

1.1 **Department of Corrections**

1.2 **Proposed Permanent Rules Relating to Jail Facilities**

1.3 **2911.0100 ~~INTRODUCTION~~ PURPOSE, APPLICABILITY, AND SCOPE.**

1.4 Subpart 1. **Purpose.** ~~A.~~ This chapter provides minimum standards for public and
1.5 private correctional facilities throughout the state established and operated for ~~the detention~~
1.6 ~~detaining and confinement of~~ confining persons detained or confined according to law
1.7 except to the extent that ~~they~~ the facilities are inspected or licensed by other state regulating
1.8 agencies.

1.9 Subp. 2. **Applicability.** This chapter does not apply to any state correctional facility
1.10 under the commissioner's control.

1.11 Subp. 3. **Requesting assistance.** ~~Facilities~~ A facility may request technical assistance
1.12 from the ~~department in~~ commissioner when determining whether ~~they are~~ it is eligible for
1.13 a variance to ~~a specific standard~~ under this chapter.

1.14 Subp. 4. **Scope.** ~~B.~~ Nothing in this chapter ~~shall be construed to prevent the~~
1.15 ~~establishment of~~ prevents a facility from establishing job descriptions, work assignments,
1.16 channels of communication, or personnel policies with merit systems or collective bargaining
1.17 agreements.

1.18 **2911.0200 DEFINITIONS.**

1.19 Subpart 1. **Scope.** For the purpose of this chapter, the ~~following~~ terms in this part have
1.20 the meanings given them.

1.21 Subp. 2. **Administrative segregation.** "Administrative segregation" means a status
1.22 assigned to an inmate:

1.23 A. ~~the status of an inmate prone~~ likely to escape, ~~prone~~ likely to assault staff or
1.24 other inmates, or likely to need protection from other inmates or self;

2.1 B. an inmate with a mental illness or a developmental disability who ~~is in need~~
2.2 ~~of~~ needs special care; or

2.3 C. an inmate on medical isolation or infirmary status.

2.4 Subp. 3. **Assistant jail administrator.** "Assistant jail administrator" means an
2.5 administrative officer who assists the facility administrator ~~responsible for managing and~~
2.6 ~~operating the facility.~~

2.7 *[For text of subpart 4, see Minnesota Rules]*

2.8 Subp. 5. **Alternative sentence.** "Alternative sentence" includes, but is not limited to,
2.9 a sentence ~~including court ordered sanctions~~ that includes a court-ordered sanction that
2.10 ~~allow~~ allows one or more of the following:

2.11 *[For text of items A to F, see Minnesota Rules]*

2.12 Subp. 6. **Average daily population.** "Average daily population" means the average
2.13 number of inmates residing daily in a facility during ~~the last calendar year~~ a specified period.
2.14 ~~An inmate on furlough or hospitalized is excluded. Average daily population is calculated~~
2.15 ~~by dividing the total number of inmate days served in the facility by the number of days in~~
2.16 ~~the calendar year.~~

2.17 ~~The total number of inmate days includes computation of any time an inmate spends~~
2.18 ~~in the community on alternative sentence when the inmate's primary residence for that day~~
2.19 ~~is the correctional facility governed by this chapter.~~

2.20 ~~An offender on electronic monitoring or other sentencing sanction who reports to a~~
2.21 ~~sanction such as community or sentencing to service programs from a residence is not to~~
2.22 ~~be considered in average daily population computation.~~

2.23 Subp. 7. **Booking.** "Booking":

3.1 A. means, in a detention facility is, a procedure for the processing of a person an
3.2 individual charged with or convicted of an offense; and

3.3 B. includes procedures such as searching, fingerprinting, photographing, medical
3.4 screening, and collecting personal history data.

3.5 Subp. 8. [Repealed, 38 SR 523]

3.6 Subp. 9. **Cell.** "Cell" means a sleeping space in a detention facility for ~~the confinement~~
3.7 ~~of not~~ confining no more than two inmates, except as approved by the ~~Department of~~
3.8 ~~Corrections~~ commissioner.

3.9 Subp. 10. ~~Cellblock or~~ **Housing unit.** "Cellblock" or "Housing unit" means a group
3.10 of cells immediately adjacent and directly accessible to a dayroom.

3.11 Subp. 11. **Class I facility or holding facility.** "Class I facility" or "holding facility"
3.12 means a secure adult detention facility used to confine inmates for a time not to exceed 72
3.13 hours, excluding holidays ~~or~~ and weekends. ~~A Class I facility is known as a holding facility.~~

3.14 Subp. 12. **Class II facility or lockup facility.** "Class II facility" or "lockup facility"
3.15 means a secure adult detention facility used to confine, not to exceed 90 days, inmates before
3.16 an appearance in court and sentenced inmates ~~for a time not to exceed 90 days. A Class II~~
3.17 ~~facility is known as a lockup facility.~~

3.18 Subp. 13. **Class III facility or jail facility.** "Class III facility" or "jail facility" means
3.19 a secure detention facility used to confine:

3.20 A. sentenced inmates for a time not to exceed any limits ~~set by~~ under Minnesota
3.21 Statutes;

3.22 B. adult pretrial and presentenced detainees indefinitely; and

3.23 C. juveniles up to the limits ~~prescribed by~~ under Minnesota Statutes and
3.24 commissioner approval. ~~A Class III facility is known as a jail facility.~~

Subp. 14. **Class IV facility or jail annex.** "Class IV facility" or "jail annex" means a minimum security adult detention facility used to confine:

A. sentenced inmates for a time not to exceed any limits ~~set by~~ under Minnesota Statutes ~~or~~; and

B. adult pretrial or presentenced detainees indefinitely. ~~A Class IV facility is known as a jail annex.~~

Subp. 15. **Class V facility or adult detention center.** "Class V facility" or "adult detention center" means a secure adult detention facility used to detain adult pretrial and presentenced detainees indefinitely. ~~A Class V facility is known as an adult detention center.~~

Subp. 16. **Class VI facility or adult corrections facility.** "Class VI facility" or "adult corrections facility" means a facility used to confine presentenced and sentenced inmates for periods of time not to exceed any limits ~~set by~~ under Minnesota Statutes. ~~A Class VI facility is known as an adult corrections facility.~~

Subp. 17. **Classification.** "Classification" means a process for determining the needs and security requirements of inmates for whom confinement has been ordered and for assigning the inmates to housing units and programs according to their needs as determined by the intake screening and existing resources.

Subp. 18. [Repealed, 38 SR 523]

Subp. 19. **Commissioner.** "Commissioner" means the commissioner of the Minnesota ~~department of~~ corrections.

Subp. 20. **Contraband.** "Contraband" means an item possessed by an inmate or found within the facility that is prohibited by statute or facility policy. ~~This includes,~~ including items that are authorized but ~~in excess of~~ exceed allowable limits.

[For text of subparts 21 to 23, see Minnesota Rules]

5.1 Subp. 24. [See repealer.]

5.2 Subp. 25. [Renumbered subp 56a]

5.3 Subp. 26. **Custody ~~personnel~~ staff.** "Custody ~~personnel~~ staff" means ~~those~~ facility
5.4 staff whose primary duty is supervision of supervising inmates.

5.5 Subp. 26a. **Day.** Unless otherwise specified or required by law, "day" means a calendar
5.6 day.

5.7 *[For text of subpart 27, see Minnesota Rules]*

5.8 Subp. 28. **Department of Corrections or DOC.** "Department of Corrections" or
5.9 "DOC" means the Minnesota Department of Corrections.

5.10 Subp. 28a. **Design capacity.** "Design capacity" means:

5.11 A. a facility's number of beds as calculated according to approved bed capacity
5.12 under part 2911.0330, subpart 2;

5.13 B. holding cells; and

5.14 C. beds designed for administrative and disciplinary segregation or for holding a
5.15 special-needs inmate or special-management inmate.

5.16 Subp. 29. **Disciplinary segregation.** "Disciplinary segregation" means the status
5.17 assigned an inmate;

5.18 A. following ~~after~~ a hearing in which the inmate was found in violation of a facility
5.19 rule or state or federal law; or

5.20 B. the status assigned an inmate ~~before a hearing,~~ when segregating the inmate is
5.21 determined to be necessary ~~in order~~ to reasonably ensure ~~the~~ a facility's security ~~of the~~
5.22 facility.

5.23 *[For text of subparts 30 to 35, see Minnesota Rules]*

6.1 Subp. 36. **Facility administrator.** "Facility administrator" means ~~the an~~ individual
6.2 who has been delegated the responsibility and authority for ~~the administration and operation~~
6.3 ~~of administering and operating~~ a facility. Facility administrator includes the administrator's
6.4 designee.

6.5 *[For text of subparts 37 and 38, see Minnesota Rules]*

6.6 Subp. 38a. **General population.** "General population" means a group of inmates who
6.7 are typically classified as medium-risk. ~~This group~~ General population may also include
6.8 reclassified inmates from special-management or ~~minimum-security~~ minimum-security
6.9 status. ~~This group is most often the majority of inmates in a facility.~~

6.10 Subp. 39. **Health authority.** "Health authority" means an ~~individual or agency~~ that
6.11 employs or contracts with individuals licensed to practice medicine and provide health
6.12 services to ~~the inmate population of the facility or the physician at an institution with final~~
6.13 ~~responsibility for decisions related to medical judgments~~ inmates.

6.14 Subp. 40. **Health care personnel.** "Health care personnel" means an individual whose
6.15 primary duty is to provide health services in accordance with ~~their~~ the individual's respective
6.16 license. ~~The individual must be a RN, LPN, nurse practitioner, physician, or physician~~
6.17 ~~assistant.~~

6.18 Subp. 41. **Health-trained staff person.** "Health-trained staff person" means a person
6.19 who provides assistance to the responsible ~~physician~~ medical provider or health care
6.20 personnel in keeping with the person's levels of education, training, and experience.

6.21 *[For text of subparts 42 and 43, see Minnesota Rules]*

6.22 Subp. 44. **Indigent.** "Indigent" means ~~an inmate with~~ having no funds or source of
6.23 income.

6.24 Subp. 45. **Individual with a disability.** "Individual with a disability" means ~~a person~~
6.25 an individual who:

7.1 A. has a physical or mental health impairment that substantially limits one or more
7.2 major life activities;

7.3 B. has a record of an impairment; or

7.4 C. is regarded as having an impairment.

7.5 *[For text of subparts 46 to 50, see Minnesota Rules]*

7.6 Subp. 51. [See repealer.]

7.7 Subp. 52. [See repealer.]

7.8 *[For text of subparts 53 and 54, see Minnesota Rules]*

7.9 Subp. 55. **Medication.** "Medication" means any remedial agent that has the property
7.10 of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. ~~For~~
7.11 ~~the purposes of this chapter,~~ Medication includes prescription and nonprescription
7.12 medications.

7.13 Subp. 56. ~~Minimum security~~ **Minimum-security area.** ~~"Minimum security~~
7.14 Minimum-security area" means an area that provides functional living accommodations
7.15 with a nominal reliance on physical security for ~~the control and management of~~ controlling
7.16 and managing inmates.

7.17 Subp. 56a. **Overcrowded facility.** "Overcrowded facility" means ~~a condition~~ when
7.18 ~~the~~ a facility's approved bed capacity is exceeded.

7.19 Subp. 56b. **Override.**

7.20 ~~A.~~ "Override" means the assignment of a custody level other than the one
7.21 designated by scored custody and needs assessment and is based upon professional judgment
7.22 and factors that are not captured by the classification forms.

8.1 ~~B. "Discretionary override" means a change in classification based upon the~~
8.2 ~~professional judgment of the classification staff, and the inmate's crime, prior record, or~~
8.3 ~~institutional adjustment.~~

8.4 ~~C. "Nondiscretionary override" means a formal policy to prohibit the placement~~
8.5 ~~of certain inmates from the general population housing or minimum security housing.~~

8.6 *[For text of subparts 57 and 58, see Minnesota Rules]*

8.7 Subp. 58a. **Prescription medication.** "Prescription medication" means a medication
8.8 that is required by federal law to bear the following a statement: "Caution: saying that federal
8.9 law prohibits dispensing without or transferring the medication to a person who does not
8.10 have a prescription for the medication."

8.11 *[For text of subpart 59, see Minnesota Rules]*

8.12 Subp. 60. **Responsible ~~physician~~ medical provider.** "Responsible ~~physician~~ medical
8.13 provider" means ~~an individual~~:

8.14 A. a licensed to practice medicine and provide nurse practitioner or advanced
8.15 practice registered nurse who provides health services to the inmate population of the facility
8.16 an inmate; or

8.17 B. the a licensed physician at an institution with final responsibility for decisions
8.18 related to medical judgments.

8.19 *[For text of subparts 61 to 63, see Minnesota Rules]*

8.20 Subp. 63a. **Security equipment.** "Security equipment" means an approved security
8.21 device used by staff ~~as a response to or prevention of~~ to prevent or respond to resistance.

8.22 *[For text of subparts 64 and 65, see Minnesota Rules]*

8.23 Subp. 65a. **Segregation area.** "Segregation ~~area~~" means an area of the facility that
8.24 houses inmates ~~requiring either prehearing detention, administrative segregation status, or~~

9.1 ~~lockdown time for disciplinary violations. This area is separate~~ separately from the general
9.2 ~~population and houses inmates individually.~~

9.3 *[For text of subpart 65b, see Minnesota Rules]*

9.4 Subp. 65c. ~~Special management~~ Special-management area. "Special management
9.5 Special-management area" means an area that provides the greatest degree of physical
9.6 security for ~~the control and separation of~~ controlling and separating inmates.

9.7 *[For text of subpart 66, see Minnesota Rules]*

9.8 Subp. 67. ~~Special needs~~ Special-needs inmate. "~~Special needs~~ Special-needs inmate"
9.9 means an inmate ~~whose mental or physical condition requires special handling and treatment~~
9.10 ~~by staff~~ defined according to part 2911.7100, subpart 2.

9.11 Subp. 68. [Repealed, 38 SR 523]

9.12 Subp. 69. [See repealer.]

9.13 Subp. 70. [Repealed, 38 SR 523]

9.14 Subp. 71. **Variance**. "Variance" means an exception to a specific rule ~~or rules~~ for a
9.15 specified period ~~of time~~.

9.16 Subp. 72. [Repealed, 38 SR 523]

9.17 Subp. 73. **Well-being check**. "Well-being check" means entry into all housing units
9.18 or direct observation into a cell from an adjacent physical location to:

9.19 A. ensure that an inmate is present and alive; and

9.20 B. identify whether an inmate is experiencing visible or audible distress.

10.1 **2911.0300 INTENDED USE ~~AND NONCONFORMANCE WITH RULES.~~**

10.2 Subpart 1. **Intended use.**

10.3 A. A facility ~~shall~~ must be used only according to its classification, Class I to
10.4 Class VI, as approved by the ~~Department of Corrections~~ commissioner.

10.5 B. A Class I facility may be approved by the commissioner to house inmates
10.6 serving alternative sentences for a time not to exceed any limits set by Minnesota Statutes.

10.7 C. A Class II facility may house inmates serving an alternative sentence for a time
10.8 not to exceed any limits set by Minnesota Statutes.

10.9 ~~A facility must be in compliance with a rule part, subpart, or item as designated under~~
10.10 ~~subpart 5a in order to meet approval requirements for continued operation unless the~~
10.11 ~~commissioner waives the part, subpart, or item. The commissioner shall assess a facility~~
10.12 ~~based on compliance with rules applicable to the facility's classification at the time of the~~
10.13 ~~facility's last inspection.~~

10.14 Subp. 2. [See repealer.]

10.15 Subp. 3. [See repealer.]

10.16 Subp. 4. [See repealer.]

10.17 Subp. 5. [Repealed, 38 SR 523]

10.18 Subp. 5a. [See repealer.]

10.19 Subp. 6. [See repealer.]

10.20 **2911.0310 NONCONFORMANCE ACTIONS.**

10.21 Subpart 1. **Licensure restriction, revocation, suspension, and facility**
10.22 **condemnation.** Facility licensing and condemnation proceedings are governed according
10.23 to statute.

11.1 **Subp. 2. Policy on self-audit required.**

11.2 A. A facility administrator must develop and follow a written policy detailing a
11.3 semiannual self-audit process to ensure the facility's compliance with this chapter. A
11.4 self-audit must be:

11.5 (1) completed semiannually and within six months of the last department
11.6 inspection; and

11.7 (2) documented and maintained for the commissioner to review upon request.

11.8 B. At a minimum, the self-audit must:

11.9 (1) demonstrate progress toward complying with any corrective action within
11.10 an issued correction order under Minnesota Statutes, section 241.021, subdivision 1a; and

11.11 (2) detail the facility's compliance with this chapter and include documentation
11.12 demonstrating compliance with a specific rule requirement if:

11.13 (a) requested by the commissioner; and

11.14 (b) necessary for the commissioner to evaluate the self-audit.

11.15 C. At a minimum, the policy and procedure must:

11.16 (1) be specific to the facility's class and size;

11.17 (2) provide for feedback to be gathered from staff and inmates; and

11.18 (3) describe which staff are involved in contributing to and completing the
11.19 audit.

11.20 **2911.0330 APPROVED CAPACITY; AVERAGE DAILY POPULATION.**

11.21 *[For text of subparts 1 and 2, see Minnesota Rules]*

12.1 Subp. 3. **Average daily population.**

12.2 A. The average daily population is calculated by dividing the total number of
12.3 inmate days served in a facility by the number of days in a specified period.

12.4 B. The total number of inmate days includes computing any time an inmate spends
12.5 in the community on alternative sentence when the inmate's primary residence for that day
12.6 is in a facility governed under this chapter.

12.7 C. An inmate on furlough or boarded in another facility for housing is excluded
12.8 from the average daily population.

12.9 **2911.0360 OPERATIONAL BED CAPACITY.**

12.10 ~~The A facility's~~ operational bed capacity ~~of the facility shall be~~ is a percentage of the
12.11 approved bed capacity level to accommodate;

12.12 A. peak population demands and separation requirements; and

12.13 B. partial closing for maintenance and housekeeping.

12.14 **2911.0400 VARIANCES.**

12.15 *[For text of subpart 1, see Minnesota Rules]*

12.16 Subp. 2. **Emergency notification.** ~~When~~ If a facility administrator declares an
12.17 emergency, the applicable ~~rules~~ rule requirements under this chapter may be suspended
12.18 during the duration of the emergency. The facility administrator ~~or designee shall~~ must
12.19 notify the ~~DOC~~ commissioner in writing within 72 hours of an emergency that results in
12.20 ~~the suspension of any rule~~ a rule requirement being suspended under this chapter.

12.21 Subp. 3. [Repealed, 38 SR 523]

12.22 Subp. 4. **Suspension limit.** ~~A suspension of rules~~ If a rule requirement under this
12.23 chapter is suspended because of an emergency declared ~~by a facility administrator or a~~
12.24 ~~designee shall~~ under subpart 2, the suspension must not exceed seven days unless the facility

13.1 administrator obtains the approval of the commissioner of corrections for a variance to the
13.2 ~~rules~~ rule requirement and the variance is necessary:

13.3 A. ~~for the protection of~~ to protect the health, security, safety, detention, or
13.4 well-being of the staff or the inmates detained or confined in the ~~institution~~ facility where
13.5 the emergency exists; or

13.6 B. when an emergency public safety issue has occurred.

13.7 *[For text of subparts 5 and 6, see Minnesota Rules]*

13.8 Subp. 7. **Notification; population not maintained at bed capacity.** ~~The~~ A facility
13.9 administrator ~~or a designee shall~~ must notify the ~~DOC~~ commissioner in writing of each
13.10 ~~instance of failure~~ time that the facility has failed to maintain population at or below the
13.11 ~~facility approved~~ facility-approved bed capacity under part 2911.0330 for more than seven
13.12 consecutive days or 15 days of any month in which the facility has had an average daily
13.13 population greater than its approved bed capacity.

13.14 Subp. 8. **Plan for overcrowded facility plan.** ~~Whenever an overcrowded~~ If a facility
13.15 ~~condition occurs~~ is overcrowded and the conditions in subpart 7 exist, a facility ~~shall have~~
13.16 must develop and follow a written plan that requires ~~the use of~~ using available contract per
13.17 diem bed space in ~~DOC-approved~~ department-approved facilities within a 125-mile radius.
13.18 The plan ~~shall require~~ must include the ~~following~~ requirements under items A to C.

13.19 A. ~~The~~ A facility administrator may exceed approved capacity established under
13.20 parts 2911.0330 to 2911.0370 only ~~when~~ if no space is available for contract per diem usage
13.21 within ~~125 miles~~ a 125-mile radius.

13.22 *[For text of items B and C, see Minnesota Rules]*

13.23 Subp. 9. [See repealer.]

14.1 **2911.0600 STAFF RECRUITMENT AND RETENTION.**

14.2 Subpart 1. Minimum age. Custody ~~personnel shall~~ staff must be ~~a minimum of~~ at
14.3 least 18 years of age.

14.4 Subp. 2. Recruitment standards. Recruitment standards ~~shall~~ must:

14.5 A. set forth the basic requirements ~~as to age, for~~ ability, preparatory experience,
14.6 physical condition, and character. ~~Recruitment standards shall also; and~~

14.7 B. establish factors that may disqualify an applicant.

14.8 Subp. 3. Retention plan; annual review.

14.9 A. If a facility's operation is adversely affected because of an inability to retain
14.10 employees, the facility administrator must develop a written retention plan that considers:

14.11 (1) pay rate;

14.12 (2) facility management or supervision;

14.13 (3) facility training;

14.14 (4) opportunities for career advancement or promotion;

14.15 (5) workplace culture and environment; and

14.16 (6) any other factor that would help the facility retain employees.

14.17 B. The facility administrator must review the facility's retention plan at least once
14.18 annually. The review must be documented in writing and demonstrate that the plan has been
14.19 reviewed and revised as appropriate to the facility's needs or referred to the facility's
14.20 governing body for funding consideration.

14.21 C. For purposes of this subpart, "adversely affected" means that the health, safety,
14.22 security, or well-being of inmates or facility staff is threatened.

15.1 Subp. 4. **Discrimination prohibited.** Discrimination ~~shall be~~ is prohibited consistent
15.2 with Minnesota Statutes, section 363A.08.

15.3 **2911.0650 SUBSTANCE ABUSE PROHIBITED.**

15.4 Subpart 1. **Policy required.** A facility must develop and follow a written policy that
15.5 prohibits employees, subcontractors, and volunteers from being under the influence of a
15.6 substance that impairs the individual's ability to provide services, supervision, or inmate
15.7 care. This subpart applies to all individuals who directly interact with inmates or who are
15.8 directly responsible for an inmate's health and security.

15.9 Subp. 2. **Training required.** A facility administrator must train all employees,
15.10 subcontractors, and volunteers on the policy.

15.11 **2911.0700 PROBATIONARY PERIOD; EMPLOYEE EVALUATION.**

15.12 Consistent with Minnesota Statutes, an employee ~~shall~~ must complete a probationary
15.13 period and be evaluated during the probationary period before being permanently appointed.
15.14 The evaluation ~~shall be in writing, discussed with the employee, and made a part of the~~
15.15 employee's personnel record must be documented.

15.16 **2911.0800 EXTRA DUTY.**

15.17 Subpart 1. **12-hour limit.** An employee ~~shall be~~ may not be scheduled for ~~no~~ more
15.18 than 12 hours consecutive work in any 24 hours ~~except where~~ unless unusual circumstances
15.19 require reasonable and prudent exception.

15.20 Subp. 2. **Coverage needs.**

15.21 A. Coverage for employee vacations, military leave, jury duty, scheduled training,
15.22 and similar activities ~~is~~ does not to be considered qualify as unusual circumstances requiring
15.23 reasonable and prudent exception.

B. Each of ~~these~~ the coverage needs ~~is~~ must be known to the facility administration with sufficient lead time to allow proactive scheduling to maintain compliance with ~~the 12-hour standard requirements~~ subpart 1.

2911.0900 STAFFING REQUIREMENTS.

Subpart 1. **Staffing plan and staffing analysis required; review.**

A. ~~The~~ A facility administrator ~~shall prepare and retain~~ must develop and follow a written staffing plan:

~~The staffing plan shall identify~~ that meets the requirements under this part and identifies:

- ~~A.~~ (1) jail personnel assignments for:
- ~~(1)~~ (a) facility administration and supervision;
 - ~~(2)~~ (b) facility programs, including exercise and recreation;
 - ~~(3)~~ (c) inmate admission, booking, supervision, and custody;
 - ~~(4)~~ (d) support services, including medical, food service, maintenance, and clerical; and
 - ~~(5)~~ (e) other jail-relevant functions such as ~~escort and transportation of~~ escorting and transporting inmates;

~~B.~~ (2) the days ~~of the week~~ that the assignments are filled;

~~C.~~ (3) the hours ~~of the day~~ that the assignments are covered; and

~~D.~~ (4) any deviations from the plan ~~with respect to~~ on weekends, holidays, or other atypical situations ~~must be considered.~~

B. The facility administrator ~~or designee shall~~ must review the facility's staffing plan at least once ~~each year~~ annually. The review ~~shall~~ must be documented in written form sufficient to indicate that ~~the staffing plans have~~ plan has been reviewed and revised as

17.1 appropriate to the facility's needs or referred to the facility's governing body for funding
17.2 consideration.

17.3 C. A facility ~~with a design capacity of more than 60 beds must have a staffing~~
17.4 ~~analysis and its staffing plan approved by the commissioner of corrections. This staffing~~
17.5 ~~analysis shall include all posts, functions, net annual work hours appropriate to each post,~~
17.6 ~~and total number of employees to fill the identified posts and functions.~~

17.7 Subp. 2. **Facility administrator required.** For each facility, there shall must be a
17.8 single facility administrator of each facility.

17.9 *[For text of subparts 3 to 5, see Minnesota Rules]*

17.10 Subp. 6. [See repealer.]

17.11 *[For text of subparts 7 and 8, see Minnesota Rules]*

17.12 Subp. 8a. **Health care personnel.** Health care personnel must be licensed:

17.13 A. under Minnesota Statutes, sections 148.171 to 148.285, the Minnesota Nurse
17.14 Practice Act, as a registered nurse, licensed practical nurse, or nurse practitioner;

17.15 B. as a physician under Minnesota Statutes, sections 147.01 to 147.37, the
17.16 Minnesota Medical Practice Act;

17.17 C. as a physician assistant under Minnesota Statutes, chapter 147A; or

17.18 D. as a mental health professional.

17.19 Subp. 8b. **Responsible medical provider.** A responsible medical provider may also
17.20 serve as the health authority if the provider is a physician or advanced practice registered
17.21 nurse.

17.22 *[For text of subpart 9, see Minnesota Rules]*

Subp. 10. ~~Supervision of~~ Supervising inmates of opposite gender. Staff members ~~shall~~ may not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite gender in circumstances that can be described as invasion of privacy, degrading, or humiliating to the inmates. ~~When staff of one gender are used as program resource personnel with inmates of the opposite gender, staff of the inmates' gender must be on duty and in the facility.~~

Subp. 11. **Maintenance personnel and custody staff; separation of duties.**

A. Maintenance personnel ~~shall be employed to~~ must perform preventive, routine, and emergency maintenance functions.

B. Custody staff ~~shall~~ may not be given physical plant maintenance duties that detract from their primary responsibilities ~~for ongoing supervision of~~ supervising inmates.

[For text of subparts 12 and 13, see Minnesota Rules]

Subp. 14. ~~Backup-resource~~ Backup-resource assistance. ~~In facilities that use~~ If a facility uses the dispatcher or custody position as sole supervision, policy and procedures ~~shall~~ must be ~~implemented~~ developed and followed that ~~assure~~ ensure a reasonable level of security and ~~backup-resource~~ backup-resource assistance for the dispatcher or custody staff person in circumstances that require emergency response assistance. ~~The DOC shall review and approve the policy and procedures.~~

Subp. 15. **Ratio of custody staff to inmates, reporting incidents, and responding to emergencies.**

A. A facility with a design capacity of 60 or fewer beds ~~shall~~ must meet the staffing ratios in this item. For inmate supervision, the overall ~~facilitywide~~ facility-wide minimum ratio of custody staff to inmates ~~shall~~ must be one custody officer to 25 inmates. ~~These~~ Custody staff must be in the facility and on duty at all times and not involved in temporary duties outside of the facility. Included in this ratio are all staff who are assigned and trained

19.1 in the custody and supervision of inmates as their primary duty. Staff not directly responsible
19.2 for custody and supervision of inmates such as administrative, supervisory, program, bailiff,
19.3 or support staff ~~shall~~ are not be included in this ratio.

19.4 B. A facility with a design capacity of 60 or more beds ~~shall~~ must meet the staffing
19.5 ratios in this item. For inmate supervision, the overall ~~facilitywide~~ facility-wide minimum
19.6 ratio or custody staff to inmates ~~shall~~ must not be less than:

19.7 *[For text of subitems (1) to (4), see Minnesota Rules]*

19.8 *[For text of item C, see Minnesota Rules]*

19.9 Subp. 16. [Repealed, 38 SR 523]

19.10 Subp. 17. **Escort, movement, or booking staff.**

19.11 A. Class I to Class VI facilities' staff ~~shall~~ must be provided as follows:

19.12 ~~A.~~ (1) internal escort, rover, or movement officers in sufficient numbers as
19.13 determined in the approved staffing plan under this ~~subpart~~ part to ensure that:

19.14 (a) inmates have access to staff, programs, activities, and services; and
19.15 ~~that~~

19.16 (b) the facility's safety and security ~~of the facility~~ is not compromised;

19.17 ~~B.~~ (2) sufficient staff present to provide for the booking of offenders without a
19.18 reduction in the safety or security of the facility and inmates;

19.19 ~~C.~~ (3) in multifloor jails, custody staff posted on each floor occupied by inmates;
19.20 and

19.21 ~~D.~~ (4) sufficient numbers of staff to complete duties listed in post orders.

19.22 B. Class I to Class VI facility staff ~~shall~~ must not be used for the external
19.23 transportation of inmates or court security if the level of inmate supervision, inmate

admission, programs, or internal inmate movement would be reduced below minimums afforded under the facility's staffing plan.

[For text of subparts 18 to 20, see Minnesota Rules]

Subp. 21. Class IV facilities.

A. ~~A Class IV facilities shall~~ facility must meet the same requirements as a Class III facilities unless facility, but if 75 percent or greater more of the inmates served are on a work release, educational release, community service, or ~~sentencing to service~~ sentencing-to-service status. ~~When such is the case the,~~ program staff requirements may be reduced by 50 percent for the Class IV facility.

B. When Class III and Class IV facility program staff requirements are met from a central source, rather than at each facility independently, the total program staff must be representative of the requirements applicable to each facility.

[For text of subpart 22, see Minnesota Rules]

Subp. 23. Custody staff override.

A. The ratio of custody staff to inmates may be reduced proportionate to the facility's population decrease during those hours that inmates are released from the facility for work release, educational release, community service, or ~~sentencing to service activities~~ sentencing-to-service programs.

B. No override reduction is allowed in any facility using a custody staff person or dispatcher as sole supervision or facilities using staffing patterns that employ one dispatcher and one custody staff person.

C. Facilities using the override allowed in this subpart must document the number of inmates in the facility on an hourly basis and those under the facilities' jurisdiction that are temporarily released from the facility for work, education, community service, or

sentencing to service programs. The facility ~~shall~~ must also document the number of available custody staff for the population housed in the facility on an hourly basis.

[For text of subparts 24 to 26, see Minnesota Rules]

Subp. 27. Cell phone use; policy required. A facility administrator must develop and follow a written policy and procedure on cell phone use among staff. At a minimum, the policy must prohibit cell phone use among facility staff doing security rounds in the secure perimeter, including during well-being checks.

2911.1000 TRAINING PLAN.

Subpart 1. Training plan required; documentation.

A. A facility administrator ~~or designee shall~~ must:

(1) develop and ~~implement~~ follow a written training plan for ~~the orientation of~~ orienting new employees and volunteers; and

(2) provide for continuing in-service training programs for all employees and volunteers.

B. All training plans ~~shall~~ must be documented and describe curriculum, methods of instruction, and objectives.

Subp. 2. In-service training required. In-service training plans ~~shall~~ must be prepared annually and ~~shall~~ provide documentation indicating that training for an individual employee ~~employees~~ employee has taken into consideration ~~their~~ the employee's length of service, position within the organization, and previous training completed.

22.1 **2911.1200 TRAINING FOR CLERICAL AND SUPPORT EMPLOYEES WITH;**
22.2 **MINIMAL INMATE CONTACT AND REGULAR OR DAILY INMATE CONTACT;**
22.3 **TRAINING.**

22.4 Subpart 1. **Minimal inmate contact.**

22.5 A. A facility ~~shall have~~ must develop and follow a written policy and procedure
22.6 that provides that all new clerical and support employees ~~that~~ who have minimal inmate
22.7 contact receive at least 24 hours of orientation and training during their first year of
22.8 employment. ~~Sixteen Of these the 24 hours, 16 hours are~~ must be completed before ~~being~~
22.9 an employee is independently assigned to a particular job.

22.10 B. At least 16 hours of the required training must include:

- 22.11 (1) security procedures and regulations;
22.12 (2) rights and responsibilities of inmates;
22.13 (3) protecting inmate data, including medical data;
22.14 (4) all applicable emergency procedures; and
22.15 (5) first aid and CPR.

22.16 C. ~~Persons in this category are given~~ An employee under this subpart must
22.17 complete an additional 16 hours of training each subsequent year of employment.

22.18 Subp. 2. **Regular or daily inmate contact.**

22.19 A. A facility ~~shall have~~ must develop and follow a written policy and procedure
22.20 that provides that all new clerical and support employees who have regular or daily inmate
22.21 contact receive at least 40 hours of orientation and training during their first year of
22.22 employment. ~~These~~ The hours are to must be completed before ~~being~~ an employee is
22.23 independently assigned to a particular job. The employees are given an additional 16 hours
22.24 of training each subsequent year of employment. At a minimum, this training covers the
22.25 following areas:

B. At least 40 hours of the required training must include:

~~A.~~ (1) security procedures and regulations;

~~B.~~ (2) rights and responsibilities of inmates;

(3) protecting inmate data, including medical data;

~~C.~~ (4) all applicable emergency procedures;

~~D.~~ (5) interpersonal relations and communication skills; and

~~E.~~ (6) first aid and CPR.

C. An employee under this subpart must complete an additional 16 hours of training each subsequent year of employment.

2911.1300 CUSTODY STAFF; TRAINING.

A. A facility ~~shall have~~ must develop and follow a written policy and procedure that provides that all custody staff receive at least 120 hours of orientation and training during the first year of employment. ~~Forty of these~~ Of the 120 hours, 40 hours are must be completed ~~prior to being~~ before a staff member is independently assigned to a particular post. All persons in this category are given an additional 16 hours of training each subsequent ~~year.~~

B. ~~At a minimum,~~ least 40 hours of the required training completed before independent assignment to a particular post shall must include:

~~A.~~ (1) security procedures;

~~B.~~ (2) supervision of supervising inmates;

~~C.~~ (3) signs of suicide risk and suicide precautions well-being checks;

~~D.~~ (4) identifying and assessing vulnerable inmates;

- 24.1 ~~E.~~ (5) response to resistance regulations and tactics;
- 24.2 ~~F.~~ (6) report writing;
- 24.3 ~~G.~~ (7) inmate rules and regulations;
- 24.4 ~~H.~~ (8) rights and responsibilities of inmates;
- 24.5 ~~I.~~ (9) fire and emergency procedures;
- 24.6 ~~J.~~ (10) key control;
- 24.7 ~~K.~~ (11) interpersonal relations and communication skills;
- 24.8 ~~L.~~ (12) diversity training;
- 24.9 ~~M.~~ (13) ~~distribution of medications~~ protecting inmate data, including medical
- 24.10 data;
- 24.11 ~~N.~~ (14) an employee's right to know; and
- 24.12 ~~O.~~ (15) ~~blood-borne pathogens and communicable diseases.~~ medical training in
- 24.13 cooperation with the health authority, with instruction in:
- 24.14 (a) recognizing signs and symptoms of illness, and knowledge of action
- 24.15 required in potential emergency situations;
- 24.16 (b) administering first aid and CPR;
- 24.17 (c) methods of obtaining assistance;
- 24.18 (d) recognizing signs and symptoms of mental illness, developmental
- 24.19 disability, emotional disturbance, suicide risk, suicide precautions, substance abuse, drug
- 24.20 withdrawal, and drug overdose;
- 24.21 (e) procedures for inmate transfers to appropriate medical facilities or
- 24.22 other health care providers;

- 25.1 (f) distributing medications; and
- 25.2 (g) blood-borne pathogens and communicable diseases.
- 25.3 (16) training on suicide risk and suicide precautions, including:
- 25.4 (a) identifying the warning signs and symptoms of suicidal behavior;
- 25.5 (b) responding to a suicidal inmate;
- 25.6 (c) communication between custody staff and health care personnel;
- 25.7 (d) referral procedures;
- 25.8 (e) housing observation and procedures for suicide watch level; and
- 25.9 (f) follow-up monitoring of an inmate who has attempted suicide.

25.10 C. All staff under this part must be recertified in first aid and CPR as required to

25.11 maintain the certification. The recertification training must be documented in writing.

25.12 D. A staff member under this part must complete an additional 20 hours of training

25.13 each subsequent year of employment on the topics under part 2911.1510, subpart 2.

25.14 **2911.1400 ADMINISTRATIVE AND MANAGERIAL STAFF; TRAINING.**

25.15 A. A facility ~~shall have~~ must develop and follow a written policy and procedure

25.16 that provides that the facility's administrative and managerial staff receive at least 16 hours

25.17 of orientation and training within the first 90 days of being employed at the facility.

25.18 B. The orientation training ~~shall~~ must include, at a minimum, general management

25.19 ~~and related subjects, data practices, decision-making processes, labor law,~~

25.20 ~~employee-management relations, the interaction of elements of the criminal justice system,~~

25.21 ~~and relationships with other service agencies. After orientation, a facility's administrative~~

25.22 ~~and managerial staff shall receive at least 16 hours of training annually. at least:~~

25.23 (1) general management and related subjects;

- 26.1 (2) protecting inmate data, including medical data;
- 26.2 (3) decision-making processes;
- 26.3 (4) labor law;
- 26.4 (5) employee-management relations;
- 26.5 (6) the interaction of elements of the criminal justice system; and
- 26.6 (7) interacting with service entities that provide services to inmates.

26.7 C. A staff member under this part must complete an additional 16 hours of training
26.8 each subsequent year of employment.

26.9 **2911.1500 PROGRAM STAFF; TRAINING.**

26.10 A. A facility ~~shall have~~ must develop and follow a written policy and procedure
26.11 that provides that the facility's program personnel receive at least 40 hours of orientation
26.12 and training in the first year of employment, ~~and at least 16 hours of training each year~~
26.13 ~~thereafter. This.~~

26.14 B. The 40 hours of training must ~~cover, at a minimum~~ include at least:

26.15 ~~A.~~ (1) security procedures and regulations;

26.16 ~~B.~~ (2) planning;

26.17 ~~C.~~ (3) ~~development, and implementation of~~ developing and implementing
26.18 treatment, educational, and recreational programs;

26.19 ~~D.~~ (4) inmate and staff rules and regulations;

26.20 ~~E.~~ (5) rights and responsibilities of inmates;

26.21 (6) protecting inmate data, including medical data;

26.22 ~~F.~~ (7) fire and emergency procedures;

27.1 ~~G. (8) interpersonal relations and communication skills;~~

27.2 ~~H. (9) interaction of elements of the criminal justice system; and~~

27.3 ~~I. (10) first aid and CPR.~~

27.4 C. Personnel under this part must complete an additional 24 hours of training each
27.5 subsequent year of employment.

27.6 **2911.1510 ANNUAL TRAINING HOURS.**

27.7 **Subpart 1. Annual training required.**

27.8 A. All facility employees must complete a set number of annual training hours
27.9 per assignment according to parts 2911.1200 to 2911.1500. The annual training must be
27.10 relevant to the job duties assigned.

27.11 B. All facility employees and all contracted staff with regular inmate contact must
27.12 receive annual training on the code-of-conduct policy and protecting inmate data, including
27.13 medical data.

27.14 Subp. 2. Annual training; custody staff. Annual training for custody staff must
27.15 include:

27.16 A. medical training and training on suicide risk and precautions under part
27.17 2911.1300, item B, subitems (15) and (16);

27.18 B. security procedures;

27.19 C. response to resistance; and

27.20 D. emergency procedures.

27.21 **2911.1600 DESIGNATED TRAINING OFFICER.**

27.22 A facility ~~shall~~ must have a designated training officer responsible for:

27.23 A. ~~maintenance of~~ maintaining training plans ~~as required in~~ under part 2911.1000;

B. ~~maintenance of~~ maintaining clearly documented, accessible training records in sufficient detail to allow a department inspector assessment of ~~to assess~~ compliance with parts 2911.1200 to ~~2911.1700~~ 2911.1510, including assessing whether an individual employee has completed the required training; and

C. ~~documentation of~~ documenting requirements for waivers of training requirements based on equivalent training received before employment or demonstrated competency through proficiency testing.

2911.1700 WAIVERS OF TRAINING REQUIREMENTS.

Training requirements may be waived by ~~the facility administrator or~~ a designated training officer if:

A. ~~when it the officer has been determined that an individual employee has received equivalent and up-to-date training within an appropriate time before employment such as completion of first aid training with current certification of the training; or~~

B. ~~when the training officer or designee employee has been tested the employee for proficiency and competency to demonstrate skills or knowledge required and the employee has met the required proficiency and competency level for certification of the officer to certify the training.~~

2911.1900 POLICY AND PROCEDURE MANUALS.

Subpart 1. Manual required.

A. A facility ~~shall have~~ must develop and follow a written policy and procedure manual that is electronically available to staff and relevant regulatory authorities and defines the ~~philosophy and~~ method for operating and maintaining the facility.

B. ~~This~~ The manual ~~shall~~ must be made available to all employees, ~~reviewed annually, and~~ updated as needed, ~~and~~ Facility staff must be trained on the manual accordingly.

29.1 **Subp. 2. Minimum requirements.**

29.2 A. The manual ~~shall include, at a minimum,~~ must include at least the following

29.3 chapters:

29.4 ~~A.~~ (1) correctional standards required under this chapter;

29.5 ~~B.~~ (2) administration and organization;

29.6 ~~C.~~ (3) fiscal management;

29.7 ~~D.~~ (4) personnel;

29.8 ~~E.~~ (5) training;

29.9 ~~F.~~ (6) inmate records;

29.10 ~~G.~~ (7) safety and emergency;

29.11 ~~H.~~ (8) security and control;

29.12 ~~I.~~ (9) sanitation and hygiene;

29.13 ~~J.~~ (10) food service;

29.14 ~~K.~~ (11) medical and health care services;

29.15 ~~L.~~ (12) inmate rules and discipline;

29.16 ~~M.~~ (13) communication, mail, and visiting;

29.17 ~~N.~~ (14) admissions, orientation, classification, property control, and release;

29.18 ~~O.~~ (15) inmate activities, programs, and services; ~~and~~

29.19 ~~P.~~ (16) a written suicide prevention and intervention plan;

29.20 (17) a code-of-conduct policy that:

30.1 (a) at all times ensures a culture of professionalism and demonstrated
30.2 respect for the humanity of fellow employees, inmates, and the public;

30.3 (b) explains what conduct is expected of all employees and the
30.4 consequences for violating the policy;

30.5 (c) is modeled on the provisions of Minnesota Statutes, sections 15.43
30.6 and 43A.38;

30.7 (d) describes when outside employment or volunteer activities would
30.8 constitute a conflict of interest; and

30.9 (e) explains the expectations for interacting with the public and any
30.10 nonlicensed facility entity;

30.11 (18) a policy prohibiting discrimination based on protected classes;

30.12 (19) a policy prohibiting sexual harassment; and

30.13 (20) a policy for conducting a quarterly review by the health authority and
30.14 collecting data related to the number and types of sick calls, number and reasons for hospital
30.15 visits, mental health assessments, and number of individuals seen for any type of
30.16 mental-health-related services.

30.17 B. After conducting a quarterly review, the health authority must provide to the
30.18 facility administrator in writing the data under item A, subitem (20).

30.19 Subp. 3. **Required manual review.**

30.20 A. ~~The A~~ facility administrator ~~or designee shall~~ must review the policy and
30.21 procedure ~~manuals~~ manual at least once each year annually. The review shall must be
30.22 documented in written form sufficient to indicate that the policies and procedures have been
30.23 reviewed and amended as appropriate to facility changes.

B. For each policy amendment or addition, the facility administrator must document that all facility staff have acknowledged the amendment or addition.

2911.2200 ~~FILING AND DISPOSITION OF~~ MAINTAINING INMATE RECORDS.

~~Inmate records shall~~ must ~~be filed into individual folders or maintained through technology such as computerized record systems that permit an inmate's record to be and~~ readily accessed at one source.

2911.2400 DETENTION INFORMATION SYSTEM REQUIREMENTS; DOC PORTAL.

Subpart 1. DOC Portal. ~~The A facility administrator shall~~ must designate a staff person responsible for reporting of information on ~~persons detained or incarcerated inmates~~ to the ~~DOC in a manner consistent with requirements in the DOC's Statewide Supervision System, Detention Entry Guide (2010) and any amendments, which is incorporated by reference, subject to frequent change, and available at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155~~ DOC Portal, or its successor, online on the department's website.

Subp. 2. Daily reporting. ~~Requirements for reporting detention information system reporting requirements shall~~ to the DOC Portal must be met in an accurate manner daily.

2911.2500 ~~SEPARATION OF~~ SEPARATING INMATES.

Subpart 1. General.

A. A combination of separate housing units inclusive of special management areas, general population, and minimum security areas and cells, dormitories, and dayroom spaces ~~shall~~ must be provided to properly ~~segregate~~ separate inmates ~~pursuant~~ according to Minnesota Statutes, section 641.14.

B. ~~The A facility shall~~ must provide for the separate housing of the following inmate categories of inmates:

- 32.1 A. ~~(1) female and male inmates and juveniles according to applicable state and~~
32.2 ~~federal law;~~
- 32.3 B. ~~(2) community custody inmates such as work release or sentencing to service;~~
- 32.4 C. ~~(3) inmates requiring disciplinary segregation;~~
- 32.5 D. ~~(4) inmates requiring administrative segregation; and~~
- 32.6 E. ~~juveniles who do not meet Minnesota statutory requirements for placement~~
32.7 ~~with adults;~~
- 32.8 F. ~~(5) special management, general population, and minimum security inmates~~
32.9 ~~as considered appropriate to the facilities design intent and classification system; and.~~
- 32.10 G. ~~inmates classified as mentally ill or special needs inmates in a manner consistent~~
32.11 ~~with Minnesota Statutes, section 253B.051.~~

32.12 *[For text of subpart 2, see Minnesota Rules]*

32.13 **2911.2525 ADMISSIONS.**

32.14 Subpart 1. **Policies and procedures.** A facility ~~shall have~~ must develop and follow
32.15 a written policies policy and procedures procedure for processing new inmates to the facility
32.16 to include, at a minimum, ~~the following:~~

32.17 A. obtaining and documenting available emergency medical information within
32.18 two hours of admission, including the intake release of information form under subpart 5;

32.19 B. ~~verification of~~ verifying court commitment papers or other legal documentation
32.20 of detention. ~~Verification shall include,~~ including checking the date of admission, duration
32.21 of confinement, and specific charges;

32.22 C. ~~a search of~~ searching the inmate and the inmate's possessions;

32.23 D. ~~inventory and storage of~~ inventorying and storing the inmate's personal property;

33.1 E. within two hours of admission, obtaining and documenting the initial medical
33.2 screening to include an assessment of the inmate's health status, including any medical or
33.3 mental health needs and mental health screening on a department-provided document;

33.4 F. under the direction of a responsible medical provider:

33.5 (1) identifying any medication possessed by an inmate upon admission;

33.6 (2) verifying an inmate's prescribed medication within 24 hours of the inmate's
33.7 admission or earlier if not verifying the medication would jeopardize the inmate's safety;
33.8 and

33.9 (3) if needed, communicating with the inmate's prescribing doctor, if
33.10 applicable, or another health care provider to help verify the medication;

33.11 F. G. telephone calls made by the inmate during the booking and admission process
33.12 and ~~prior to~~ before assignment to other housing areas;

33.13 ~~G.~~ H. shower and hair cleansing;

33.14 ~~H.~~ I. ~~issue of~~ issuing bedding, clothing, and personal hygiene items according to
33.15 the rule requirements applicable to the inmate's anticipated length of stay ~~of the inmate;~~

33.16 ~~I.~~ J. photographing and fingerprinting, including ~~notation of~~ noting identifying
33.17 marks or unusual characteristics such as birthmarks or tattoos;

33.18 ~~J.~~ K. interviewing to obtain the following identifying inmate data:

33.19 (1) name and aliases ~~of person;~~

33.20 (2) current or last known address, ~~or last known address;~~

33.21 (3) health insurance information;

33.22 (4) gender;

33.23 (5) age;

- 34.1 (6) date of birth;
- 34.2 (7) place of birth;
- 34.3 (8) race;
- 34.4 (9) present or last place of employment;
- 34.5 (10) emergency contact including name, relation, address, and telephone
- 34.6 number; and
- 34.7 (11) additional information concerning special custody requirements or special
- 34.8 needs;
- 34.9 ~~K. L.~~ initial classification of the inmate and assignment to a housing unit;
- 34.10 ~~L. M.~~ an assigned booking number; and
- 34.11 ~~M. N.~~ if available, Social Security number, driver's license number, or state
- 34.12 identification number; ~~if available~~.

34.13 Subp. 2. **Privacy.** Intake procedures dealing with information protected by the

34.14 Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, ~~shall~~ must be

34.15 conducted in a manner and location that ~~assures the~~ ensures an inmate's personal privacy

34.16 ~~of the inmate~~ and the confidentiality of the transaction from unauthorized personnel.

34.17 Subp. 3. **Orientation to rules and services.**

34.18 A. A facility ~~shall~~ must develop and follow a written policy and procedure that

34.19 ~~provides:~~

34.20 ~~A.~~ (1) provides a method for all newly admitted inmates to receive within 24

34.21 hours of admission, in a manner and language that inmates can understand:

34.22 (a) orientation information in a manner the inmates can understand; and

(b) a rights statement, including information on immigration rights and the consular notification process as provided under the U.S. Citizenship and Immigration Services; and

~~B. (2) documentation by a~~ requires a documented statement that is signed and dated by the inmate, indicating that the inmate completed orientation.

Subp. 4. **Inmate personal property.** A facility ~~shall have~~ must develop and follow a written policy and procedure that:

[For text of items A to C, see Minnesota Rules]

Subp. 5. **Intake release of information form.** An intake release of information form must be provided at intake according to Minnesota Statutes, section 241.021, subdivision 7, and comply with applicable state and federal law.

2911.2550 RELEASES.

Subpart 1. **Release procedures.** A facility ~~shall have~~ must develop and follow a written ~~procedures~~ policy and procedure for releasing inmates that ~~include~~ includes, at a minimum, ~~the following~~:

[For text of items A to D, see Minnesota Rules]

[For text of subparts 2 and 3, see Minnesota Rules]

2911.2600 INMATE CLASSIFICATION ~~OF INMATES~~.

Subpart 1. **Policy and procedure.**

A. A facility ~~shall have~~ must develop and follow a written policy and procedure that provides for inmate classification in terms of level of custody required, housing assignment, participation in facility programs, and use of any overrides.

B. The facility's policy and procedure ~~on classification shall include consideration of~~ must consider the following:

- 36.1 A. (1) inmate gender;
- 36.2 B. (2) juvenile or adult status;
- 36.3 C. (3) category of offense;
- 36.4 D. (4) severity of current charges, or convictions, or both;
- 36.5 E. (5) degree of escape risk;
- 36.6 F. (6) potential risk of safety to others and self;
- 36.7 G. (7) institutional disciplinary history;
- 36.8 H. (8) serious offense history;
- 36.9 I. (9) special needs assessment, inclusive of vulnerable adults, ~~which includes~~
36.10 including a determination of how medical needs, mental health needs, developmental
36.11 disability, or other behavioral or physical limitations or disabilities may impact ~~on the~~ an
36.12 inmate's classification ~~of an inmate~~ and appropriate housing ~~of same~~; and
- 36.13 J. (10) special management inmate status.

36.14 Subp. 2. **Status change.**

36.15 A. The inmate classification ~~plan shall~~ policy and procedure must specify criteria
36.16 and procedures for determining and changing ~~the~~ an inmate's status ~~of an inmate~~, including
36.17 custody, transfers, override functions, and major changes in programs.

36.18 B. The ~~plan shall~~ policy and procedure must include an appeal process for
36.19 classification decisions.

36.20 C. ~~The use of~~ Any override ~~shall~~ on an inmate's status must be documented.

36.21 *[For text of subpart 3, see Minnesota Rules]*

37.1 **2911.2610 LANGUAGE ACCESS FOR INMATES.**

37.2 A facility must develop and follow a written policy and procedure that requires that
37.3 every inmate has access to information, documents, services, and programs, with each
37.4 communicated in a language that each inmate understands. At a minimum, the policy and
37.5 procedure must:

37.6 A. require staff to identify and document an inmate's primary language at intake;

37.7 B. address when and how interpretive and translation services must be provided;

37.8 C. provide interpretation services and document translation to an inmate at no
37.9 cost, though standard copying fees may be charged; and

37.10 D. prohibit discriminating or retaliating against an inmate who requests or receives
37.11 interpretation or translation services.

37.12 **2911.2700 INFORMATION TO INMATES.**

37.13 **Subpart 1. Information made available to inmates.**

37.14 A. The following information must be made available to all inmates:

37.15 (1) copies of policies and rules governing conduct and disciplinary
37.16 consequences;

37.17 (2) procedures for obtaining personal hygiene and commissary items; and

37.18 (3) policies governing visiting, correspondence, bathing, laundry, and clothing
37.19 and bedding exchange shall be made available to all inmates; and

37.20 (4) the rights statement under part 2911.2525, subpart 3.

37.21 B. Information will must be made available in a form accessible to disabled inmates
37.22 with disabilities, including those inmates that are hearing impaired, visually impaired, or
37.23 unable to speak in a form that is accessible to them.

C. Information required under this subpart ~~shall~~ must be available in English. There ~~shall~~ must be procedures in place to address the language barriers of non-English-speaking inmates.

D. Policy and procedures ~~shall~~ must ensure, to the extent practical, that inmates who are unable to speak English are provided with the information outlined in this part within 24 hours of admission to the facility in a form that is accessible to the inmate.

Subp. 2. **Program options and activities.**

A. Within 24 hours of admission, excluding weekends and holidays, an inmate ~~shall~~ must be provided written information on program options and activities ~~within 24 hours of admission, excluding weekends and holidays.~~ A facility staff member ~~shall~~ must review program options and activities with inmates who are unable to read, within 24 hours of admission, excluding weekends and holidays.

B. A Class I facility is exempt from this ~~requirement with the exception of those~~ subpart except for a Class I facility approved by the commissioner to house inmates serving alternative sentences.

[For text of subparts 3 and 4, see Minnesota Rules]

2911.2750 INMATE HYGIENE.

Subpart 1. **Personal hygiene.**

A. ~~The A~~ facility administrator or designee ~~shall have~~ must develop and implement follow a written policy and procedure for personal hygiene practices of all inmates to include special assistance for ~~those~~ inmates who are unable to care for themselves.

B. ~~A written~~ The policy and procedure ~~shall~~ must require that articles needed for personal hygiene are available to all inmates; and include, at a minimum, ~~the following:~~

~~A.~~ (1) soap;

- 39.1 ~~B.~~ (2) toothbrush;
- 39.2 ~~C.~~ (3) toothpaste;
- 39.3 ~~D.~~ (4) shampoo;
- 39.4 ~~E.~~ (5) shaving equipment;
- 39.5 ~~F.~~ (6) materials essential to feminine hygiene;
- 39.6 ~~G.~~ (7) comb; and
- 39.7 ~~H.~~ (8) toilet paper.

39.8 Subp. 2. **Delousing materials.** Delousing materials and procedures ~~shall~~ must be

39.9 approved through consultation with ~~the~~ a responsible ~~health authority~~ medical provider.

39.10 *[For text of subparts 3 and 4, see Minnesota Rules]*

39.11 **2911.2800 ADMINISTRATIVE SEGREGATION.**

39.12 Subpart 1. **Policy on administrative segregation required.** ~~Each~~ A facility

39.13 administrator ~~or designee shall~~ must develop and implement policies follow a written policy

39.14 and procedures procedure for administrative segregation.

39.15 *[For text of subparts 2 and 3, see Minnesota Rules]*

39.16 Subp. 4. **Policy required.** ~~Written policy and procedure shall~~ The policy and procedure

39.17 must provide that the:

39.18 A. status of inmates in administrative segregation is reviewed every seven days;

39.19 ~~These policies shall provide;~~

39.20 ~~A.~~ B. ~~that~~ the review is documented and placed in the inmate's file;

40.1 ~~B. C. that the~~ inmate in administrative segregation receive visits from the facility
40.2 administrator ~~or designee a minimum of~~ at least once every seven days as a part of the
40.3 administrative review process; and

40.4 ~~C. D. that the~~ review process that is used to release an inmate from administrative
40.5 segregation is specified.

40.6 Subp. 5. [Repealed, 38 SR 523]

40.7 Subp. 6. **Protective custody.** ~~Written~~ The policy and procedure ~~shall~~ must provide
40.8 that an inmate is separated from the general population for purposes of protective custody
40.9 only ~~when~~ if:

40.10 A. there is documentation that protective custody is warranted; and

40.11 B. segregation is the least restrictive alternative available.

40.12 Subp. 7. **Deprivation report.** ~~Written~~ The policy and procedure ~~shall~~ must provide
40.13 that whenever an inmate in administrative segregation is deprived of any usually authorized
40.14 item or activity, a report of the action is made and forwarded to the facility administrator
40.15 ~~or designee.~~

40.16 **2911.2810 MENTAL HEALTH REVIEW.**

40.17 Subpart 1. **Assessing inmate.** A facility must ensure that a licensed mental health
40.18 professional assesses an inmate who has been in any type of segregation for more than 30
40.19 consecutive days. The inmate must be assessed every 15 days and every 15 days thereafter
40.20 that the inmate remains in segregation.

40.21 Subp. 2. **Documenting and reporting assessment.** The mental health professional
40.22 must document and report the professional's assessment to the health authority and the
40.23 facility administrator.

41.1 **2911.2850 INMATE DISCIPLINE PLAN.**

41.2 Subpart 1. **Plan.** A facility ~~shall have an~~ must develop and follow a written inmate
41.3 discipline plan that explains the:

41.4 A. administrative sanctions for specific behaviors, ~~omissions, the~~ and for refusing
41.5 to follow facility policies, procedures, and rules;

41.6 B. administrative process for handling major and minor violations, ~~the~~;

41.7 C. right to internal review; ~~and the~~

41.8 D. review process.

41.9 Subp. 2. **Disciplinary segregation.** A facility administrator ~~or designee shall have~~
41.10 ~~and implement policies and procedures~~ must develop and follow a written policy and
41.11 procedure for disciplinary segregation. An inmate on disciplinary segregation status must
41.12 be separated from the general population.

41.13 Subp. 3. **Due process.** Disciplinary segregation ~~shall~~ must be used only in accordance
41.14 with due process to include at ~~a minimum~~ least:

41.15 [For text of items A and B, see Minnesota Rules]

41.16 C. the right to be heard by an impartial hearing officer and to present evidence in
41.17 defense and that:

41.18 (1) the inmate may waive the hearing in writing; and

41.19 (2) a written record is made of the disciplinary hearing and sanctions or other
41.20 actions taken as a result of the hearing; and

41.21 D. the right to appeal;

42.1 Subp. 3a. Review required.

42.2 ~~E.~~

42.3 A. The status of an inmate placed on disciplinary segregation for more than 30
42.4 ~~continuous consecutive~~ days ~~subsequent to~~ after a disciplinary hearing ~~shall~~ must be
42.5 reviewed, approved, and documented by the facility administrator ~~or designee~~ at least once
42.6 every 30 days, ~~and~~.

42.7 B. The facility ~~shall~~ must develop and follow a written policy, ~~and~~ procedure, ~~and~~
42.8 ~~practice~~ that provides that ~~inmates~~ an inmate in disciplinary segregation ~~receive visits~~
42.9 receives a visit from the facility administrator ~~or designee~~ at least once every seven days
42.10 as a part of the disciplinary segregation review process;.

42.11 Subp. 3b. Disciplinary hearing required. ~~F.~~ An inmate placed in segregation for an
42.12 alleged rule violation ~~shall~~ must have a disciplinary hearing within 72 hours of segregation,
42.13 ~~exclusive of~~ excluding holidays and weekends, unless documented cause can be shown for
42.14 delays. ~~Examples of causes for delay are inmate requests for delay, or logistical impossibility,~~
42.15 ~~as in the case of mass disturbances; and~~

42.16 Subp. 3c. Immediate segregation. ~~G. the~~ A facility administrator ~~or designee~~ can
42.17 order immediate segregation ~~when~~ if it is necessary to protect the inmate or others. ~~This~~
42.18 ~~action is~~ An order for immediate segregation must be reviewed and documented within
42.19 three working days.

42.20 Subp. 4. Other limitations on disciplinary actions. A facility ~~shall have~~ must develop
42.21 and follow a written policy, ~~and~~ procedure, ~~and practice~~ that provides that ~~whenever~~ if an
42.22 inmate in disciplinary segregation is deprived of any usually authorized item or activity, a
42.23 report of the action is made and forwarded to the facility administrator.

42.24 [For text of subpart 5, see Minnesota Rules]

43.1 Subp. 6. **Removing clothing and bedding.** ~~The A~~ facility administrator ~~or designee~~
43.2 ~~shall have~~ must develop and follow a written policy and procedure for removing clothing
43.3 and bedding from an inmate. ~~The following shall be included that includes:~~

43.4 A. clothing and bedding ~~shall~~ must be removed from an inmate only ~~when~~ if the
43.5 inmate's behavior threatens the health, safety, or security of self, other persons, or property;
43.6 and, when appropriate, alternative clothing and bedding ~~shall~~ must be issued;

43.7 *[For text of items B and C, see Minnesota Rules]*

43.8 D. the review ~~shall~~ under item C must be documented.

43.9 Subp. 7. **Disciplinary records.**

43.10 A. A facility ~~shall have~~ must develop and follow a written policy and procedure;
43.11 that provides that; when rule violations require formal resolution, staff members must prepare
43.12 a disciplinary report and forward it to the designated supervisor.

43.13 B. A disciplinary ~~reports~~ report prepared by staff members ~~shall~~ must include ~~the~~
43.14 ~~following information:~~

43.15 ~~A.~~ (1) the specific rules violated;

43.16 ~~B.~~ (2) a formal statement of the charge;

43.17 ~~C.~~ (3) an explanation of the event, ~~which should include who was involved,~~
43.18 including what transpired; and the time and location of the occurrence;

43.19 ~~D.~~ (4) unusual inmate behavior;

43.20 ~~E.~~ (5) staff and inmate witnesses;

43.21 ~~F.~~ (6) disposition of any physical evidence;

43.22 ~~G.~~ (7) any immediate action taken, including the response to resistance; and

H. (8) the reporting staff member's signature, and the date and time that the report is made.

2911.3100 INMATE ACTIVITIES AND PROGRAMS.

Subpart 1. **Written plan.** A facility administrator ~~or designee shall have and implement~~ must develop and follow a written plan for ~~the constructive~~ constructively scheduling of inmate time. The plan ~~shall~~ must:

[For text of items A to D, see Minnesota Rules]

E. ~~when males and females are housed in the same facility~~ for all inmates, provide comparable opportunities for participation in programs and services; and

[For text of item F, see Minnesota Rules]

Subp. 2. **Practice of religion and spiritual beliefs.** A facility ~~shall have~~ must develop and follow a written policy and ~~procedures~~ procedure that ~~grant~~ grants an inmate the right to practice that inmate's religion and spiritual beliefs.

Subp. 2a. **Arrangements for religious and spiritual practices, services, and counseling.**

A. A facility ~~shall have~~ must develop and follow a written policy that requires a facility to provide access to items of religious and spiritual significance and have either a:

(1) chaplain ~~with the minimum qualifications of clinical pastoral education or equivalent specialized training and endorsement~~ certified by the appropriate religious or spiritual certifying body; or

(2) ~~a community clergy consultant meeting the qualifications~~ religious and spiritual coordinator to assist the facility administrator in arranging for religious and spiritual services and counseling as requested.

45.1 B. No inmate shall be required A facility may not require an inmate to attend
45.2 religious and spiritual services.

45.3 C. Religious and spiritual services shall must be held in a location that the inmates
45.4 who do not wish to participate are not exposed to the service an area that is separated from
45.5 other inmates who do not want to attend the services.

45.6 D. Attendance or lack of attendance at religious and spiritual services shall must
45.7 not be considered a criterion for rights or privileges within the facility.

45.8 E. The A facility administrator or designee, in cooperation with the chaplain or
45.9 community religious resource, plans, directs, and advises religious and spiritual coordinator,
45.10 must plan, direct, and advise on aspects of the religious and spiritual program, including
45.11 approval and training of both lay and clergy volunteers from faiths represented by the inmate
45.12 population.

45.13 F. When a religious leader of an inmate's faith is not represented through
45.14 chaplaincy staff, community religious resources, a religious and spiritual coordinator, or
45.15 volunteers, the chaplains chaplain or community religious resource shall religious and
45.16 spiritual coordinator must, if requested, assist the an inmate in contacting such a person.
45.17 That person shall have a religious leader that:

45.18 (1) has the appropriate credentials from that faith judicatory; and

45.19 (2) may minister to the inmate with the approval of the chaplain or community
45.20 religious resource religious and spiritual coordinator.

45.21 G. An inmate requesting private interviews or counseling in a setting not capable
45.22 incapable of being audio monitored with chaplaincy staff, community religious resources,
45.23 a religious and spiritual coordinator, or volunteers, or persons individuals with the approval
45.24 of the chaplain or community religious resource shall religious and spiritual coordinator,

46.1 must be given the opportunity within the policies as are reasonable and necessary to protect
46.2 the facility's security.

46.3 H. ~~Bibles or~~ Sacred books of another religion may be made available to inmates
46.4 by the facility; through local library or other community resources and limited to the inmate's
46.5 period of confinement.

46.6 Subp. 3. **Library service.**

46.7 A. ~~The A~~ facility administrator ~~or designee shall~~ must develop a library service
46.8 including access to current leisure reading material such as books, magazines, and
46.9 newspapers.

46.10 B. Legal books and references requested by inmates ~~shall~~ must be made available
46.11 to the extent resources permit. ~~The A~~ facility ~~shall~~ is not be responsible for the purchase of
46.12 purchasing legal books and references used by inmates.

46.13 C. The facility ~~shall~~ must have a designated staff person who coordinates and
46.14 supervises library services.

46.15 Subp. 4. **Education.**

46.16 A. A facility ~~shall have~~ must develop and follow a written policy and procedure
46.17 that provides for inmate access to educational programs, vocational counseling, and, when
46.18 available, vocational training. When possible, a facility ~~shall~~ must arrange to have ~~these the~~
46.19 educational programs delivered in a classroom specifically designed and equipped for
46.20 educational or vocational programming.

46.21 B. Class I facilities are exempt from this ~~requirement with the exception of those~~
46.22 subpart except for Class I facilities approved by the commissioner to house inmates serving
46.23 alternative sentences.

47.1 ~~C. Text books~~ Textbooks necessary to complete a course of study, to the extent
47.2 that local resources permit, ~~shall~~ must be made available to inmates. ~~The A facility shall is~~
47.3 ~~not be responsible for the purchase of text books~~ purchasing textbooks that an inmate needs
47.4 to complete a course of study.

47.5 Subp. 5. **Substance abuse programs.** A facility ~~shall have~~ must develop and follow
47.6 a written plan for providing services for an inmate chemical dependency issues with a
47.7 substance use disorder.

47.8 Subp. 6. **Work assignments for adults.**

47.9 A. Class II to Class VI facilities ~~shall have~~ must develop and follow a written
47.10 inmate work assignment plan that provides for inmate work, subject to the number of work
47.11 opportunities available and the maintenance of facility security.

47.12 B. Work assignments must provide:

47.13 ~~A.~~ (1) that adults not under sentence may volunteer to work but ~~shall~~ may not be
47.14 compelled to participate in work beyond maintaining the immediate living area;

47.15 ~~B.~~ (2) eligibility criteria for work activities;

47.16 ~~C.~~ (3) that sentenced inmates ~~shall~~ may not be compelled to work more than ten
47.17 hours per day;

47.18 ~~D.~~ (4) that work ~~shall~~ must not be required of an inmate that cannot be done by
47.19 the inmate due to physical limitations;

47.20 ~~E.~~ (5) work opportunities for ~~disabled~~ inmates with disabilities; and

47.21 ~~F.~~ (6) inmate working conditions that comply with all applicable federal, state,
47.22 or local work safety laws, ~~rules, and regulations.~~

Subp. 7. **Recreation plan.**

A. The A facility administrator or designee shall have must develop and follow a written recreation plan providing that provides daily opportunities for physical exercise and recreational activities for all inmates consistent with the facility's classification and design. Class I facilities are exempt from this requirement.

B. The recreation plan shall must include policies and procedures necessary to protect the facility's security and the welfare of inmates; and provide:

Policy and procedure shall provide:

A. (1) inmates with access to recreational opportunities and equipment, including seven hours per week of physical exercise or recreation outside the cell and adjacent dayroom areas per week;

B. (2) daily recreational opportunities a minimum of five days per week;

C. (3) indoor space and equipment for active recreational activities in all Class II to Class VI facilities;

D. (4) outdoor recreational space and equipment for outdoor recreational programming in all Class VI facilities. The space and equipment shall be provided in a manner consistent with the facility's security classification;

E. (5) passive and active recreation needs and equipment for a variety of inmates consistent with the facility's classification and offenders served. As an example, activity needs of geriatric, disabled, or geriatric and disabled offenders shall be addressed;

F. (6) inmates in segregation with a minimum of at least one hour a day, seven days a week, of exercise outside the inmates' cells, unless security or safety considerations dictate otherwise; and

49.1 ~~G. (7)~~ discretionary access by inmates on segregation status to the same
49.2 recreational facilities as other inmates unless security or safety considerations dictate
49.3 otherwise.

49.4 C. When inmates an inmate on segregation status are is excluded from use of
49.5 using regular recreation facilities, the alternative area for exercise used shall must be
49.6 documented.

49.7 D. Class I facilities are exempt from this subpart.

49.8 **2911.3200 INMATE VISITATION.**

49.9 Subpart 1. In-person visitation. The A facility administrator or designee shall must
49.10 develop and implement an follow a written inmate visiting policy. The policy shall be in
49.11 writing and include for in-person visits that includes the following:

49.12 *[For text of items A to H, see Minnesota Rules]*

49.13 I. that any area used for inmate visiting may be subject to audio monitoring, or
49.14 recording, or both, and that:

49.15 (1) The facility shall use signs and the inmate handbook are used to inform
49.16 the inmate about audio monitoring and recording; and

49.17 (2) professional visits shall are not be audio recorded, unless a court order
49.18 has been issued;

49.19 *[For text of items J to M, see Minnesota Rules]*

49.20 Subp. 2. Virtual visitation. A facility administrator must develop and follow a written
49.21 policy for virtual visitation. A facility must still comply with subpart 1.

50.1 **2911.3210 FAMILY PRESERVATION AND PARENTAL SUPPORT.**

50.2 Subpart 1. Nursing policy required. A facility must develop and follow a written
50.3 policy on nursing mothers who are incarcerated. The health authority must approve the
50.4 policy.

50.5 Subp. 2. Breastfeeding.

50.6 A. In addition to the requirements under Minnesota Statutes, section 241.89, a
50.7 facility's policy under subpart 1 must include:

50.8 (1) screening an inmate upon admission to determine if the inmate is
50.9 postpartum and breastfeeding;

50.10 (2) allowing a postpartum inmate to have lactation support services from a
50.11 hospital or another health provider;

50.12 (3) allowing a postpartum inmate to be provided a therapeutic diet under part
50.13 2911.4200, subpart 4, for at least 12 months after giving birth;

50.14 (4) allowing a pregnant or postpartum inmate to consult on breastfeeding and
50.15 expressing breast milk, including health complications from both, with a responsible medical
50.16 provider or a certified doula; and

50.17 (5) providing accommodations for a nursing mother to express breast milk
50.18 for at least 12 months after giving birth, including:

50.19 (a) a manual or electric breast pump and storage bags; and

50.20 (b) a private place to pump that is not a bathroom or toilet stall.

50.21 B. If a facility cannot provide a manual or electric breast pump or storage bags,
50.22 the facility must contract with a nonprofit organization that can provide the pump or storage
50.23 bags.

51.1 Subp. 3. Visitation; minor children.

51.2 A. In addition to a facility's visitation policy under part 2911.3200, a facility must
51.3 develop and follow a written policy:

51.4 (1) for an inmate visiting with family members who are 17 years of age or
51.5 younger; and

51.6 (2) for a contact visit that allows a child to visit with the child's incarcerated
51.7 parent in an environment that addresses:

51.8 (a) the child's age; and

51.9 (b) how the facility's physical plant may affect the child during the visit.

51.10 B. When a facility's resources allow, the facility must:

51.11 (1) establish a designated building entrance for family visits that is nonsecure
51.12 and welcoming to family visitors;

51.13 (2) not allow a child ten years of age or younger visiting the child's
51.14 incarcerated parent to wait longer than 15 minutes to visit with the parent; and

51.15 (3) ensure that family visiting space appears esthetically pleasing and
51.16 welcoming to encourage positive family engagement.

51.17 C. The policy under item A must address the following:

51.18 (1) ensure that a visit does not conflict with an effective court order;

51.19 (2) during a contact visit between an incarcerated parent and the parent's
51.20 child, that the incarcerated parent may wear personal clothing rather than facility-issued
51.21 attire;

51.22 (3) providing activities, a curriculum, or a program that facilitates family
51.23 bonding and shared skill-building between the parent and child during the visit;

52.1 (4) providing staff with training on the importance of family-centered practices
52.2 and family needs and behaviors;

52.3 (5) using nonuniformed staff to greet children when they arrive for a visit
52.4 with their incarcerated parent; and

52.5 (6) creating a web page that children and families can reference for resources
52.6 and support related to parental-caregiver incarceration and updates on the facility's visiting
52.7 policy.

52.8 D. Family visitors are not subject to a search.

52.9 **2911.3300 CORRESPONDENCE.**

52.10 Subpart 1. **Policy and procedure.** A facility ~~shall have~~ must develop and follow a
52.11 written policy and procedure that governs inmate correspondence. ~~Policies are~~ The policy
52.12 and procedure must be:

52.13 A. available to all staff and inmates; and are

52.14 B. reviewed annually; and updated as needed.

52.15 [For text of subpart 2, see Minnesota Rules]

52.16 Subp. 3. **Inspection and censorship.** A facility must ~~have~~ develop and follow a written
52.17 policy and procedure that requires that:

52.18 [For text of items A and B, see Minnesota Rules]

52.19 C. letters ~~shall~~ must not be read or censored if they are between an inmate and an
52.20 elected official, department officials of the DOC, attorneys, or other officers of the court,
52.21 but inspection of incoming mail from ~~the specified class of~~ these persons noted may be
52.22 opened only to inspect for contraband and only in the inmate's presence ~~of the inmate.~~

52.23 [For text of subpart 4, see Minnesota Rules]

Subp. 5. **Postage allowance for indigent inmates.**

A. Indigent inmates ~~shall~~ must receive a postage allowance sufficient to maintain communications with the persons listed in subpart 3, item C.

B. ~~A facility's written policy, and procedure, and practice~~ must be followed and provide that an indigent inmate is provided with a system enabling the inmate to send a ~~minimum of at least~~ two letters or postcards per week to individuals not listed in subpart 3, item C.

Subp. 6. **Material detrimental to security.** A facility ~~shall have~~ must develop and follow a written policy that restricts inmate access to materials and information that is considered detrimental to the facility's security and orderly function ~~of the facility~~.

2911.3400 TELEPHONE ACCESS.

Subpart 1. Policy and procedure required. A facility ~~shall have~~ must develop and follow a written policy and procedure under this part that provides for inmate access to a telephone.

Subp. 2. Attorney consultation. ~~Attorney/client~~ Attorney-client telephone consultation ~~shall~~ must be allowed in a manner consistent with Minnesota Statutes, section 481.10.

Subp. 3. Access on admission. Newly admitted inmates ~~shall~~ must be permitted a local or collect long-distance telephone call to a family member or significant other during the admission process.

Subp. 4. Telephone access.

A. ~~Inmates shall~~ An inmate must be allowed telephone access to maintain contact with family members or significant others. Nonlegal calls may be made at the inmate's expense ~~of the inmate~~.

54.1 B. The minimum time allowed per call ~~shall be~~ is ten minutes ~~except where~~ unless
54.2 there are substantial reasons to justify limitations.

54.3 C. Nonlegal telephone conversations may be monitored and recorded.

54.4 Subp. 5. Denied telephone access. ~~Reasons for denial of telephone~~ If inmate access
54.5 ~~shall~~ to a telephone is denied, the reason must be documented.

54.6 **2911.3500 VOLUNTEERS.**

54.7 A. ~~When~~ If volunteers are used in facility programs, a written policy and procedure
54.8 ~~shall~~ must be followed and provide that a staff member is responsible for coordinating the
54.9 volunteer service program.

54.10 B. The policy ~~includes the following elements~~ and procedure must include:

54.11 ~~A.~~ (1) lines of authority, responsibility, and accountability for the volunteer
54.12 services;

54.13 ~~B.~~ (2) a procedure for the screening and ~~selection of~~ selecting volunteers;

54.14 ~~C.~~ (3) an orientation training program appropriate to the nature of the assignment;

54.15 ~~D.~~ (4) a requirement that volunteers agree in writing to abide by all facility rules
54.16 and policies, with emphasis on security and confidentiality of information; and

54.17 ~~E.~~ (5) a statement that the facility administrator may discontinue a volunteer
54.18 activity at any time by written notice.

54.19 **2911.3600 CLOTHING AND PROPERTY.**

54.20 [For text of subparts 1 to 5, see Minnesota Rules]

Subp. 6. **Excess personal clothing and abandoned property.**

A. An inmate's excess personal clothing, or abandoned property, or both ~~shall~~, must be picked up by the inmate, or released to a designated family member or friend from whom a signed property release has been secured.

B. Property ~~shall~~ under item A must be stored in containers ~~designed for this purpose~~ and be properly identified, inventoried, and secured.

C. A documented disposition on all abandoned property ~~shall~~ must be maintained.

[For text of subpart 7, see Minnesota Rules]

Subp. 8. **Protective clothing.** A facility ~~shall have~~ must develop and follow a written policy, and procedure, and practice that provides for ~~the issue of~~ issuing special and, ~~where~~ if appropriate, protective clothing and equipment to inmates participating in special work assignments. The clothing ~~is~~ must be available in quantities that permit exchange as frequently as the work assignment requires.

2911.3650 INMATE UNIFORM ISSUE AND BEDDING ALLOWANCE.

Subpart 1. **Bedding and linen.** An inmate admitted to the facility ~~shall~~ must be issued:

A. one bath towel;

B. one washcloth;

C. one clean, fire-retardant mattress;

D. two sheets or one sheet and a clean mattress cover;

E. blankets sufficient to provide comfort under existing temperature conditions;

and

F. one pillow and one ~~pillow case~~ pillowcase, if applicable.

[For text of subparts 2 to 4, see Minnesota Rules]

56.1 **2911.3675 LAUNDRY SERVICES AND LINEN EXCHANGE.**

56.2 *[For text of subpart 1, see Minnesota Rules]*

56.3 Subp. 2. **Linen.**

56.4 A. Clean linens ~~shall~~ must be furnished at least once each week, ~~at a minimum.~~

56.5 B. There ~~shall~~ must be a posted schedule for linen exchange.

56.6 C. Inmates detained in admission or release processing areas for periods ~~of time~~
56.7 not exceeding eight hours need not be issued linens and bedding.

56.8 Subp. 3. **Exchanged.**

56.9 A. Clothing ~~shall~~ must be exchanged at least twice each week, ~~at a minimum.~~

56.10 B. Clothing exchange times ~~shall~~ must be made available to inmates.

56.11 **2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES.**

56.12 Subpart 1. **Emergency plan.**

56.13 A. A facility ~~shall have~~ must develop and follow a written disaster plan. The plan
56.14 ~~shall~~ must include policies and procedures designed to protect the public by securely
56.15 detaining inmates who represent a danger to the community or to themselves when the entire
56.16 facility must be evacuated ~~in total~~.

56.17 B. The plan ~~shall~~ must also include:

56.18 ~~A.~~ (1) the location of alarms and ~~fire fighting~~ firefighting equipment;

56.19 ~~B.~~ (2) an emergency drill policy as follows:

56.20 (1) (a) at least annual drills at all facility locations; and

56.21 (2) (b) drills ~~shall~~ must be conducted even when evacuation of extremely
56.22 dangerous inmates may not be included;

- 57.1 ~~C.~~ (3) specific assignments and tasks for personnel;
- 57.2 ~~D.~~ (4) persons and emergency departments to be notified;
- 57.3 ~~E.~~ (5) a procedure for ~~evacuation of~~ promptly evacuating inmates from an
- 57.4 emergency area; and
- 57.5 ~~F.~~ (6) arrangements for ~~temporary confinement of~~ temporarily confining inmates.

57.6 Subp. 2. **Quarterly review of emergency procedures.** ~~There shall be~~ A facility

57.7 administrator must review ~~of~~ emergency procedures once every three months. ~~The review~~

57.8 shall, which must include:

57.9 *[For text of items A to F, see Minnesota Rules]*

57.10 Subp. 3. [See repealer.]

57.11 Subp. 4. **Reporting of unusual occurrences.**

57.12 ~~A. Incidents of~~ An unusual or serious ~~nature shall~~ incident must be reported to

57.13 the DOC Portal within ten days of the incident ~~in writing to the Department of Corrections~~

57.14 ~~in the format required by the department. The reports shall~~ A report must include:

57.15 (1) the names of persons involved, including staff and inmates;

57.16 (2) the nature of the unusual occurrence;

57.17 (3) the actions taken; and

57.18 (4) the date and time of the occurrence.

57.19 ~~B.~~ Unusual occurrences requiring reporting to the ~~DOC~~ department include ~~such~~

57.20 ~~occurrences as:~~

57.21 ~~A.~~ (1) attempted suicide;

57.22 ~~B.~~ suicide;

- 58.1 C. ~~homicide;~~
- 58.2 D. ~~death, by means other than suicide or homicide;~~
- 58.3 E. ~~(2)~~ serious injury or illness ~~subsequent to~~ after detention including incidents
- 58.4 resulting in hospitalization for medical care;
- 58.5 F. ~~(3)~~ hospitalization associated with mental health needs;
- 58.6 G. ~~(4)~~ ~~attempted~~ escape or attempted escape;
- 58.7 (a) from a secured facility; or
- 58.8 (b) while in a facility's custody;
- 58.9 H. ~~(5)~~ incidents of fire requiring medical treatment of staff or inmates or a response
- 58.10 by a local fire authority;
- 58.11 I. ~~(6)~~ riot;
- 58.12 J. ~~(7)~~ assaults of one inmate by another that result in criminal charges or outside
- 58.13 medical attention;
- 58.14 K. ~~(8)~~ assaults of staff by inmates that result in criminal charges or outside medical
- 58.15 attention;
- 58.16 L. ~~(9)~~ ~~injury to inmates through response to resistance by staff controlling inmate~~
- 58.17 ~~behavior~~ as provided under Minnesota Statutes, section 241.021, subdivision 1, uses of
- 58.18 force;
- 58.19 M. ~~(10)~~ occurrences of infectious diseases and action taken ~~relative to same when~~
- 58.20 if a medical authority has determined responsible medical provider determines that the
- 58.21 inmate must be isolated from other inmates;

~~N. (11)~~ reporting of all notices of intent to file litigation against the facility resulting from matters related to ~~the detention or incarceration of~~ detaining or incarcerating an inmate;

~~Ø. (12)~~ sexual misconduct, ~~such as inmate on inmate, staff on inmate, and inmate on staff; and~~

~~P. (13)~~ use of sexual materials, or electronic media for sexual purposes, or both;

(14) restraining an inmate who is pregnant or has given birth within the preceding three days; and

(15) any other unusual occurrence listed on the Minnesota Department DOC Portal Special Incidents, which is incorporated by reference, is not subject to frequent change, and is available on the department's website and the DOC Portal.

~~C. In the event of~~ If there is an emergency such as serious illness or injury where death may be imminent, individuals designated by the inmate ~~shall~~ must be notified. Permission for notification, if possible, ~~shall~~ must be obtained from the inmate.

Subp. 5. **Inmate death.** A facility ~~shall have~~ must develop and follow a written policy and procedure that specifies actions to be taken ~~in the event of~~ if an inmate ~~death~~ dies. When an inmate death occurs:

[For text of items A and B, see Minnesota Rules]

~~C.~~ the department must be notified according to Minnesota Statutes, section 241.021, subdivision 1;

~~€.~~ D. personal belongings ~~shall~~ must be handled ~~in a responsible and legal manner~~ responsibly and legally;

~~Ð.~~ E. records of a deceased inmate ~~shall~~ must be retained for a period ~~of time~~ specified by county policy;

60.1 ~~E. F.~~ the facility administrator ~~or designee shall~~ must ensure observance of all
60.2 pertinent laws and allow appropriate investigating authorities full access to all facts
60.3 surrounding the death; and

60.4 ~~F. G. in the event~~ if the death involves a "vulnerable adult", notification procedures
60.5 ~~shall~~ must be followed in a manner consistent with ~~statutory requirements~~ Minnesota Statutes,
60.6 section 626.557.

60.7 Subp. 5a. **Death reviews.** A facility must develop and follow a written policy for
60.8 reviewing inmate deaths consistent with Minnesota Statutes, section 241.021, subdivision
60.9 8.

60.10 Subp. 6. **Work stoppage.** A facility ~~shall have~~ must develop and follow a written
60.11 ~~plan~~ policy and procedure that provides for continuing operations ~~in the event of a~~ if there
60.12 is a work stoppage or other job action. A copy of the ~~plan~~ policy and procedure must be
60.13 available to all supervisory personnel, who ~~are required to~~ must familiarize themselves with
60.14 the plan.

60.15 Subp. 7. **Mass arrest.** A facility ~~shall have~~ must develop and follow a written ~~plan~~
60.16 policy and procedure that governs space arrangements and procedures to be followed ~~in the~~
60.17 ~~event of~~ if there is a mass arrest that exceeds the approved capacity of the facility established
60.18 under parts 2911.0330 to 2911.0370.

60.19 Subp. 8. **Critical incident debriefing.**

60.20 A. For purposes of this subpart, "traumatic event" means an event in which an
60.21 individual witnessed, experienced, or was impacted by tragedy, death, serious injury, or a
60.22 threatening situation.

60.23 B. A facility must provide for a critical incident debriefing for staff identified as
60.24 having experienced trauma or stress due to a traumatic event. A facility must provide services
60.25 for a critical incident debriefing that includes education on, prevention of, and mitigation

61.1 of effects from a traumatic event for all identified staff. The services must be tailored to the
61.2 type of critical incident, staff involvement, and level of staff trauma.

61.3 C. A facility must develop and follow a written policy and procedure that, at a
61.4 minimum:

61.5 (1) is tailored to the facility's class and size;

61.6 (2) describes staff responsibilities and the time frame and structure for a
61.7 debriefing; and

61.8 (3) details tools for supporting staff.

61.9 D. For every traumatic event, a facility must document that it provided critical
61.10 incident debriefing.

61.11 Subp. 9. **Emergency and contingency plan required.** A facility must develop and
61.12 annually update a written plan for how the facility will transfer inmates and their records
61.13 if the facility or a portion of the facility must close, even temporarily. The plan must specify
61.14 how the facility will transfer inmates to another facility and ensure their continual detention.

61.15 **2911.3800 ~~FOOD HANDLING~~ FOOD-HANDLING PRACTICES.**

61.16 Food service ~~shall~~ must be provided according to Minnesota Department of Health
61.17 rules, chapter 4626.

61.18 **2911.3900 DIETARY ALLOWANCES.**

61.19 Subpart 1. **Generally Menu planning required.** ~~Nutritional needs of adult inmates,~~
61.20 ~~and juvenile inmates housed in an adult facility, shall be met in accordance with inmate~~
61.21 ~~needs or as ordered by a medical professional, and meet the dietary allowances contained~~
61.22 ~~in this part which are based upon 2005 MyPyramid guidelines for a weekly 2,400 calories~~
61.23 ~~per day and meeting the 2002 Dietary Reference Intakes.~~

62.1 A. A facility ~~governed by this chapter shall~~ must have menu planning sufficient
62.2 to ~~provide each inmate the specified food servings per day contained in subparts 2 to 7,~~
62.3 ensure that an inmate:

- 62.4 (1) receives at least 2,400 calories per day;
- 62.5 (2) is offered a balanced diet consisting of foods and beverages that are:
- 62.6 (a) intended for human consumption; and
- 62.7 (b) of adequate quantity and variety as provided in a menu approved
62.8 annually by a licensed dietitian under Minnesota Statutes, sections 148.621 to 148.633;
- 62.9 (3) is fed daily at least three meals served at regular times with:
- 62.10 (a) at least one meal that is a hot meal;
- 62.11 (b) a substantial evening meal under part 2911.4100, subpart 1; and
- 62.12 (c) no more than 14 hours between meals except when routinely absent
62.13 from the facility when required by or allowed under law;
- 62.14 (4) is provided a diet medically prescribed by a facility's responsible medical
62.15 provider, including a diet according to part 2911.4200, subpart 4, for an inmate who is
62.16 pregnant; and
- 62.17 (5) is given a diet according to part 2911.4300 that does not conflict with the
62.18 inmate's religious or cultural dietary regimen.

62.19 B. If a facility cannot accommodate a religious or cultural dietary request under
62.20 item A, subitem (5), the facility must document why it cannot accommodate the request.

62.21 C. Food served under this subpart must include servings of protein, dairy,
62.22 vegetables, fruits, and bread or cereal. Nutraloaf and other similar food substitutes do not
62.23 meet the requirement under this item.

63.1 Subp. 2. [See repealer.]

63.2 Subp. 3. [See repealer.]

63.3 Subp. 4. [See repealer.]

63.4 Subp. 5. [Repealed, 38 SR 523]

63.5 Subp. 6. [See repealer.]

63.6 Subp. 7. [See repealer.]

63.7 Subp. 8. [See repealer.]

63.8 Subp. 9. [Repealed, 38 SR 523]

63.9 **2911.4000 ANNUAL FOOD SERVICE REVIEW.**

63.10 A facility's menu ~~content and cycle shall~~ must be reviewed at least once annually by a
63.11 ~~registered licensed dietitian or nutritionist~~ to ensure compliance with ~~part parts~~ 2911.3900
63.12 to 2911.4300. The review and findings ~~shall~~ must be documented and on file.

63.13 **2911.4100 MEALS.**

63.14 Subpart 1. **Evening meal.** ~~There shall not be more than 14 hours between a substantial~~
63.15 ~~evening meal and breakfast.~~ A substantial evening meal is classified as a serving of three
63.16 or more menu items at one time to include a ~~high-quality~~ high-quality protein such as meat,
63.17 fish, eggs, or cheese. The meal ~~shall~~ must represent no less than 20 percent of the day's ~~total~~
63.18 ~~nutrition requirements~~ caloric intake.

63.19 Subp. 2. **Snack.** If a nourishing snack is provided at bedtime, up to 16 hours may
63.20 elapse between the substantial evening meal and breakfast. A nourishing snack is classified
63.21 as a combination of two or more food items from two of ~~the four food groups, such as cheese~~
63.22 ~~and crackers, or fresh fruit and cottage cheese~~ the following: protein, dairy, vegetables,
63.23 fruits, and bread or cereal.

64.1 Subp. 3. **Three meals.** ~~Where inmates are not routinely absent from the facility for~~
64.2 ~~work or other purposes, at least three meals shall be made available at regular times during~~
64.3 ~~each 24-hour period. Meal~~ variations may be allowed based on weekend and holiday food
64.4 service demands ~~provided basic nutritional goals~~ if the requirements under part 2911.3900
64.5 are met. ~~As an example, a facility may provide a brunch on Saturdays, Sundays, or holidays~~
64.6 ~~in lieu of separate breakfast and lunch meals.~~

64.7 Subp. 4. [See repealer.]

64.8 **2911.4200 THERAPEUTIC DIETS.**

64.9 Subpart 1. **Medical diets.** A facility housing inmates in need of medically prescribed
64.10 therapeutic diets ~~shall~~ must have documentary evidence that the diets are dietitian-approved
64.11 and provided as ordered by ~~health services~~ a responsible medical provider. ~~A healthier~~
64.12 ~~general menu contributing to the management of chronic diseases may minimize the need~~
64.13 ~~for medical diets.~~

64.14 Subp. 2. **Food-allergy diets.** ~~The seven most common food allergies causing~~
64.15 ~~anaphylactic reactions are foods such as: fish, shellfish, tree nuts, peanuts, soy, wheat, and~~
64.16 ~~milk. A dietitian-approved allergy diet shall~~ must be provided as necessary ~~and shall meet~~
64.17 ~~the nutritional guidelines under part 2911.3900.~~

64.18 Subp. 3. **Vegetarian or vegan diets.** ~~A facility may provide reasonable animal protein~~
64.19 ~~substitutions at meals for inmates requesting vegetarian or vegan diets. A vegetarian or~~
64.20 ~~vegan diet must be dietitian-approved and meet the nutritional guidelines under part~~
64.21 ~~2911.3900.~~

64.22 Subp. 4. **Pregnancy.** A facility ~~shall~~ must develop a diet that meets the increased
64.23 calcium and calorie requirements of pregnant inmates. Pregnant inmates ~~shall~~ must be
64.24 provided a substitution or supplements as ordered by ~~the medical professional or health~~

65.1 ~~services~~ a responsible medical provider. A pregnancy diet must be dietitian-approved ~~and~~
65.2 ~~meet the nutritional guidelines under part 2911.3900.~~

65.3 **2911.4300 RELIGIOUS DIETS.**

65.4 A facility ~~shall have~~ must develop and follow a written policy and procedure that
65.5 provides for special diets or meal accommodations for inmates whose religious beliefs
65.6 require adherence to religious dietary laws. Creation of religious diets ~~shall~~ must involve a
65.7 dietitian ~~and strive to meet the nutritional guidelines under part 2911.3900.~~

65.8 **2911.4500 ~~SUPERVISION OF~~ SUPERVISING MEAL SERVING;**
65.9 **DOCUMENTATION.**

65.10 A. Meals ~~shall~~ must be served under the direct staff supervision ~~of staff~~.

65.11 B. A full meal that is uneaten or refused by an inmate must be documented,
65.12 including why the inmate did not eat or refused the meal.

65.13 **2911.4600 MENU RECORDS AND SUBSTITUTION.**

65.14 All menus ~~shall~~ must be planned, and dated, and ~~available~~ posted for inmate review at
65.15 least one week in advance. ~~Notations shall be made of~~ Any substitutions in the meals ~~actually~~
65.16 served must be noted, and substitutions ~~shall be of equal nutritional value~~ must comply with
65.17 part 2911.3900.

65.18 **2911.4800 COMMISSARY.**

65.19 Subpart 1. **List of approved commissary items to be purchased by staff member**
65.20 **at local store.**

65.21 A. A facility with an approved capacity of more than 50 inmates ~~shall~~ must
65.22 establish, maintain, and operate a commissary. The facility ~~shall have~~ must develop and
65.23 follow a written policy and procedure ~~regarding on the~~ commissary ~~operation~~ that must
65.24 allow an inmate to purchase approved items not furnished by the facility.

B. Class I facilities are not required to provide commissary services exempt from this part.

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. [See repealer.]

2911.4900 SECURITY INSPECTION.

~~The A facility shall have~~ must develop and follow a written policy and procedure to require the facility administrator ~~or designee~~ to inspect all areas within the security perimeter, and equipment at least monthly and initiate corrective action if needed.

2911.4950 RESPONSE TO RESISTANCE.

Subpart 1. **Policies and procedures.**

A. The ~~In accordance with Minnesota Statutes, section 243.52, a facility administrator or designee shall have~~ must develop and follow a written ~~polieies and procedures~~ policy and procedure to provide for response to resistance. ~~All personnel~~ Each staff member directly involved in ~~the~~ a response ~~shall~~ must submit ~~a written reports~~ report to the facility administrator ~~or designee no later than the conclusion of the shift~~ before the staff member's shift ends.

B. Submission of these reports ~~A report~~ may be delayed ~~when~~ if a staff member ~~sustains serious injury, hospitalization, or both.;~~

(1) is hospitalized; or

(2) as defined under Minnesota Statutes, section 609.02, sustains bodily harm, substantial bodily harm, or great bodily harm.

[For text of subpart 2, see Minnesota Rules]

Subp. 3. ~~Use of~~ Using instruments of restraint. Instruments of restraint ~~shall~~ must not be used except ~~in the following circumstances:~~

67.1 A. as a precaution against escape during a transfer;

67.2 B. on medical grounds by direction of ~~the health authority or attending physician~~
67.3 a responsible medical provider or a psychologist;

67.4 *[For text of items C and D, see Minnesota Rules]*

67.5 **Subp. 3a. Restraining pregnant or postpartum female inmate.**

67.6 A. If a female inmate is in labor or has given birth within the preceding three days,
67.7 the female inmate may not be restrained during transportation and hospitalization:

67.8 (1) unless the female inmate is exhibiting self-injurious behavior;

67.9 (2) unless there is danger to the unborn child;

67.10 (3) if there is a safety or medical objection from the responsible medical
67.11 provider; or

67.12 (4) as otherwise provided under Minnesota Statutes, section 241.88,
67.13 subdivision 1, paragraph (c).

67.14 B. Consistent with Minnesota Statutes, section 241.88, if a pregnant female inmate
67.15 is restrained:

67.16 (1) necessary precautions must be taken to ensure that the fetus is unharmed;
67.17 and

67.18 (2) the restraints must only be used in the front of the female inmate, never
67.19 behind the female inmate's back.

67.20 C. If restraints are required under item A, the responsible medical provider must,
67.21 consistent with Minnesota Statutes, section 241.88, prescribe:

67.22 (1) the necessary precautions to ensure that the fetus is unharmed; and

67.23 (2) how to restrain a female inmate under item A.

Subp. 3b. **Treating pregnant female inmate without restraints.** If a pregnant female inmate is restrained under subpart 3a, the health authority may treat the female inmate without restraints.

Subp. 4. **Equipment.**

A. ~~The issue, storage, inspection, and use of~~ Issuing, storing, inspecting, and using
chemical agents, impact devices, electronic control devices, and other security devices ~~shall~~
must be governed by a written policy and procedure, which must be followed.

B. All unissued security devices and equipment ~~shall~~ must be:

(1) stored in a secure, readily accessible depository located outside inmate
housing and activity areas; and

(2) inventoried at least monthly to determine condition and expiration dates
of the devices and equipment.

Subp. 5. **Firearms.** ~~Facility~~ A facility's policy and procedure ~~shall~~ must provide for
the use of firearms and include the following:

[For text of item A, see Minnesota Rules]

~~B. there shall be~~ require that a secure weapons locker be located outside the
facility's security perimeter of the facility.

Subp. 6. **Training.** ~~Facility~~ A facility's policy ~~shall~~ must provide that all personnel
authorized to use security equipment and instruments of restraint are trained according to
manufacturer's specifications or facility's training requirements.

[For text of subpart 7, see Minnesota Rules]

69.1 **2911.5000 POST ORDERS; FORMAL INMATE COUNT; WELL-BEING CHECKS.**

69.2 Subpart 1. **Post orders and accountability.**

69.3 A. There ~~shall~~ must be written orders for every security post that are reviewed
69.4 annually and updated if necessary.

69.5 B. A written policy and procedure ~~shall~~ must require that personnel read, sign,
69.6 and date applicable post orders at least annually; or as needed for new posts or revisions.
69.7 Medium and large facilities with multiple posts may need to conduct ~~these~~ reviews under
69.8 item A more often.

69.9 *[For text of subparts 2 and 3, see Minnesota Rules]*

69.10 Subp. 4. **Counting.**

69.11 A. A facility ~~shall have~~ must develop and follow a written policy and procedure
69.12 describing the system ~~of~~ for counting inmates.

69.13 B. Formal standing head counts ~~shall~~ must be completed with an official entry
69.14 made in the daily log at least once each eight hours.

69.15 C. The facility ~~shall~~ must maintain a system that identifies the ~~whereabouts~~ location
69.16 of all inmates in custody and includes a system of accountability for inmates approved for
69.17 temporary absences from their assigned housing units.

69.18 D. A written policy and procedure ~~shall~~ must provide that staff regulate inmate
69.19 movement.

69.20 Subp. 5. **Well-being.**

69.21 A. A facility ~~shall have a system~~ must develop and follow a written policy and
69.22 procedure providing for inmate well-being checks ~~of inmates~~.

69.23 B. A written policy and procedure ~~shall~~ must provide that all inmates are personally
69.24 observed, without using a recording or monitoring device, by a custody staff person at least

once every 30 minutes. Thirty-minute checks should be staggered. If a well-being check does not occur due to an emergency, it must be documented in the jail log and have supervisory review and approval.

C. The written policy and procedure must provide more frequent and specific observation is required for those inmates of a special need classification a special-needs inmate who may be harmful to themselves. Examples of inmates of a special need classification include those classified as potentially suicidal, or as mentally ill, or those experiencing withdrawal from drugs or alcohol.

D. The policy and procedure must require a custody staff member conducting a well-being check to directly view an inmate. The staff member must be stopped when viewing the inmate.

E. A facility must develop and follow a written policy and procedure on self-auditing well-being checks to ensure compliance with this subpart. As part of the policy and procedure, the facility must provide and document training that ensures that:

(1) all staff are trained in the facility's policy and procedure on well-being checks;

(2) staff are trained to document the well-being checks using a uniform procedure; and

(3) the training requires that a staff member who conducted the well-being check to document when the well-being check started and ended.

F. To ensure staff compliance with this subpart, a staff supervisor must audit each full- and part-time staff member monthly. The audit times and dates must be for at least four hours of well-being checks and be randomly chosen and include reviewing jail logs, documentation, and video records.

G. A facility administrator must conduct a quarterly audit of all well-being-check audits using video records and documentation from a supervisor's audits. The quarterly audits must be documented and verify whether all well-being checks complied with this subpart.

2911.5300 SEARCHES, SHAKEDOWNS, AND CONTRABAND CONTROL.

Subpart 1. **Contraband control.** A facility ~~shall have~~ must develop and follow a written policy and procedure that provides for searches of facilities, inmates, and inmate property to control contraband and provide for its disposition.

Subp. 2. **Body searches.** A facility ~~shall have~~ must develop and follow a written policy and procedure that provides for pat, strip, and body cavity searches in accordance with law.

Subp. 3. **Facility access.**

A. A facility ~~shall have~~ must develop and follow a written policy and procedure that must specify the circumstances under which persons and personal property may be searched. ~~Persons who seek to enter the security perimeter of the facility shall not be permitted admission if they refuse to submit to a requested search.~~

B. A facility may not admit an individual into a facility's security perimeter if the individual refuses to undergo a requested search.

Subp. 4. **Daily inspections.**

A. A facility ~~shall~~ must be inspected at least daily for contraband, evidence of breaches in security, and inoperable security equipment, ~~and.~~

B. ~~shall document~~ The inspection must be documented.

Subp. 5. **Delivery inspection.** Materials delivered to or transported from ~~the~~ a facility's security perimeter ~~shall~~ must be inspected for contraband ~~prior to distribution~~ before being distributed.

72.1 **2911.5450 DANGEROUS MATERIALS.**

72.2 Subpart 1. Policy and procedure required. A facility ~~shall have~~ must develop and
72.3 follow a written policy and procedure that specifies that materials dangerous to either security
72.4 or safety ~~shall~~ must be properly secured.

72.5 Subp. 2. Storing and using materials. ~~Storage and use of~~ Flammable, toxic, and
72.6 caustic materials must be stored and used in accordance with all applicable laws ~~and~~
72.7 ~~regulations~~ of governing jurisdictions.

72.8 Subp. 3. Storing and using tools and equipment. The policy must cover ~~control and~~
72.9 ~~use of~~ how to control and use tools and culinary and medical equipment.

72.10 **2911.5550 LOCKS AND KEYS.**

72.11 Subpart 1. **General.**

72.12 A. Keys or other access control devices to security locks ~~shall~~ must be:

72.13 (1) properly tagged and stored in a secure cabinet within a secure area;₂ and

72.14 (2) out of reach of the inmates or the public.

72.15 B. At least one complete functional set of facility keys ~~shall~~ must be kept on hand
72.16 for replacement or emergency purposes.

72.17 C. Keys that serve a critical security purpose ~~shall~~ must be easily identifiable and
72.18 never issued except upon order of the facility administrator or person in charge; and according
72.19 to established procedure.

72.20 D. ~~No~~ Security keys ~~shall~~ must not be made available to ~~inmates~~ an inmate
72.21 regardless of the inmate's status.

72.22 *[For text of subparts 2 and 3, see Minnesota Rules]*

Subp. 4. **Inoperable locks.**

A. A lock to a security door or gate ~~shall not~~ must be ~~inoperable or left in a nonworking condition~~ operable.

B. An inmate ~~shall~~ may not be secured in a cell or area that has inoperable locks.

Subp. 5. **Keys.** A facility ~~shall have~~ must develop and follow a written policy and procedure that ~~provides~~ requires documentation for ~~the control and use of~~ inventorying, controlling, and using keys and other access control devices.

2911.5800 AVAILABILITY OF MEDICAL AND, DENTAL, AND MENTAL HEALTH RESOURCES.

Subpart 1. **Availability of resources; general.** Under the direction of a ~~health authority~~ responsible medical provider, a facility ~~shall~~ must develop and follow a written policy and procedure that provides for ~~the delivery of~~ administering health care services, including medical, dental, and mental health services.

Subp. 2. **Health care.** Medical, dental, and mental health matters involving clinical judgments are the sole province of the responsible ~~physician~~ medical provider, dentist, and psychiatrist or qualified psychologist ~~respectively~~, or mental health provider; however, security regulations applicable to facility personnel also apply to health personnel.

Subp. 3. **Health care policy review.** ~~Facility~~ A facility's policy ~~shall~~ must ensure that each policy, procedure, and program in the health care delivery system is reviewed and documented at least annually under the direction of the health authority and revised as necessary.

Subp. 4. **Emergency health care.** A facility ~~shall~~ must develop and follow a written policy and procedure that requires that the facility provide 24-hour emergency care availability ~~as outlined in a written plan, which includes provisions for the following~~ arrangements and must include:

74.1 [For text of items A to C, see Minnesota Rules]

74.2 D. emergency on-call physician, mental health provider, and dental services when
74.3 the emergency health facility is not located in a nearby community; and

74.4 [For text of item E, see Minnesota Rules]

74.5 Subp. 5. **Health care liaison.** In a facility without full-time qualified health care
74.6 personnel, a designated health-trained staff member may act as liaison to coordinate the
74.7 health care delivery in the facility under the direction of the ~~health authority~~ responsible
74.8 medical provider.

74.9 Subp. 6. **Medical screening.**

74.10 A. A facility ~~shall have~~ must develop and follow a written policy and procedure
74.11 that requires medical screening ~~is to be~~ performed and recorded by trained staff on all
74.12 inmates ~~on~~ upon admission to the facility. The findings ~~are to~~ must be recorded in a manner
74.13 approved by the health authority.

74.14 B. The screening process ~~shall~~ must include procedures relating to:

74.15 ~~A.~~ (1) inquiry into:

74.16 ~~(1)~~ (a) current illness and health problems, including dental emergencies,
74.17 and other infectious diseases;

74.18 ~~(2)~~ (b) medication taken and special health requirements;

74.19 ~~(3)~~ (c) use of alcohol and other drugs that include types of drugs used, mode
74.20 of use, amounts used, frequency used, date or time of last use, and history of problems that
74.21 may have occurred after ceasing use, ~~for example, convulsions~~;

74.22 ~~(4)~~ (d) past and present treatment or hospitalization for mental illness or
74.23 attempted suicide;

75.1 ~~(5)~~ (e) other health problems designated by the ~~health authority~~ responsible
75.2 medical provider; and

75.3 ~~(6)~~ (f) signs and symptoms of active tuberculosis to include weight loss,
75.4 night sweats, persistent cough lasting three weeks or longer, coughing up blood, ~~low-grade~~
75.5 low-grade fever, fatigue, chest pain, prior history of active tuberculosis disease, and results
75.6 of previous tuberculin skin or blood testing;

75.7 ~~B.~~ (2) observations of:

75.8 ~~(1)~~ (a) behavior that includes state of consciousness, mental status,
75.9 appearance, conduct, tremor, and sweating; and

75.10 ~~(2)~~ (b) body deformities, trauma markings, body piercings, bruises, lesions,
75.11 and jaundice; and

75.12 ~~C.~~ (3) disposition to:

75.13 ~~(1)~~ (a) general population;

75.14 ~~(2)~~ (b) general population and referral to appropriate health care service;

75.15 ~~(3)~~ (c) referral to appropriate health care service on an emergency basis; and

75.16 ~~(4)~~ (d) other.

75.17 Subp. 7. **Health care follow-up.** A facility ~~shall~~ must develop and follow a written
75.18 policy and ~~procedures~~ procedure that ~~require~~ requires that an inmate who presents with a
75.19 chronic or persistent medical condition ~~be~~ is provided with a health care follow-up, as
75.20 determined by the responsible medical provider.

75.21 Subp. 8. **Health complaints concerns.** A facility ~~shall develop a written policy and~~
75.22 ~~procedure that requires that inmates' health complaints are acted upon daily by health-trained~~
75.23 ~~staff, followed by triage and treatment by health care personnel if indicated.~~

76.1 A. A facility must develop and follow a written policy and procedure that requires
76.2 that an inmate's health concerns are acted on by health-trained staff daily or earlier if needed
76.3 to address the health concerns, followed by triage and treatment by health care personnel
76.4 if indicated. At a minimum, the policy and procedure must:

76.5 (1) require that every inmate receives considerate and respectful care;

76.6 (2) require that every inmate is provided privacy and individuality as both
76.7 relate to the inmate's social, religious, and psychological well-being;

76.8 (3) articulate a procedure for an inmate or observing staff to communicate
76.9 health concerns in writing, by notifying custody staff or signing up for sick call;

76.10 (4) articulate a procedure for notifying emergency first responders and on-call
76.11 health care personnel of emergency health care needs related to an acute illness or unexpected
76.12 medical, dental, or mental health care needs that cannot be deferred until the next scheduled
76.13 sick call or clinic visit; and

76.14 (5) provide for taking and documenting vital signs, as identified by the
76.15 responsible medical provider, every time an inmate communicates or appears to be
76.16 experiencing an illness and:

76.17 (a) provide for communicating the vital signs to the responsible medical
76.18 provider;

76.19 (b) require staff to document how the medical information under this
76.20 item was shared with the responsible medical provider;

76.21 (c) provide that every inmate may expect to obtain from the responsible
76.22 medical provider the complete information on the inmate's diagnosis, treatment, and prognosis
76.23 in terms and language that the inmate can understand, or when it is not medically advisable
76.24 to give this medical information to the inmate, that the information may be made available
76.25 to the appropriate person on the inmate's behalf; and

77.1 (d) provide that, upon request, the inmate is told the name and specialty,
77.2 if any, of the physician who is coordinating care.

77.3 B. When responding to an acute illness or unexpected medical, dental, or mental
77.4 health care needs under item A, subitem (4), facility staff may call local law enforcement
77.5 and emergency first responders, without fear of retaliation, even if the on-call health care
77.6 personnel do not agree on calling law enforcement and first responders.

77.7 Subp. 9. **Sick call.** A facility ~~shall~~ must develop and follow a written policy and
77.8 procedure that requires a continuous response to health care requests and that sick call,
77.9 conducted by a physician or other health care personnel, is available to each inmate as
77.10 follows:

77.11 A. in small facilities ~~of less~~ with fewer than 60 inmates, sick call is held at least
77.12 once per week ~~at a minimum~~;

77.13 B. in ~~medium-sized~~ medium-sized facilities of 60 to 200 inmates, sick call is held
77.14 at least three days per week;

77.15 *[For text of items C and D, see Minnesota Rules]*

77.16 Subp. 10. **Infirmary.** ~~Operation of an infirmary within a facility: male and female~~
77.17 Inmates of different genders may be housed in separate rooms in a common infirmary area.
77.18 Direct staff supervision of the infirmary must be provided at all times when ~~male and female~~
77.19 inmates reside of different genders are in the infirmary.

77.20 Subp. 11. **Examinations.**

77.21 A. Examinations, treatments, and procedures affected by ~~informed consent~~
77.22 informed-consent standards governed by state or federal law ~~shall~~ must be observed for
77.23 inmate care.

B. The informed consent of the parent, guardian, or legal custodian must be obtained when required by law.

C. ~~Where~~ If health care treatment must be provided against an inmate's will, it must be provided according to law.

Subp. 12. [See repealer.]

Subp. 13. Telehealth.

A. Telehealth services may be provided by a facility in consultation with the responsible medical provider. Health services provided via telemedicine must not be used as a substitute for in-person care and may be used only when authorized by a responsible medical provider.

B. If telehealth services are provided, the facility administrator must develop and follow a written policy and procedure for providing telehealth. The policy and procedure must be reviewed annually by the responsible medical provider and facility administrator and, at a minimum, include the following:

- (1) describe what health conditions warrant a telehealth consultation or visit;
- (2) detail how to protect inmate confidentiality and inmate medical data;
- (3) require a telehealth visit to be documented and the documentation placed in the inmate's health record;
- (4) list the technology needed and who is responsible for obtaining and maintaining the technology; and
- (5) ensure that the technology is properly secured and stored.

C. Unless the safety or security of the facility staff or inmates would be threatened, an inmate is always entitled to in-person care.

79.1 Subp. 14. **Clinical management of substance use disorders.** In consultation with
79.2 the responsible medical authority, a facility must develop and follow a written policy and
79.3 procedure on how to clinically manage substance use disorders. At a minimum, the policy
79.4 and procedure must:

79.5 A. provide for treatment, counseling, behavioral therapy, and medications that
79.6 address substance use disorders and ensure that all items are tailored to the individual;

79.7 B. detail where the treatment is provided;

79.8 C. provide for an initial inmate screening upon admission;

79.9 D. provide for education on substance abuse and that assessments and evaluation
79.10 are described to the inmate in plain language;

79.11 E. as directed by a responsible medical provider, ensure a process for medically
79.12 appropriate referral when an inmate is transferred or referred to another facility or when an
79.13 inmate is released; and

79.14 F. detail how to protect inmate confidentiality and protect inmate medical data.

79.15 Subp. 15. **Mental health resources.** A facility must develop and follow a written
79.16 policy and procedure that addresses the mental health needs of an inmate who has been in
79.17 a facility for 14 days or longer. At a minimum, the policy and procedure must include:

79.18 A. crisis intervention and managing an acute psychiatric episode;

79.19 B. stabilizing an inmate with a mental illness and managing psychiatric
79.20 deterioration in the correctional setting;

79.21 C. provisions for referring and admitting an inmate to a mental health facility
79.22 when the inmate's psychiatric needs exceed the facility's treatment capability; and

79.23 D. procedures for obtaining and documenting an inmate's informed consent.

80.1 Subp. 16. **Mental health appraisal.**

80.2 A. If an inmate's intake screening necessitates a mental health appraisal, the inmate
80.3 must receive an appraisal, but an appraisal is not required if there is documented evidence
80.4 of a performed appraisal within the previous 90 days. A suicide risk assessment must always
80.5 be conducted.

80.6 B. An appraisal and suicide risk assessment must be conducted by a licensed
80.7 mental health professional within 14 days of an inmate's admission.

80.8 C. An appraisal must:

- 80.9 (1) assess an inmate's mental status and condition;
- 80.10 (2) assess an inmate's suicide potential and inmate-specific circumstances
80.11 that increase the inmate's suicide potential, maltreatment, trauma, or abuse issues;
- 80.12 (3) refer the inmate to treatment options;
- 80.13 (4) develop a treatment plan, including recommendations on housing, job
80.14 assignment, and program participation; and
- 80.15 (5) include any other professional assessment tools needed to assess the
80.16 inmate's mental health and suicide potential.

80.17 Subp. 17. **Mental health support; traumatic event.**

80.18 A. A facility must provide mental health support to an inmate who witnesses a
80.19 traumatic event, as defined under part 2911.3700, subpart 8, item A. A facility must provide
80.20 a process:

- 80.21 (1) to identify inmates as having experienced trauma or stress due to a
80.22 traumatic event in the facility; and
- 80.23 (2) for responding to and supporting those identified.

81.1 B. A facility must document that it provided mental health support according to
81.2 this subpart.

81.3 **2911.6000 FIRST AID.**

81.4 Subpart 1. [Repealed, 38 SR 523]

81.5 Subp. 2. **First aid equipment.** ~~Facility policy shall require that~~ First aid kits ~~are~~ must
81.6 be available in designated areas of the facility.

81.7 Subp. 3. [Renumbered 2911.6200 subp 1a]

81.8 **2911.6200 MEDICAL ~~AND~~, DENTAL, AND MENTAL HEALTH RECORDS.**

81.9 Subpart 1. [Renumbered subp 1b]

81.10 Subp. 1a. **Medical ~~and~~, dental, and mental health records.**

81.11 A. A facility ~~shall~~ must record complaints of illness or injury and actions taken.
81.12 Medical ~~or~~, dental, or mental health records ~~are~~ must be maintained on ~~inmates~~ an inmate
81.13 under medical ~~or~~, dental, or mental health care.

81.14 B. Records ~~shall~~ must include:

81.15 ~~A. (1) the limitations and~~ any disabilities ~~of the~~ that an inmate has;

81.16 ~~B. (2)~~ instructions for inmate care;

81.17 ~~C. (3)~~ orders for medication including ~~stop~~ the discontinue date;

81.18 ~~D. (4)~~ any special treatment or diet;

81.19 ~~E. (5)~~ activity restriction; and

81.20 ~~F. (6)~~ times and dates when the inmate was seen by ~~medical~~ health personnel.

81.21 C. Medical ~~and~~, dental, and mental health records ~~shall~~ must be available to staff
81.22 for consultation in case of illness and for recording medication administration ~~of medications.~~

82.1 D. For purposes of this chapter, an inmate's health record includes medical, dental,
82.2 and mental health records.

82.3 Subp. 1b. [See repealer.]

82.4 Subp. 2. **Data practices.** ~~The~~ An inmate's medical record file ~~shall~~ must be maintained
82.5 separately and according to the Minnesota Government Data Practices Act, Minnesota
82.6 Statutes, chapter 13.

82.7 Subp. 2a. **Medical sharing information.** ~~The responsible physician or health care~~
82.8 ~~personnel shall share with the facility administrator information regarding an inmate's~~
82.9 ~~medical management, security, and ability to participate in programs.~~ Together with a facility
82.10 administrator, a responsible medical provider or health care personnel must develop and
82.11 follow a written policy and procedure for sharing with custody staff information on an
82.12 inmate's medical and mental health management, security, and ability to participate in
82.13 programs. The information shared under this part must include medical screenings done by
82.14 health care personnel.

82.15 Subp. 3. **Available information.** Medical record file information available to
82.16 health-trained staff and custody ~~personnel shall~~ staff must minimally include summary
82.17 medical information provided by the health authority or health care personnel that ensures
82.18 sufficient detail to allow health-trained staff persons or other custody ~~personnel~~ staff to
82.19 ensure medical care of inmates in their custody in a manner consistent with that prescribed
82.20 by the responsible physician or health care personnel.

82.21 [For text of subparts 4 and 5, see Minnesota Rules]

82.22 Subp. 6. **~~Transfer of~~ Transferring records.**

82.23 A. A facility ~~shall have~~ must develop and follow a written policy and procedure
82.24 ~~regarding the transfer of~~ on transferring health records and information that establishes the

83.1 ~~following requirements:~~ under this subpart. This subpart applies to referrals or transfers to
83.2 medical or mental health care in a noncorrectional institution.

83.3 ~~A. B.~~ Summaries or copies of the health record ~~are~~ must be sent to the facility to
83.4 which the inmate is transferred or referred when the inmate is transferred or referred. Upon
83.5 the ~~request and~~ inmate's written authorization ~~of the inmate,~~ physicians or medical facilities
83.6 in the community ~~shall~~ must be provided the inmate's health record ~~information; and.~~

83.7 ~~B. C.~~ The A facility administrator or ~~designee, which may include~~ the responsible
83.8 ~~physician~~ medical provider, health care personnel, or health-trained staff of the facility from
83.9 which the inmate is being transferred, ~~shall~~ or referred must minimally share with the facility
83.10 administrator ~~of the facility~~ designated to receive the inmate information ~~regarding on the~~
83.11 inmate's medical management, security, and ability to participate in programs. In the absence
83.12 of ~~informed consent~~ informed-consent forms signed by the inmate involved, the information
83.13 may be ~~provided in summary manner~~ summarized to ensure a level of medical care consistent
83.14 with the inmate's needs.

83.15 **2911.6400 DELIVERY, SUPERVISION, AND CONTROL OF ADMINISTERING,**
83.16 **SUPERVISING, AND CONTROLLING MEDICATION.**

83.17 In consultation with the health authority, a facility administrator ~~shall have~~ must develop
83.18 and follow a written policy and procedure for the secure storage, ~~delivery,~~ administration,
83.19 and control of medication according to parts 2911.6500 to 2911.6800.

83.20 **2911.6500 STORAGE.**

83.21 *[For text of subparts 1 to 3, see Minnesota Rules]*

83.22 **Subp. 4. Medication.**

83.23 A. Stock supplies of prescription medications may be maintained at the discretion
83.24 and upon the approval of ~~the~~ a facility's health authority responsible medical provider.

84.1 Prescription medication ~~shall~~ must be kept in its original container, ~~bearing~~ and bear the
84.2 original label.

84.3 B. Poisons and medication intended for external use ~~shall~~ must be clearly marked.

84.4 C. A limited quantity of life-saving prescription medications as approved by ~~the~~
84.5 ~~medical authority~~ a responsible medical provider may be maintained in emergency kits.

84.6 Subp. 5. **Controlled substances.** There ~~shall~~ must be a followed written policy and
84.7 procedure for maximum security storage of and accountability for controlled substances.

84.8 Subp. 6. **Needles and other medical sharps.** There ~~shall~~ must be a written policy
84.9 and procedure that is followed for ~~the control and disposal~~ controlling and disposing of
84.10 medical sharps and supplies. Medical sharps and supplies when used or stored in inmate
84.11 housing areas ~~shall~~ must be accounted for and secured in a locked area.

84.12 **2911.6600 ~~DELIVERY~~ ADMINISTERING MEDICATION.**

84.13 Subpart 1. ~~Delivering~~ Administering medication. A ~~person delivering~~ Staff
84.14 administering medication to an inmate must do so under the direction of ~~the~~ a responsible
84.15 ~~health authority~~ medical provider or health care personnel.

84.16 Subp. 2. **Training.** Only ~~persons~~ individuals who have received training ~~appropriate~~
84.17 ~~to this assignment~~ on administering medication may ~~deliver~~ administer medication.

84.18 Subp. 3. **Refresher training.** A nonmedical staff person ~~delivering~~ administering
84.19 medication ~~shall~~ must receive refresher training ~~a minimum of~~ at least once every three
84.20 years.

84.21 Subp. 4. **Documentation.** Initial and refresher training must be documented in writing.

84.22 Subp. 5. ~~Recording deliveries~~ Record keeping. A ~~person~~ An individual responsible
84.23 for ~~delivering~~ administering medications ~~shall~~ must do so according to orders, and record

85.1 the ~~delivery of medications~~ medication administration in a manner approved by the ~~health~~
85.2 ~~care authority~~ responsible medical provider.

85.3 Subp. 6. ~~Deliveries by health-trained staff~~ **Self-administering**
85.4 **medication.** ~~Medication shall be delivered to an inmate by health-trained staff. An inmate~~
85.5 ~~shall~~ must administer the inmate's medication under ~~staff~~ the supervision of health-trained
85.6 staff.

85.7 Subp. 7. **Identification procedures.** There ~~shall~~ must be a followed written policy
85.8 and procedure for the identification of the recipient of the medication identifying the inmate
85.9 who is receiving the medication.

85.10 Subp. 8. **Oral ingestion procedures.** There ~~shall~~ must be ~~procedures~~ a followed
85.11 written policy and procedure for confirming that medication delivered for oral ingestion
85.12 has been ingested.

85.13 Subp. 9. **Adverse reaction reports.** There ~~shall~~ must be ~~procedures~~ a followed written
85.14 policy and procedure for health-trained staff to report any adverse reaction incidents or
85.15 medication errors to health care personnel. The adverse reaction to a drug ~~shall~~ and
85.16 medication errors must be documented.

85.17 Subp. 10. ~~Refusal of~~ **Refusing prescribed medications.** There ~~shall~~ must be
85.18 ~~procedures~~ a followed written policy and procedure for health-trained staff to report an
85.19 inmate's refusal of prescribed medication to the ~~attending physician, responsible physician,~~
85.20 medical provider or health care personnel. The refusal and directives by the health care
85.21 personnel ~~shall~~ must be documented.

85.22 *[For text of subpart 11, see Minnesota Rules]*

85.23 Subp. 12. **Inmate medication ~~delivery~~ administration prohibited.** ~~Delivery of~~
85.24 ~~medication by inmates is prohibited~~ Except as provided under subpart 6, an inmate may not
85.25 administer medication.

[For text of subparts 13 and 14, see Minnesota Rules]

Subp. 15. **Nonprescription medication.** Over-the-counter nonprescription medication available to inmates ~~shall~~ must be approved by health care personnel. ~~Delivery of Any~~ nonprescription medication administered by custody staff ~~shall~~ must be documented.

Subp. 16. **Keep-on-person medications.**

A. There ~~shall~~ must be a followed written policy and procedure for keep-on-person medications that provides for:

~~A.~~ (1) medications identified and approved by ~~the health authority~~ a responsible medical provider as appropriate for self-administration and storage in an inmate's cell;

~~B.~~ (2) procedures for an inmate's overdose of the medication;

~~C.~~ (3) consequences if too much medication is found in the inmate's possession;

~~D.~~ (4) how the distribution of medications under this subpart is going to be documented; and

~~E.~~ (5) nonprescription medications, if any, that are available to inmates through vending machines or commissary.

B. Keep-on-person medications ~~shall~~ must be documented for each inmate.

2911.6700 ADMINISTRATION.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Involuntary medication administration.** Together with a responsible medical provider, a facility must develop and follow a written policy and procedure on involuntary medication administration to inmates. The policy and procedure must provide direction for facility staff on using medication on an incapacitated inmate, including naloxone, glucose tabs, nitroglycerin, and other lifesaving medications that don't involve injections.

87.1 The policy and procedure must also address the facility's procedures for and position on
87.2 Jarvis orders.

87.3 **2911.6800 CONTROL.**

87.4 *[For text of subparts 1 and 2, see Minnesota Rules]*

87.5 Subp. 3. **Prescribed medication upon transfer or release.**

87.6 A. Prescribed medication ~~shall~~ must be given to an inmate or to the ~~appropriate~~
87.7 authority taking custody of the inmate upon transfer or release, unless the attending physician
87.8 decides that in the medical interest of the inmate that the medications should not be released
87.9 with the inmate.

87.10 B. The ~~An~~ action taken ~~shall~~ must be documented.

87.11 *[For text of subpart 4, see Minnesota Rules]*

87.12 **2911.7000 TUBERCULOSIS SCREENING; ~~SEPARATION OF~~ SEPARATING**
87.13 **INMATES WITH INFECTIOUS DISEASE.**

87.14 Subpart 1. **Policy.** A facility ~~shall have~~ must develop and follow a written policy and
87.15 procedure that addresses ~~the management of~~ how to manage serious and infectious diseases.
87.16 ~~This~~ The policy and procedure ~~shall~~ must be updated as new information becomes available.

87.17 Subp. 2. **Screening.** Employees and inmates ~~shall~~ must be screened for tuberculosis
87.18 according to Minnesota Statutes, section 144.445. ~~The Department of Corrections adopts~~
87.19 ~~by reference Minnesota Department of Health requirements for tuberculosis screening of~~
87.20 ~~employees and inmates in facilities governed by this chapter.~~

87.21 **2911.7100 INMATES WITH SPECIAL NEEDS.**

87.22 Subpart 1. **Postadmission screening.** ~~The~~ A facility must develop and follow a written
87.23 policy and procedure ~~shall require~~ that requires postadmission screening and referral for

88.1 care of inmates with special needs; whose adaptation to the correctional environment is
88.2 significantly impaired.

88.3 Subp. 2. **Inmates with special needs.** For the purposes of this part, an inmate with
88.4 special needs ~~shall include~~, includes but need not be limited to; those:

88.5 A. with functional impairments;

88.6 B. ~~those~~ defined as mentally ill;

88.7 C. experiencing a mental health crisis or mental health disorder;

88.8 D. ~~those~~ defined as developmentally disabled;

88.9 E. ~~those~~ defined as mentally ill and dangerous to the public; and

88.10 F. ~~those~~ defined as individuals with disabilities.

88.11 Subp. 3. ~~Management of~~ **Managing inmates.** A written policy and procedure ~~shall~~
88.12 must be developed and followed for ~~the management of~~ managing inmates with special
88.13 needs and ~~shall~~ must include:

88.14 A. procedures that require referral for emergency admission under Minnesota
88.15 Statutes, chapter 253B, of persons:

88.16 (1) considered to be mentally ill or developmentally disabled; and

88.17 (2) in imminent danger of injuring self or others if not immediately restrained;

88.18 and

88.19 B. procedures for accessing and using emergency services according to Minnesota
88.20 Statutes, chapter 253B, for adults who are experiencing an emotional crisis or mental illness.

88.21 **2911.7200 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.**

88.22 Subpart 1. **General.** A facility ~~shall have~~ must develop and follow a policy and
88.23 procedure that provides that the facility ~~shall~~ must:

89.1 A. be kept in good repair to protect the health, ~~comfort~~, safety, and well-being of
89.2 inmates and staff;

89.3 *[For text of items B and C, see Minnesota Rules]*

89.4 Subp. 2. **Maintenance plan.**

89.5 A. A written housekeeping plan for all areas of the physical plant ~~shall~~ must
89.6 provide for daily housekeeping and regular maintenance by assigning specific duties and
89.7 responsibilities. Facility floors ~~are~~ must be kept clean, dry, and free of hazardous substances.

89.8 B. ~~A written~~ The policy and procedure ~~shall~~ must establish the following
89.9 requirements:

89.10 ~~A.~~ (1) weekly sanitation inspections of all institution areas by a designated staff
89.11 member; ~~and~~

89.12 ~~B.~~ (2) ~~there is~~ documentation that deficiencies, if any, have been corrected; and

89.13 (3) documentation of a monthly generator test.

89.14 *[For text of subpart 3, see Minnesota Rules]*

89.15 Subp. 4. [See repealer.]

89.16 Subp. 5. [See repealer.]

89.17 **2911.7300 FIRE INSPECTION.**

89.18 Subpart 1. **Annual inspection.** Each facility ~~shall~~ must by written policy and procedure
89.19 require that a facility fire inspection ~~of the facility~~ must be conducted in accordance with
89.20 the applicable fire code on an annual basis by a state fire marshal or local fire official.

89.21 Subp. 2. **Documentation.** ~~Documentation of~~ The inspection and any orders resulting
89.22 from the inspection must be documented, maintained, and available to the ~~DOC~~
89.23 commissioner.

[For text of subparts 3 to 5, see Minnesota Rules]

2911.7400 POLICIES AND PROCEDURES TO DETECT DETERIORATION OF BUILDING AND EQUIPMENT.

A. The A facility administrator or designee shall have policies and procedures must develop and follow a written policy and procedure designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions.

B. Policies and procedures shall include The policy and procedure must include requirements that:

(1) facility staff report:

(a) unsanitary and unsafe conditions as well as; and

(b) physical plant and equipment repairs and replacement needs; and

(2) documentation that appropriate work orders or requests for budget resources to effect make needed repair, replacement, or corrections have been made.

2911.7500 ~~ELIMINATION OF~~ ELIMINATING CONDITIONS CONDUCTIVE TO VERMIN AND PESTS.

The A facility shall have must develop and follow a written plan for the control and elimination of controlling and eliminating vermin and pests.

2911.8000 JUVENILES HELD IN SECURITY PERIMETER.

Subpart 1. **Applicability.** In addition to parts 2911.0100 to 2911.7500, parts 2911.8000 to 2911.8400 apply to a juvenile held in a facility's security perimeter.

Subp. 2. **Conflict with chapter 2960.** If after the effective date of this rule a provision in chapter 2960 is adopted that conflicts with parts 2911.8000 to 2911.8400, the provision under chapter 2960 prevails.

91.1 **2911.8100 JUVENILE INTAKE AND SCREENING REQUIREMENTS.**

91.2 Subpart 1. Admission criteria. A facility may admit a juvenile only if the statutory
91.3 criteria under Minnesota Statutes, section 260B.175, subdivision 1, for juvenile admission
91.4 into a facility are met.

91.5 Subp. 2. Personal privacy. A facility's admission procedure for a juvenile must be
91.6 conducted in a manner and location that ensures the juvenile's privacy from unauthorized
91.7 personnel.

91.8 Subp. 3. Search. A juvenile may be searched only by a staff person of the same gender
91.9 as the juvenile, and the search must not include cavity searches or a full visual of the
91.10 juvenile's body.

91.11 Subp. 4. Notice to parent or legal custodian or guardian. A facility must notify a
91.12 juvenile's parent, legal custodian, or guardian that the juvenile has been admitted into the
91.13 facility. Unless the referring agency notified the parent, legal custodian, or guardian, the
91.14 facility's address must be provided.

91.15 Subp. 5. Additional admission criteria.

91.16 A. A facility may admit a juvenile with a disability or a special-needs juvenile
91.17 only if the facility has the resources and qualified staff to care for the juvenile's security,
91.18 safety, and well-being.

91.19 B. A juvenile's screening must be done using a department-approved document.

91.20 **2911.8200 JUVENILE WELL-BEING CHECKS.**

91.21 Subpart 1. Policy and procedure required. A facility must develop and follow a
91.22 written policy and procedure for performing well-being checks of juveniles.

92.1 Subp. 2. **Observation required.** The policy and procedure must provide that all
92.2 juveniles are personally observed, without using a recording or monitoring device, by a
92.3 custody staff person at least once every 15 minutes.

92.4 **2911.8300 JUVENILE DISCIPLINE PLAN.**

92.5 Subpart 1. **Policy and procedure on juvenile discipline required.** A facility must
92.6 develop and follow a written policy and procedure for disciplining a juvenile. When deciding
92.7 how to discipline a juvenile, the policy and procedure must provide that staff address the
92.8 juvenile's abuse history and developmental, cultural, disability, and gender needs.

92.9 Subp. 2. **Prohibited discipline.** A facility may not subject a juvenile to:

92.10 A. corporal punishment;

92.11 B. verbal abuse;

92.12 C. punishment for a lapse in toilet habits, including bed wetting and soiling;

92.13 D. withholding of basic needs;

92.14 E. dangerous work;

92.15 F. discipline for the unrelated behavior or action of another;

92.16 G. restrictive techniques and physical holding or procedures as punishment, for
92.17 staff convenience, or to compensate for not having enough staff; and

92.18 H. a requirement to assume uncomfortable or fixed positions for an extended time
92.19 or to march, stand, or kneel as punishment.

92.20 **2911.8400 JUVENILE RESTRICTIVE PROCEDURES.**

92.21 Subpart 1. **Restrictive procedure limited.** A facility may use a restrictive procedure
92.22 on a juvenile only if the facility complies with this part. Staff may not use strikes, pressure
92.23 points, joint manipulation, or pain compliance.

93.1 **Subp. 2. Policy and procedure required.** A facility must develop and follow a written
93.2 policy and procedure on restrictive procedures that at a minimum:

93.3 A. lists and describes the restrictive procedures and physical holding techniques
93.4 that will be used;

93.5 B. describes the training that staff who use restrictive procedures must have before
93.6 using restrictive procedures, including training on:

93.7 (1) juvenile needs and behaviors;

93.8 (2) de-escalation methods;

93.9 (3) obtaining emergency medical assistance; and

93.10 (4) how to properly use approved restrictive techniques that comply with this
93.11 part; and

93.12 C. ensures that a juvenile is treated for any injury caused by a restrictive procedure.

93.13 **Subp. 3. Restrictive procedures allowed.** A facility may only use physical escort or
93.14 mechanical restraints.

93.15 **Subp. 4. Physical escort; requirements.** Staff may use physical escort as a minimally
93.16 intrusive behavior management technique to:

93.17 A. control a juvenile who is being guided to a place where the juvenile will be
93.18 safe; and

93.19 B. help de-escalate interactions between a juvenile and others.

93.20 **Subp. 5. Mechanical restraints; requirements.**

93.21 A. Staff may use mechanical restraints as a behavior management device only
93.22 when:

93.23 (1) transporting a juvenile; or

94.1 (2) in an emergency as a response to imminent danger to a juvenile or others
94.2 and when a less-restrictive intervention would be ineffective in responding to the imminent
94.3 danger.

94.4 B. An emergency use of mechanical restraints must comply as follows:

94.5 (1) an immediate intervention is necessary to protect the juvenile or others
94.6 from physical harm;

94.7 (2) the mechanical restraint used is the least intrusive intervention that will
94.8 effectively react to the emergency;

94.9 (3) the use of mechanical restraint must end when the threat of harm ends;

94.10 (4) the juvenile must be constantly and directly observed by staff while they
94.11 use mechanical restraints;

94.12 (5) as soon as safely possible, but no later than 60 minutes after first using a
94.13 mechanical restraint in an emergency situation, staff must contact a facility administrator
94.14 to inform the administrator that a mechanical restraint was used and to ask for permission
94.15 to continue using the mechanical restraint;

94.16 (6) when the need for mechanical restraint ends, the juvenile must be assessed
94.17 to determine if medical attention is required; and

94.18 (7) the staff person who used a mechanical restraint must document its use
94.19 immediately after the incident ends, with the documentation including:

94.20 (a) a detailed description of the incident or situation that led to using the
94.21 mechanical restraint;

94.22 (b) an explanation of why the mechanical restraint was needed to prevent
94.23 an immediate threat to the physical safety of the juvenile or others;

95.1 (c) why less-restrictive intervention failed or was found to be
 95.2 inappropriate;

95.3 (d) when the use of mechanical restraint began and when the juvenile
 95.4 was released from the mechanical restraint;

95.5 (e) in at least 15-minute intervals while mechanical restraints were used,
 95.6 documentation of the observed behavior change and physical status of the juvenile; and

95.7 (f) the names of all the individuals involved in using the mechanical
 95.8 restraint and the names of all witnesses to its use.

95.9 Subp. 6. **Administrative review.** Within three working days after a restrictive
 95.10 procedure is used, a facility administrator must review its use. The review must be
 95.11 documented and state whether:

95.12 A. the required documentation was recorded;

95.13 B. the restrictive procedure was used according to this part; and

95.14 C. the staff who used the restrictive procedure were trained according to this part.

95.15 **TERM CHANGE.** The term "inmate" is changed to "confined or incarcerated person"
 95.16 wherever it appears in Minnesota Rules, chapter 2911.

95.17 **RENUMBERING INSTRUCTION.** Each part of Minnesota Rules listed in column A is
 95.18 renumbered with the number listed in column B. Necessary cross-reference changes are
 95.19 made consistent with the renumbering.

95.20	<u>Column A</u>	<u>Column B</u>
95.21	<u>2911.0200, subpart 10</u>	<u>2911.0200, subpart 42a</u>
95.22	<u>2911.1600</u>	<u>2911.1010</u>
95.23	<u>2911.1700</u>	<u>2911.1020</u>

96.1 2911.5540 2911.7700

96.2 2911.5550 2911.4910

96.3 **REPEALER.** Minnesota Rules, parts 2911.0200, subparts 24, 51, 52, and 69; 2911.0300,
96.4 subparts 2, 3, 4, 5a, and 6; 2911.0340, subpart 1; 2911.0400, subpart 9; 2911.0900, subpart
96.5 6; 2911.1350; 2911.1800; 2911.3700, subpart 3; 2911.3900, subparts 2, 3, 4, 6, 7, and 8;
96.6 2911.4100, subpart 4; 2911.4800, subpart 5; 2911.5800, subpart 12; 2911.6200, subpart 1b;
96.7 and 2911.7200, subparts 4 and 5, are repealed.