

MINNESOTA DEPARTMENT OF CORRECTIONS

REQUEST FOR COMMENTS

Possible Amendments to Rules Relating to Adult Detention Facilities; Minnesota Rules, Chapter 2911; Revisor's ID Number R-4445

Subject of Rules. The Minnesota Department of Corrections (department) requests comments on the department's possible amendments to its rules on adult detention facilities. The department previously published a Request for Comments for this rule on May 6, 2019. But because of new department priorities and recently passed legislative language, the department is publishing another Request for Comments to inform key stakeholders and the broader public of more possible changes to the rule chapter. The department anticipates that the rule amendments will increase the safety and security of public and private correctional facilities and correctional staff, justice-involved populations, and visitors.

The department's possible changes seek to incorporate new requirements in response to legislative changes made under 2021 First Special Session, chapter 11, article 9. Under Minnesota Statutes, section 241.021, subdivision 1, the legislation established 17 new minimum standards for correctional facilities. In addition to establishing requirements on these standards in rule, the department also plans to:

- revise and add definitions;
- remove obsolete language;
- use plain language to adopt accurate and effective regulations and standards; and
- clarify several existing rule requirements, including requirements on mental-health and well-being checks, behavioral health standards, inspections, variances and waivers, staffing, and the welfare of justice-involved populations.

The revised minimum standards will help the department's mission to transform lives for a safer Minnesota by caring for justice-involved populations and ensuring their security and the safety and security of correctional staff and the Minnesota community.

Persons Affected. The rule amendments likely affect:

- justice-involved populations;
- sheriffs, including the Minnesota Sheriff's Association;
- county boards and the Association of Minnesota Counties;
- Community Corrections Act administrators;

- the National Alliance on Mental Illness;
- Minnesota Department of Health, Injury & Violence/Suicide Prevention Unit;
- the Office of the Ombuds for Corrections; and
- staff of detention facilities, including health-care staff, health authorities, and custody personnel.

Statutory Authority. The department has the statutory authority to amend and adopt rules on minimum standards for public and private correctional facilities under Minnesota Statutes, sections 241.021, subdivision 1, paragraph (a), and 401.01 to 401.16.

Public Comment. Interested individuals or groups may email or mail comments or information on the possible rules until the department publishes a notice of intent to adopt the rules. The department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from this notice's publication date.

The department may form an advisory committee to help it develop and draft the rules. If you want the department to form an advisory committee or want to serve on the committee, please contact the agency contact person, Ian Lewenstein.

Rules Drafts. The department has not yet drafted the possible rules but will post rule drafts on its [website](https://mn.gov/doc/staff-partners/doing-business-doc/rulemaking/) (<https://mn.gov/doc/staff-partners/doing-business-doc/rulemaking/>) as drafts become available.

Agency Contact Person. Written comments, questions, requests to receive rule drafts, and requests for more information on the possible rules should be directed to Ian Lewenstein, ian.lewenstein@state.mn.us, 651-539-1414, or the Minnesota Department of Corrections, 1450 Energy Park Drive, St. Paul, MN 55108.

Alternative Format. Upon request, this information can be made available in an alternative format such as large print, braille, or audio. To make a request, please contact Ian Lewenstein.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge. The department is required to submit to the judge only those written comments received in response to the rules after they are proposed in a notice of intent to adopt the rules published in the *State Register*; if you submit comments before the notice is published and you want to ensure that the judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

September 10, 2021

Paul Schnell, Commissioner
Minnesota Department of Corrections