Order Adopting Rules

Minnesota Department of Corrections

Adoption of Rules Relating to Jail Facilities, Minnesota Rules, Chapter 2911; Revisor's ID No. R-4445; CAH Docket No. 22-9051-40960

BACKGROUND INFORMATION

1. The Department of Corrections has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.

2. The Department of Corrections adopts the Administrative Law Judge's Report dated August 24, 2026, and incorporates it by reference into this Order. The sole disapproved provision - Minn. R. 2911.1300, subp. 4 - was subsequently reviewed and approved by the Chief Administrative Law Judge on September 3, 2026. Accordingly, the department adopts the report in full, subject only to the modifications set forth herein.

3. Minnesota Statutes, section 14.05, subdivision 2, authorizes an agency to modify a proposed rule provided the final rule is not substantially different from the rule published in the Notice of Hearing. Changes made to the rule between publication of the Notice of Hearing on March 30, 2026, and the close of the hearing record on June 25, 2026, were fully approved by the Court of Administrative Hearings on September 3, 2026. The modifications outlined within this order do not make the rule substantially different because the revisions remain within the scope of the amendments already approved by the court.

   The department received no requests for notice of submission to the court. However, the department provided notice of filings submitted to the court by posting the filings and supporting exhibits on its public rulemaking webpage and by distributing notifications to interested parties enrolled to receive GovDelivery updates regarding rulemaking activities. These communications were distributed to subscribers of the department's rulemaking lists, members of the advisory committee, or those identified in the Additional Notice Plan approved by the court.

   Notice was provided as follows:

   - **July 9, 2026**: The department issued a GovDelivery notice to 1,053 recipients describing the status of the hearing process, highlighting the final revisions to the proposed rules, providing access to the revisor's draft, and directing recipients to the rulemaking webpage where those documents and all related exhibits were posted.

- **September 5, 2026:** The department issued a GovDelivery notice to 1,076 recipients announcing the approval of proposed revisions, providing access to the Chapter 2911 Approval Order, informing recipients of remaining procedural steps in the rulemaking process, and directing recipients to the rulemaking webpage where the order and all related exhibits were posted.

- **November 2, 2026**: The department issued a GovDelivery notice to 1,095 recipients advising that post-hearing filings had been submitted to the court regarding proposed amendments that were not recommended by the Administrative Law Judge in the Chapter 2911 Approval Order from September 3, 2026. The notice also directed recipients to the rulemaking webpage where the filings and related exhibits were posted.

The rationale for the proposed modifications in this order are contained in Exhibit C1 which explains that the collective changes made since publication of the rule in the *State Register* on March 30, 2026, including amendments made in response to feedback submitted as part of the hearing record prior to its closure on June 25, 2026, are logical outgrowths of the original proposal. The requested modifications do not introduce new subject matter, create a new regulatory framework, regulate additional persons, or impose materially different obligations than those ultimately approved by the court on September 3, 2026. The Department of Corrections makes the following additional modifications to the approved rule:

2911.0200 DEFINITIONS.

Subp. 68c. **Substance use disorder services.** "Substance use disorder services" means the assessment of an inmate for a substance use disorder and the inmate's service needs; planning and providing on-site services, interventions, or recovery support services; coordinating care with on-site or external providers; telehealth services; medication-assisted substance use disorder treatment according to part 2911.5820; and ongoing reassessment by health care personnel.

2911.0900 STAFFING REQUIREMENTS.

Subp. 23. **Reduced staffing ratio; custody staff override.**

C. The ratio of custody staff to inmates under subpart 15, item C, subitem (1), may be reduced to one custody staff member to 120 inmates for ~~any single~~ direct supervision housing units during scheduled lockdown periods as described in the facility staffing plan when:

(1) inmates are secured in cells and each inmate has access to direct and immediate communication with staff through an emergency communication system that is in working order and inspected according to part 2911.4900;

(2) the facility has identified and documented criteria for placing inmates in housing units operating under the reduced staffing ratio that account for an inmate's medical and

mental health needs and the inmate's classification level as determined under the facility's classification policy required under part 2911.2600; and

(3) each inmate assigned to the direct supervision housing unit operating under the reduced staffing ratio meets the classification criteria identified by the facility under item (2).

2911.2850 INMATE DISCIPLINE; DISCIPLINARY SEGREGATION.

Subpart 1. **Plan**. A facility administrator must develop and follow a written inmate discipline plan that explains the:

A. disciplinary sanctions and sets the limitations defined in subpart 2 for ~~serious,~~ major and minor facility rule violations, including any additional disciplinary segregation tiers as defined by the facility administrator

EFFECTIVE DATE. Minnesota Rules, parts 2911.0100 to 2911.7100, and the repealer are effective ~~90 180 calendar days after publication in the State Register~~ January 1, 2028.

4. The rules are both needed and reasonable because:

a. the Legislature expressly mandated rulemaking on 17 separate topics, providing the department with a clear directive to update and strengthen its rules governing jail facilities to reflect legislative intent and the public's expectation that the department fulfill its role not only as a licensing and inspection authority, but to actively safeguard the health, safety, and rights of both jail staff and justice-involved populations;

b. the approved rules, and the modifications set forth herein, are the product of a thorough, stakeholder-driven process resulting in substantial revisions that preserve operational flexibility for facilities of varying size and capacity, and align the department's regulatory framework with current statutory requirements and established correctional-health best practices;

c. the rules are rationally related to the department's objective of ensuring safe and secure jail facilities while reducing preventable harm - including deaths and injuries from suicide, drug overdose, and medical emergencies - and to remedy deficiencies that could give rise to constitutional violations; and

d. the revised effective date is necessary and reasonable because implementing the new requirements will require substantial operation, staffing, training, and organizational adjustments by facilities across the state. The department recognizes that jails need additional time to prepare for and operationalize the mandated changes without disrupting essential services. As detailed in Exhibit C1, extending the effective date is necessary to ensure a

practical, orderly transition that supports compliance and maintains both safety and continuity of operations.

ORDER

The above-named rules, in the form published in the State Register on March 30, 2026, the approved rules (Exhibit A), and the modifications set forth herein (reflected in Exhibit C1), are adopted under my authority in Statutes, section 241.021, subdivision 1.

[Date]

Paul Schnell, Commissioner of Corrections