp. 36. **Substantially conform.** Removed as the rule now identifies compliance

Subp. 38. **Variance.** Reworded the definition to reflect how the term is currently being used.

2945.0120 Intended Use and Noncompliance

Subpart 1. **Intended Use.** Defined the facilities this rule will apply to. Most significant change is removing the Class IV's. We defined more fully what a Class IV is. Moved the compliance section to the next subpart.

Subp. 1a. Rule Compliance

- A. Has not changed other than to change the name to lockup facility and update to Chapter 2911
- B. This paragraph identifies all the mandatory rules
- C. Defines the non-mandatory standards and the compliance ratio for them.

Subp. 2 Changed nonconformance to noncompliance and did some word changes. Updated the sanction language.

2945.0130 VARIANCES

Updated the language to current usage.

2945.0510 STAFF RECRUITMENT

Subpart 1. Renumbered 2945.30 subp. 1a

Subpart 2. Renumbered 2945.0530 subp. 1b

2945.0530 STAFFING PLAN

Subpart 1. Took out the eight hour shift statement. Some facilities now run 12 hour shifts.

Subp. 1.A. Added that discrimination is not allowed.

Subp. 1.B. Added some requirements for staff selection. Added a minimum age and that the city must develop basic requirements for the job.

Subp. 3. Added the word emergencies and changed prisoner to detainee.

Subp. 3.A. Added the requirement that staff can not be scheduled for more than 12 hours in a 24 hour period.

Subp. 4. Changed sex to gender and prisoner to detainee.

Subp. 5. Requiring any facility with more than 15 inmates to add another staff person. In the current rule the staff only has to be added if the person is a jailer/dispatcher. This is for the safety of the staff and inmates. Currently the largest municipal lock up has an approved capacity of 14, so this will not affect any current facilities.

Subp. 7. Took out the word transportation as it is not a court function. Changed prisoner to detainee.

2945.1000 STAFF TRAINING PLAN

Subp. 2 Repealed as this is under 2945.5430

Subp. 3. Took out health authority as the current municipal lockup facilities are not able to find doctors that will contract with them to be the health authority. The facilities use the emergency room if there is a medical issue.

- A. Removed four minutes. The advisory committee did not believe there needed to be a time frame.
- D. Removed retardation, added suicide risk and changed dependency to withdrawal. A person with mental capacity issues are addressed under special needs. Detention facilities do not deal with dependency, they deal with chemical or alcohol withdrawal issues.

2945.1610 POLICY AND PROCEDURE MANUALS

Changed available to accessible due to the fact that many policy manuals are now on the computer. Added that policies have to be reviewed annually, so they are current.

2945.2100 MAINTENANCE OF RECORDS AND REPORTS

Made this entire part one subpart instead of two by making all the records mandatory. Letter C changed register to facility logs as this term more accurately describes current records. The committee removed budget requests and work orders from the requirements. It is evident when the facility is inspected to determine issues with the physical plant. Records of policies and procedures

was removed as we inspectors do not review old polices. Accounting records was removed. This is a city function that inspectors need not review. Daily logs are now covered under letter C, facility logs. Identified what information should be in the medical and dental records. The committee removed that forms must be available when requested. Facilities do provide them if requested, but the committee did not think that needed to be stated in the rule. Added a record retention statement and that space had to be provided for records.

2945.2140 DETENTION INFORMATION SYSTEM REQUIREMENTS

This was added so that the number of detainees being held in the facility can be tracked by the Department of Corrections to ensure they are staying within the approved capacity.

2945.2500 SEPARATION OF PRISONERS

Subp. 2.A.3. Added special management inmates. This is the current language for difficult to handle detainees. These detainees were not listed in the previous rule but have become more common.

Subp. 2 B. Added special needs detainees. These are detainees that may need extra attention and may need to be separated if they are vulnerable.

2945.2510 DETAINEES; DISCIPLINE; RESTRAINT.

This part was renamed as it more accurately reflects what the standard addresses. Subpart three was moved to 2945.2540; and in subpart four the committee removed examples of restraints as these can change. Subpart 4. C language regarding restraints was made stronger.

2945.2520 DETAINEE VISITATION.

Subp. 1. Strengthened the wording regarding juvenile visitation. Letter H was moved to this area.

Subp. 2.B. Due to the short period of time people are held in these facilities, the committee did not believe a schedule was appropriate.

- C. The committee did not think that rules regarding how many visits nor the number of visitors a detainee may have was necessary.
- D. This would not apply as there will be no scheduled visiting time.
- F. The committee did not think it was necessary to screen visitors. Taking it out of the rule does not mean that facilities cannot screen visitors if they want to.
- G. The committee saw no reason that social visits could not be monitored. Attorney visits are addressed under Minnesota Statue 481.10.

2945.2530 CORRESPONDENCE

Subp. 1 Renumbered subp. 5a

Subp. 2a Identified which subparts Class III facilities are excluded from.

Subp. 3. Changed prisoner to detainee.

Subp. 4. The facilities do not have a system to address detainee money so it was decided any money received will be placed in their property. Detainees are not charged for anything while in the facility.

Subp. 5. The wording excluding Class III was removed as it is addressed in Subp. 2a

Subp. 5.A. Prisoner changed to detainee. This was moved from Subp. 1

Subp. 6. Added upon request and when available. The short time detainees are in the facility make having numerous religious books available sometimes difficult. If a book is requested that the facility does not have, they will use community resources to provide it during confinement.

2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL

Subp. 1. Took out upon request. Each detainee will receive bedding after 8 hours. The committee took out the Class IV statement, as Class IV's do not fall under this rule with the revisions being made.

Subp. 2. Added that mattresses and pillows need to be sanitized between detainees. This is for sanitary reasons. Mattresses and pillows now have a vinyl cover so this is not difficult.

Subp. 3. Added the removal of clothing and bedding needs to be reviewed during each 8 hour period. This is so the removal is not forgotten about and does not last longer than necessary.

2945.2550 EMERGENCIES AND SPECIAL INCIDENTS

Changed occurrences to incidents to remain consistent with Department of Correction's rules.

Subp. 2. Changed procedures to policies. The emergency procedures will be in policy, so this is more descriptive. Added that if the facility has detention staff, the detention staff have to review the policies also. This is to ensure if there is an emergency, they know how to respond. Removed the specific emergency reviews. There are other emergencies that are not listed and we did not want to list every possible emergency.

Subp. 3. Changed occurrences to incidents. Took out runaway, as these are secure facilities so it would be an escape. Added medical treatment to fire, because a fire could require medical treatment but not cause serious damage. Added sexual misconduct as this is an important incident to be aware of. This could possibly be a crime. Gave a time frame to report and removed form as incidents are now reported over the internet.

Subp. 4. Removed letter E. The inspector may not know all the pertinent laws and would not usually get involved in determining who has access to the information.

Subp. 5. Mass arrest was added so that facilities are prepared if this occurs.

2945.3410 FREQUENCY OF MEALS

Took out substantial, as there is no definition for this term in the rule. Took out when detainees are absent for work because these facilities would not release someone for work. Removed the Class IV statement, as Class IV's do not fall under this rule any longer.

2945.3420 THERAPEUTIC DIETS

Removed the Class IV statement, as Class IV's do not fall under this rule any longer.

2945.3430 USE OF FOOD IN DISCIPLINE

Removed the Class IV statement, as Class IV's do not fall under this rule any longer.

2945.3450 HOT MEAL MINIMUM

Removed the Class IV statement, as Class IV's do not fall under this rule any longer. Reworded the Class III exclusion.

2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL

Instead of listing the different types of behavior we used the terms special management and special need which are defined in the definitions.

2945.4710 ADMISSIONS

Subp. 1 Changed include to address as address is more accurate.

- A. Removed admission and prisoners on release status, and replaced with detainees. Municipal lockups would not have release status detainees. Detainees is the word used throughout the rule.
- B. Removed the Class IV's.
- D. Took out security in front of classification as it is not a clear term. The committee added special management as it is defined in the rule.
- E. Added secure storage for detainee's property, so that property is not lost or stolen.

2945.4720 RELEASES

Subp. 3. Replaced intemperate with severe as severe is more commonly used. Added in a manner to endanger as there may be more issues than clothing. Replaced comfort with safety or well-being, as comfort is a vague term.

2945.4730 SEARCHES AND SHAKEDOWNS

Subp. 2. Changed regularly to weekly so it is clear how often the inspection should be done.

2945.4740 LOCKS AND KEYS

Subp. 1. Added that a set of keys must be available outside the secure perimeter. This is to allow help to get into the secure perimeter if staff are unable to open the doors.

Subp. 2. Added weekly to inspections to clarify how often they should be done. Added inspections must be documented so there is a way to validate that inspections are done.

2945.4750 DANGEROUS MATERIALS

Added that dangerous materials need to be labeled and have a material safety data sheet. This ensures that the dangers are identified and instructions on how to handle exposure are available.

2945.5420 HOPITALIZATION OF A DETAINEE

Subp. 1. Changed the agreement to policy. Detainees are taken to the emergency room so no agreement is necessary.

2945.5430 FIRST AID

Subp.1. Added CPR and that the training must be done every two years. In the current rule if you had first aid once, you didn't have to have any more training. We thought there should be regular training for the current procedures.

Subp. 4. Reworded the medical record sentence and in paragraph F added the names of the medical personnel so there would be a record of who treated the detainee.

Subp. 5. Added data practices for medical records. This is not in the current rule.

2945.5440 PREVENTIVE HEALTH SERVICE

Subp. 1. Took out Class IV as the rule no longer applies to them. Class III will now have to follow this standard.

Subp. 3. Added a list of items that need to be available to detainees upon request. These are basic hygiene items.

Subp. 4 Facilities do not have system to charge detainees for hygiene items so it was decided that hygiene items need to be provided to all detainees.

2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICATION

Throughout this section medicine was changed to medication. Legend drug was changed to prescription medication. Non-legend drug was changed to nonprescription drugs. Legend drug is a term that is not used in corrections.

Subp. 3 Facilities do not have contracts with doctors to review the policies and procedures. It would be difficult to find a doctor who would be willing to review procedures when they have no relationship with the facility.

Subp. 4.B.7. Contacting a physician before giving prescription drugs could be time consuming and could interfere with a detainee receiving needed medication. The lock ups do not have contracts with a doctor and the prescribing doctor may or may not know the detainee. With the internet is it easy to verify what the pills are before they are given to a detainee. If the label on the pill bottle shows that the medication is being used appropriately, the committee saw no reason to delay the medication.

Subp. 7. The destruction of medication has changed over the years. It is best to not state a specific way to destroy medication. At this time the Pollution Control Agency is the agency to determine how medication should be destroyed.

2945.5455 TUBERCULULOSIS SCREENING

Minnesota Statutes, Section 144.445 now requires tuberculosis screening for lockups. This is a Department of Health statute. It is added to the rule to remind facilities of the requirement.

2945.5460 REPORTING SUSPECTED COMMUNICABLE DISEASE

Removed the word Minnesota as it may have to be reported to the United States Department of Health and Human Services also.

2945. 5480 SPECIAL NEEDS DETAINEES

Changed mentally ill to special needs, as not all special needs detainees are mentally ill.

2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Subp. 3. Changed Minnesota to State. Took out the Minnesota Department of Health as they do not inspect lockups, because they do not have kitchens.