Exhibit C1 – Rationale for Proposed Rule Changes

The Department of Corrections proposes the following additional changes to the approved rules (Exhibit A). Page-and-line citations refer to the AR 4445 draft dated October 20, 2026, (Exhibit C), showing the proposed modifications to the approved rule language. This document provides the department's explanation of these amendments, which we are submitting here and referencing in the Order of Adoption as Exhibit C1.

1. Part 2911.0200, subpart 68c; lines 8.3 to 8.9

> 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 or telehealth services, interventions, or recovery support services; coordinating care with on-site or external providers; medication-assisted substance use disorder treatment according to part 2911.5820; and ongoing reassessment by health care personnel.

Explanation: On July 27, 2026, Sonja Mydels - a community coalition stakeholder from Impact MN - reached out via email to provide feedback. She requested a technical clarification to ensure that medication-assisted treatment (MAT) is explicitly included within the definition of substance use disorder (SUD) services. She noted that the approved definition for substance use disorder services (see page 8 of Exhibit A) does not reference MAT, while the language on page 54 under the section for Substance Use Disorder Services contained in part 2911.3100, Subpart 5, Item A does. Accordingly, she recommended that the department revise the definition to align with the more complete description for Substance Use Disorder Services in part 2911.3100.

The department added language to the definition of "Substance Use Disorder Services" under subpart 68c. The added language is reasonable because it aligns the definition with the list of services specifically outlined under the section for Substance Use Disorder Services contained in part 2911.3100, Subpart 5, Item A. The revised language is not substantially different from the approved rule because the topic remains unchanged and the revision completes the definition while providing additional clarity.

2. Part 2911.0900, subpart 23, Item C; lines 24.17 to 25.7

> 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 with lockdown capability 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).

Explanation: In the months after the hearing record closed, the department continued conversations with stakeholders and reconsidered whether the reduced staffing ratio should be limited to one direct supervision housing unit. These discussions highlighted that jails built during an earlier administration were designed exactly for this reduced staffing option when locked down.

In 2013, Subpart 13 of Chapter 2911 was repealed to prohibit facilities from operating a 1:25 staff to incarcerated individual ratio during overnight hours when they were secured in their cells. As the department stated in its SONAR, at that time, the rule revision committees determined that a sole staff person responsible for both custody and 911 dispatch could not adequately or safely supervise that number of incarcerated individuals due to increased liability, workload demands, required well-being checks, suicide-watch procedures, pre-booking timelines, and emergency response needs. [1]

> Subp. 13. **Sleeping hours.** *During normal sleeping hours, when inmates are secured in cells, detention rooms, or dormitories, a dispatcher or custody staff person must be assisted on duty by another custody staff person when the facility's inmate population exceeds 25.*

During that revision, subpart 12 was also revised to reduce the ratio for single custody staff or dispatchers from 15 to five.

> Subp. 12. **Assistance for dispatcher or custody staff person.** *In a facility that uses the dispatcher or custody position as sole supervision, the dispatcher or custody staff person must be assisted on duty by another custody staff person when the facility's inmate population exceeds five.* [2]

During an ongoing collaborative meeting that the department jointly established with sheriffs and county jail officials, several jail administrators communicated that the direct supervision model is only applicable when individuals are out of their cells. They further noted that the 2013 rule revisions were not intended to prevent larger facilities under different staffing plans from reducing the staffing ratio when individuals were secured in their cells. This perception is what allowed jail administrators to reduce their staffing ratios during lockdown – which they articulated was a shared understanding between jails and the department – and was permitted until 2024 when the department shifted their interpretation of the rule.

Given the explanation of jail layouts outlined in the department's 2026 SONAR, and the specific aspects of each supervision style included below, the department believes that reduced staffing during lockdown is appropriate and safe only in direct supervision units because that model fundamentally changes the risk

[1] Minnesota Department of Corrections. (2026). *Statement of Need and Reasonableness: Exhibit D* (p. 78).

[2] Minnesota Office of the Revisor of Statutes. (1999). *Minnesota Rules, Chapter 2911: Jail Facilities*

environment through housing a lower-risk, pre-classified population; employing research-supported behavior-shaping practices; and creating a more stable and predictable unit culture.[3] Linear and podular indirect supervision units do not benefit from these stabilizing factors and therefore cannot safely mirror direct supervision staffing levels. Applying reduced staffing criteria to other unit types would be inappropriate because:

- **Linear units** have limited visibility, house higher-risk individuals, rely on physical barriers rather than behavior-management strategies, and therefore require a higher staff presence to maintain safety**;** and
- **Indirect supervision units** house higher-risk individuals, rely on staff monitoring from a distance rather than relationship-based behavior management, and are therefore more susceptible to unexpected or escalating incidents.

Although the judge did not recommend the additional language, the department concludes that this change better addresses the operational circumstances raised in the rulemaking record and later conversations with stakeholders. The revised language permits a reduced ratio only for direct supervision units during identified lockdown periods described in their facility staffing plan. Even then, the individuals placed in direct supervision units must be appropriate for that placement and must also be provided with a way to communicate directly with custody staff. While an emergency communication system is not explicitly referenced in part 2911.4900, it is considered facility equipment "not under the personal control and responsibility of staff members." The department's intent in citing this provision is solely to reference the monthly inspection requirement that applies to such equipment.

The revised language is reasonable because it provides limited flexibility while setting clear safeguards. Incarcerated individuals must be secured in their cells, the facility must document the maximum classification level appropriate for the reduced-ratio units, and each assigned individual must be classified at or below that level. These conditions make the provision clearer and connect the use of the reduced ratio to both the facility's documented plan and the classifications of the housed individual.

The revised language is not substantially different from the approved rule because the subject remains the staffing ratio for direct-supervision housing units during scheduled lockdowns. The revision modifies only the configuration eligible for the reduced ratio – allowing for expansion beyond a single housing unit – without creating a different staffing ratio or introducing a new subject area. The approved rule already raised the use of a reduced ratio during lockdowns, and the hearing record reflects discussion of how that provision would work supports considering the revised language and its safeguards.[4] Interested parties could reasonably have anticipated a clarification addressing the units covered and the conditions for applying the reduced ratio, as these details fall squarely within the scope of the original proposal, emerged

[3] Minnesota Department of Corrections. (2026). *Statement of Need and Reasonableness: Exhibit D* (p. 83).
[4] Minnesota Department of Corrections. (2026). *Exhibit K-4: Chapter 2911 prehearing comments and revisions (pp. 11–12).* Rulemaking hearing record.

directly from stakeholder comments, and were referenced by the department in its response to public comments.

3. Part 2911.2850, subpart 1, Item A; lines 45.6 to 45.9

Subpart 1. **Plan**...

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.

Explanation: The revised language is reasonable because it aligns with the approved definition of disciplinary segregation, which removed the option for serious violations. By correcting the option for serious rule violations, the rule will reflect the original intent outlined in the department's revised draft of the rule and its supporting responses to comments.

4. Effective Date; lines 108.20 to 108.21

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

Explanation: A recurring theme in stakeholder feedback involved concerns about implementation. Facilities indicated that court-approved rule's 180-day delayed effective, was insufficient for updating operations, training staff, revising internal policies, securing required equipment, and other changes needed to meet the new standards.[5] Many of the rule changes, including those related to medical care, supervision practices, and separation procedures, require operational planning and resource allocation.

Extending the effective date ensures that facilities can implement the rules safely and effectively without compromising ongoing operations. The department would also benefit from a delayed implementation period to secure updated technology to replace the current portal, which is outdated, prone to failure, and requires maintenance by staff with limited technical expertise. The department is pursuing a modern, vendor-supported system that will meet current operational needs and allow for future expansion.

In addition, the department both created and staffed a new position to assist with implementation efforts. The *Director of County Jail Partnerships and Rule Implementation* position was created to ensure that Minnesota jails receive the hands-on support, technical guidance, and operational expertise necessary to transition into compliance with the revised 2911 standards. The newly-hired director is a former jail administrator with extensive experience in jail operations, regulatory implementation, and organizational

[5] The published rule included a 90-day effective date; however, the department proposed a 180-day delayed effective date, which was approved by the court and incorporated into the June 26, 2026, draft. The revisor draft submitted as Exhibit C omitted this language and instead reflected only the recommended effective date of January 1, 2028.

change, who will provide direct assistance to facilities during the delayed implementation period - building procedures, conducting operational assessments, coordinating training, and developing workable solutions tailored to each facility's size and resources. This dedicated partnership role will help jails phase in requirements effectively and consistently, reduce compliance burdens, and ensure facilities are positioned to meet or exceed the new standards by the extended effective date.

The department believes a further delayed effective date is reasonable due to the resources in place to assist with a clean implementation process and concludes that the revised effective date is necessary, reasonable, and directly responsive to both internal and external stakeholder input and operational realities.