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STATEMENT OF NEED AND REASONABLENESS

FOR

JUVENILE RESIDENTIAL FACILITIES

February 27, 1981

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.551 INTRODUCTION

rationale: A. is needed to clarify the statutory basis for the development of the proposed rules.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

rationale: B. is needed to indicate to those affected by proposed rules that all inspections by the Department will be conducted in accordance with proposed rules. It also is needed to clarify the statutory basis for inspections and the fact that statutes require that all areas of the facility and all records related to the care, protection and custody of residents shall be open for inspection by the Department at all times.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

Minn. Stat. §§ 641.26 and 642.10.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

rationale: C. is needed to advise local units of government and facility administrators of the process of revocation of a facility's license and the involvement of an appropriate district court in such process.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

Minn. Stat. §§ 641.26 and 642.10.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

rationale: D. is needed to provide for: 1) an initial period under which a facility will operate provisionally, prior to the granting of a license; so that the Department has an opportunity to deny or grant a

license, based on observation of the actual performance of a juvenile residential facility; and the juvenile residential facility has an opportunity to come into substantial compliance with these rules, and 2) the rule provides for a provisional license when a facility does not substantially meet licensing requirements, as an opportunity to come into compliance or as a prelude to revocation if substantial compliance is not accomplished in the time provided.

evidence: Mississippi Department of Public Welfare, Standards For Child Caring Institutions (1977), p. 1.

Virginia Department of Welfare, Minimum Standards For Licensed Child Care Institutions (1977), p. 5.

Public Welfare Licensing Act, Minn. Stat. § 245.801 (1978).

Minn. Stat. § 241.021, Subd. 1, Subd sec. 1 (1978).

rationale: E. is needed to set forth intended use restrictions. The rule is designed to prevent a facility from operating at a classification for which it has not been approved.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

Minn. Stat. §§ 641.26 and 642.10.

rationale: F. is needed to ensure that juveniles admitted to the facility are aware of the facility's licensing status.

evidence: Minn. Stat. § 241.021, Subds. 1, 2 and 3.

Minn. Stat. §§ 641.26 and 642.10.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

rationale: G. is needed to advise local units of government and facility administrators that the validity of remaining rules shall not be jeopardized

if one proposed rule is found inoperative. The proposed rule is intended to ensure that all proposed rules are not jeopardized by findings related to specific proposed rules.

evidence:

Minn. Stat. § 241.021, Subds. 1, 2 and 3.

Minn. Stat. §§ 641.26 and 642.10.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 294-295.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, chapter 3.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.554 WAIVERS

rationale: A. is to prevent undue hardship and to provide flexibility of the rules.

evidence: Minnesota Department of Public Welfare, Standards For Group Homes And Licensing Procedures, 12 MCAR § 2.008, part J (1), (1969).

rationale: B. is needed to provide an approved vehicle by which any rule may be suspended under emergency conditions. The Department is fully aware of the unusual, unique and difficult circumstances that facility operators are on occasion confronted with in the operation of facilities governed by these proposed rules. Notification of the Commissioner in such instances and approval for extended suspension of a rule is needed to ensure against arbitrary, capricious and unreasonable rule suspension.

evidence: The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities, Rules 1011 and 1012, p. 148.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, section 2, pp. 2-3.

Letter to North East Regional Corrections Center Director Dan Lawrence, dated October 1, 1979.

Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.103, sections A and B.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.559 JUVENILE RESIDENTIAL FACILITY DEFINITIONS

rationale: Definitions are necessary in clarifying the terms used in the proposed rules. It is imperative that all concerned individuals, operators and agencies clearly understand the meaning of the terms and are in agreement with them.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.567 PERSONNEL STANDARDS

- rationale: A. Physical examinations should be required to ensure the medical health and ability of staff to perform effectively. Policy should not preclude the hiring of handicapped persons who meet basic health requirements for available positions.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8071, p. 14.
- The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9073, p. 15.
- rationale: B.1. All job qualifications and hiring policies should be examined with the assistance of equal employment specialists from outside the agency. Employment qualifications should be demonstrably related to the skills required to perform the work. Tests should not be culturally biased. To permit selection from a larger pool of applicants, artificial barriers to employment should be removed.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8068, p. 13.
- rationale: B.2., 3., and 4. are needed to ensure that employees hired are qualified to perform the duties required in a particular job. Such requirements need to be non-discriminatory to meet constitutional and legal requirements and need to set forth basic requirements and disqualifying characteristics in order that all potential applicants are equally advised of same.
- evidence: The National Sheriffs' Association, 1974 handbook on Jail Administration, pp. 28-33.
- The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8077, p. 15; 8068-8098, pp. 13-19; and 8070, p. 14.
- rationale: C. Responsible personnel practices require regular employee evaluations.
- evidence: U.S. Bureau of Prisons Jail Operations and Jail Management Courses, pp. 41-50.
- The National Sheriffs' Association, 1974 handbook on Jail Administration, pp. 20-21 and 35-36.
- The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8091, 8092 and 8094, p. 18.
- rationale: D.1. A staffing plan is needed to ensure that each facility is staffed with enough employees to perform all duties and discharge all responsibilities.

evidence: The National Sheriffs' Association, 1974 handbook on Jail Administration, pp. 16-18.

U.S. Bureau of Prisons, Jail Management Course, Book 2.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8075, p. 15 and 8088, p. 17.

rationale: D.2.a. is needed to identify primary responsibility for the overall operation of the facility as well as to determine where decision making authority for the facility rests.

evidence: Minnesota Code of Agency Rules, Department of Corrections, 1980 edition, Adult Halfway Houses, Rule 2.408, standard H., p. 10.

The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9009, p. 3.

rationale: D.2.b. and c. are needed to ensure that statutory provisions for staff presence are met, that there is a clearly identified person in charge of the facility at all times and that the facility is never left in the care of a staff person not capable of responding to an emergency.

evidence: Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.104, standards E.2.a.(1) and E.2.b., p. 11.

Advisory Task Force Sub-committee recommendation.

rationale: D.2.d. is necessary to comply with statutory requirements and protect the residents' right to privacy.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services, and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, p. 26.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8150, p. 31; 8281, p. 57; and 8289, p. 58.

rationale: D.2.e., f., and g. are needed to ensure that such services are provided as necessary without jeopardizing the efficiency of operations.

evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8105, p. 21.

The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9109, p. 22.

rationale: D.2.h.(1) and (2) and D.2.i. are needed to ensure that sufficient staff are available so that juveniles are not left unsupervised at any time.

evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8281, p. 57; 8357, p. 72; 8406, p. 82; 8410-8413, pp. 83-84; and 8304, p. 61.

Advisory Task Force Sub-committee recommendation.

- rationale: D.2.j. Recreation should be supervised and organized by staff members trained in recreation or a related field, and there should be one recreation worker for each fifteen (15) juveniles during recreation periods.
- evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9420, p. 85.
- rationale: D.2.k.(1) Assignment of a senior staff member to supervise the volunteer program will help ensure that the citizens who volunteer their time will receive guidance, support and the resources they need.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8406.
- The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9480, p. 98.
- rationale: D.2.k.(2) All volunteers should be registered with the parent agency for insurance purposes. An identification card should be kept at the facility for each volunteer. This card ensures proper identification and should include a photograph, address, telephone number at which the volunteer can be reached and other job-related information. One-time volunteers may require only the approval of the facility administrator
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8410, p. 83.
- The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9484, p. 98.
- rationale: D.2.k.(3) The facility should develop written policies and procedures specifying that volunteers respect all facility policies.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8411, p. 83.
- The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9485, p. 98.
- rationale: D.2.k.(4) Volunteers should not perform professional services without proper certification, examination or license, if required. It is suggested that volunteers offering professional services be required to cite their credentials and/or certificate status in their initial application. Tutoring or sponsorship of a craft or hobby program is not considered a professional service. This procedure will enable appropriate use of professional services and satisfy state requirements.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8412, p. 83.
- The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9486, p. 99.
- rationale: D.2.k.(5) The administrator should balance the benefits of volunteer participation with the potential risks. Where volunteer activity can be shown to threaten the order and security of the facility or the safety

of the volunteer, such activity should be limited or discontinued until the problem is resolved.

evidence: The American Co-rectional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8413, p. 84.

The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9487, p. 99.

rationale: D.2.1. Social services can assist residents with family and personal problems through supportive guidance and professional assistance. Some of these services may be provided through contractual arrangements with community agencies. A counseling program that is coordinated with the overall facility rehabilitation program can be effective in resolving personal and interpersonal problems. Although staff members should encourage participation, it is critical that the decision to participate in a counseling program should be made by the resident.

evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9437, p. 88.

Advisory Task Force Sub-committee recommendation.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.571 STAFF TRAINING (PRE-SERVICE AND IN-SERVICE)

rationale: The National Sheriffs' Association 1970 Manual on Jail Administration, p. 8 states that "Of all the essentials for the operation of a jail, none is more important than personnel. The most securely constructed jails and prisons have not prevented escapes by way of the front door and over a 30 foot guarded wall, because of deficiencies in numbers and the quality of the guard force."

"The climate of the jail can be depressive, detrimental to constructive resocialization programs and contributory to recidivism. It can also be conducive to good morale, good discipline and a desire for self-improvement. Either condition is a result of the attitude and efficiency of the jail personnel, all the way down the chain of command."

"The need for a competent staff, dictates the need for personnel management practices that will aid in job satisfaction, more efficient job performance and the operation of the jail in accordance with acceptable standards."

It is the contention of the Department of Corrections that the above comments are equally applicable to juvenile residential facilities.

Also, the Department of Corrections cites a quotation from the American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, which on page 2 states, "...proper training is essential for the protection of all concerned. This should include a general understanding of the rights and responsibilities of those confined as well as the rights and responsibilities of correctional staff. Line officers should also understand why correctional administrators adopt rules which limit their power and redefine operating policies. In many instances, this is done at the direction of the court or to avoid time-consuming litigation."

evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8099-8115, pp. 19-23.

The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standards 9107, p. 21; 9110-9112, pp. 22-23; 9115, p. 23; 9118, p. 24.

The National Sheriffs' Association, 1970 Manual on Jail Administration, pp. 12-13.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.575 STAFF DEPLOYMENT, JOB DESCRIPTIONS, WORK
ASSIGNMENTS, POST ORDERS, POLICIES AND PROCEDURES

- rationale: A. - E. and H. are needed to ensure that each employee is familiar with what he is supposed to do and that he has the qualifications to successfully complete assigned responsibilities. Proposed rules are also necessary to ensure operational consistency, communications and accountability. The availability of policy and procedure manuals, personnel policies and standards are all needed to ensure that employees unfamiliar with same or who have not had regular refresher training courses are not forced to rely on their own recollection or judgement which may prove in error upon review. A public information plan is needed to ensure that confidentiality concerns and legal requirements as well as critical security information is not inadvertently made available to the public.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8073-8074, pp. 14-15.
- The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9019, p. 5.
- The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter 3.
- The National Sheriffs' Association, 1970 Manual on Jail Administration, chapters I-IV.
- The U.S. Bureau of Prisons, Jail Operations and Jail Management Courses.
- rationale: F. An affirmative action program ensures that all persons are able to compete equally for entry into and promotion within the facility. This program should be designed to seek out qualified minority personnel and women and encourage their participation in the staff development program of the facility.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8076, p. 15.
- rationale: G. The facility grievance procedure should specify the process an employee can use when a grievance exists. The procedure, which has been adopted by the agency's governing authority, should include, at a minimum, how a grievance is presented; the hearing body for the grievance; and, appeal provisions.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8093, p. 18.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.579 RECORDS AND REPORTS

rationale: The need for Records and Reports has been, in the past, due to the fact that the Department of Corrections is required to inspect and assess conditions in such facilities. As a function of that process, adequate documentation is necessary to the Department's ability to carry out the responsibility of the Commissioner of Corrections. Furthermore, the Department is under an obligation to investigate complaints made by residents as referred to it, either directly to the Department of Corrections from the resident, sent to it through the Attorney General's Office and a number of other offices that deal with a number of the concerns mentioned under the section of Records. As examples: food service, medical and dental records, etc. To properly facilitate investigation of such complaints, it is incumbent that documentation be maintained to assist in that process and also to document that in fact the facility has met their legal obligations with respect to same.

Similarly, records of budget requests and work orders are especially important in the investigation of physical plant conditions. If physical plant conditions of an unsanitary, unsafe or insecure condition are found by the inspector, for the purpose of facilitating correction, it is extremely important that the Department be able to establish whether or not the facility administrator has submitted a request for repair. If so, has a local governing body taken appropriate action. If the facility administrator has not submitted such request, it would be unreasonable to expect that the governing body take action with respect to such need. Additionally, such records act as documentation where the responsibility for failure to affect improvement lies. More specifically, in the event that the Department of Corrections finds it necessary to initiate action to revoke a facility's license it should be noted very clearly and specifically where the responsibility for failure to rectify the given condition falls. In summary, the rule is very specifically designed for the safety of both facility administrator and the local governing board.

evidence: The U.S. Bureau of Prisons, Jail Management Courses, Book 1, pp. 36-38.

The U.S. Bureau of Prisons, Jail Operations, Book 2, pp. 51-52 and Book 4, pp. 77-78.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 56.

American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, p. 2.

It is the Department's contention that statements contained in such documents are equally applicable to juvenile residential facilities.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8130-8144, pp. 26-30.

The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standards 9139, p. 29; and 9142-9143, pp. 29-30.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.583 RESIDENT WELFARE

- rationale: A.1. The facility needs a clear understanding of its mission within the total system. Diversification of facilities is required to meet the needs of young offenders in the entire correctional system. In any jurisdiction, regardless of size, and even in a single facility, it is possible to have diversified programming. Such programming could include a receiving and diagnostic unit, separation of new admissions, a separate unit for special offenders, a pre-release unit, etc. Diversification provides opportunities for program development, effective management, experimentation and innovation. Also, it permits the facilities within the system flexibility in making resident assignments and in promoting training and transferring staff when necessary.
- evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9007, p. 2.
- Advisory Task Force Sub-committee recommendation.
- rationale: A.2. is needed to ensure that every youth sent to a juvenile residential facility will receive individualized service from a significant other on staff.
- evidence: Advisory Task Force Sub-committee recommendation.
- rationale: A.3. Social services can assist residents with family and personal problems through supportive guidance and professional assistance. Some of these services may be provided through contractual arrangements with community agencies.
- evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9433, p. 87.
- rationale: A.4. Since youth are sent to the facility for care, treatment and rehabilitation, it is felt to be important that this facility make staff available at all times and not just at those times convenient to staff.
- evidence: Advisory Task Force Sub-committee recommendation.
- rationale: A.5.a. The reception period is important in determining resident attitudes about confinement. Policies and procedures should be designed to assist new residents during this difficult period.
- evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9447, p.90.
- rationale: A.5.b. The intake form constitutes the first document in the resident's cumulative case record. This document may be duplicated and used for review by the classification committee and the unit management team. It is an essential tool for the development of a program for the resident.

evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9449, p. 90.

rationale: A.5.c. The agency's intake information form should include the basic data necessary to facilitate a continuous program for the resident. The information on the initial intake form is preliminary and can be expanded to meet the needs of individual agencies. In the case of a public agency, a case file may serve as the equivalent of the initial intake information form.

evidence: The American Correctional Association, April 1978 edition, Juvenile Community Residential Services, standard 6092, p. 18.

rationale: B.1. - 2. In addition to Minnesota statutory requirements mandating separation of males and females, separation requirements are needed to ensure that reasonable care has been taken to assign juveniles to appropriate living areas within the facility in order to achieve maximum compatibility and safety within each resident living area.

Due to the fact that juvenile residential facilities house both male and female juveniles and that both sexes may be in need of specialized program services such as drug dependency counseling or routine services such as educational provisions, provisions for coeducational programs are needed to ensure the availability of such programs to both sex residents without the unwarranted necessity of duplication of such programs.

evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8347, p. 70.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, p. 31.

rationale: C. is needed to ensure that due process considerations in the event of disciplinary actions have been met.

evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8187, p. 37; and 8314-8328, pp. 63-66.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 22, states that every jail must have a system for maintaining inmate discipline which is consistent with constitutional requirements for due process.

"The first step towards such a system is to compile a clear and comprehensive set of rules which explain the required standards of conduct, define behavior which would be in violation of the rules and indicate the penalty for proven violations."

The Department of Corrections contends that the above statements are equally applicable to a juvenile residential facility.

While items such as personal hygiene items, visiting, correspondence, etc., may not appear on the surface to be directly related to due process, they are areas in which resident rights have been established and recognized. Consequently, there is a need to provide equal protection to such rights to individuals for similar circumstances. The

development of rules and regulations which are uniformly distributed and enforced is needed as a basis for protection of due process and resident constitutional rights.

rationale: D. and E. An individual plan being done within thirty days is a legal requirement of law. This assures that the youth is aware of the planning being done with and for him. It also requires key planners to get together and plan for youth who are detained.

evidence: Minn. Stat. § 257.071.

rationale: F. The facility should have a written description of its program for preparing the juvenile for release to community supervision. This release plan should be developed for each resident as soon as possible after admission and should encompass the personalized classification program outlined for the juvenile. It should focus on the juvenile's ultimate return to the community.

evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9465, p. 94.

rationale: G. Community resources can enhance the institutions' vocational training programs considerably. Resources such as trade councils, employer and employee associations, federally funded projects, e.g., Job Corps, and private community action groups can help plan, fund and coordinate the institution's vocational training programs. They also may provide referrals for on-the-job training and community release, and may assist in the facility's job placement program for soon-to-be released residents.

evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9408, p. 82.

rationale: H. State law requires parents or legal guardians to be involved in the development of the placement plan for the youth in out-of-home placements and encourage them to sign a document which outlines the plan for the youth. This rule is designed to assure parental or guardian rights are protected and facilitated in this process.

evidence: Minn. Stat. § 257.071 (1978).

rationale: I. A grievance procedure is an administrative means for the expression and resolution of resident problems. The facility's grievance mechanism should include: provisions for written responses to all grievances, including the reasons for the decision; provision for response within a prescribed, reasonable time limit, with special provisions for responding to emergencies; provision for advisory review of grievances; provision for participation by staff and residents in the design and operation of the grievance procedure; provision for access by all residents, with guarantees against reprisal; applicability over a broad range of issues; and means for resolving questions of jurisdiction.

evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9336, p. 68.

rationale: J. The release process should ensure that all matters relating to the facility are completed. If the juvenile is to be released to his or her family, the person accepting the juvenile should be identified, or an unescorted release must be verified. If released to another agency, everyone involved should understand what is to occur with respect to timing, expectations, forwarding of records and the person who will complete the transfer. Parents also must be notified.

evidence: The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9466, p. 94.

Advisory Task Force Sub-committee recommendation.

rationale: K. Administrative Segregation and Resident Discipline. Separate rules and a separate definition have been developed for administrative segregation to ensure that the facility administrator clearly distinguishes between disciplinary and non-disciplinary issues. Additionally, such rules are intended to provide facility administrators with recognized discretion to deal with unusual circumstances inherent in administrative segregation but also are intended to ensure that administrative segregation is not used in an arbitrary, capricious or unreasonable manner.

The Department's position with respect to the utilization of restraints as specified in rules 2.583 M.6.a.(2) and (3) is that the utilization of restraints under such conditions constitutes a last alternative in dealing with a resident. Consequently, staff must be trained in the proper utilization of proper restraint equipment and the utilization of restraints must be documented and capable of being defended should the resident file a suit or a complaint on misuse of restraining equipment. We recognize the fact that residents as a routine security practice are moved from one jurisdiction to another and consequently, the utilization of restraining equipment in the transport of residents need not be documented. However, on medical grounds by direction of the consulting or attending physician or psychologist or when restraints are used as indicated under 6.a.(3), when all other methods of control fail, we feel it incumbent and consistent with judicial decisions concerning due process that such instances be documented.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, chapter 11.

The National Advisory Committee on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.12, pp. 51-53.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, pp. 59-70.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8393, p. 59; and 8328-8342, pp. 66-69.

Although support of evidence references may not recommend proposed prisoner discipline rules in precisely the same language or be as

specific with respect to a specific rule, the proposed rules have been developed after thoughtful consideration of overwhelming support for protection of residents from abuses under the guise of discipline.

rationale: L. is needed to ensure against resident idleness, a failure to meet the legal rights of residents and to ensure the constructive scheduling of resident time. The need and support for the constructive scheduling of time is recognized by virtually every creditable agency involved in promulgation of standards.

evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8349-8368, pp. 71-74.

rationale: L.1. concerning religious services and counseling are needed to ensure that first amendment rights of the United States Constitution concerning freedom of religion are protected.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, pp. 14-16.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.16, pp. 63-65.

The National Advisory Commission on Criminal Justice Standards and Goals, August 1975 publication, Jointly Recommended Revisions of the Commission's Standards and Goals on Corrections, prepared by Association of State Correctional Administrators and American Association of Wardens and Superintendents, pp. 7-8.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 40-41.

Survey of United States Implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners, prepared by the ABA Commission on Correctional Facilities and Services, December 1974, p. 29.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8320, p. 73.

rationale: L.2. Proposed rules concerning library services are needed to ensure residents have access to leisure reading materials, an opportunity to pursue educational pursuits and that residents rights of access to legal materials are provided for.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, p. 21, #12.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 33-34 and 44-45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, pp. 28-29.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8361, p. 73.

rationale: L.3. Proposed rules governing work assignments of residents confined in these facilities are needed to ensure that residents are medically capable of performing assigned tasks and are not required to perform tasks that are the responsibility of staff.

evidence: The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities, p. 142.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8366-8368, p. 74.

rationale: L.4. Rules concerning exercise and recreation are needed to ensure that residents are afforded an opportunity to meet basic physical and mental health needs.

evidence: The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 13 and p. 16.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8323, p. 65.

rationale: L.5. In addition to proposed rules for exercise and recreation proposed rules for leisure services are needed to assist the resident in learning constructive ways to make use of leisure time. Constructive use of leisure time can be of considerable benefit in helping the resident make a successful adjustment in the community.

evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8358, p. 72.

rationale: L.6. is needed to meet recognized constitutional and statutory rights of residents as well as to establish uniformity of basic visiting provisions for residents on a statewide basis.

evidence: The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 42-43.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, p. 302, item #3.

The National Advisory Commission on Criminal Justice Standards and Goals, August 1975 publication, Jointly Recommended Revisions of the Commission's Standards and Goals on Corrections, prepared by Association of State Correctional Administrators and American Association of Wardens and Superintendents, standard 9.7, p. 18.

Minn. Stat. § 260.171 (1974), section 11, as amended by Laws of 1976, ch. 318.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8349, p. 71; and 8377-8381, pp. 76-77.

rationale: L.7. An established plan for the handling of resident correspondence inclusive of those areas covered by rules is needed to ensure that resident's legal rights with respect to correspondence are met and that contraband control for the maintenance of security is exercised.

evidence: American Bar Association Resource Center on Correctional Law and Legal Services and American Correctional Association, January 1974 publication, Legal Responsibility and Authority of Correctional Officers, chapter 7.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 43, 31 and 32.

The National Sheriffs' Association, 1970 Manual on Jail Administration, pp. 56-59.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, pp. 66-68.

The National Advisory Commission on Criminal Justice Standards and Goals, August 1975 publication, Jointly Recommended Revisions of the Commission's Standards and Goals on Corrections, prepared by Association of Wardens and Superintendents, standard 2.17, p. 9.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8348, p. 70; 8369-8376, pp. 74-76; and 8382, p. 77.

rationale: L. 8. - 11. Proposed rules are needed to ensure that the sanitation of the facility is protected from the spread of lice or other agents of disease. For this reason, there is a need to ensure the cleanliness of residents clothing at the time of admission, to ensure against disease transmission, and to afford the facility staff with ample time to thoroughly search clothing for articles of contraband.

Residents often are confined with little clothing in their possession and with limited funds or resources available to provide clothing. For these reasons, there is a need to ensure the availability of facility clothing to such residents to ensure that their personal clothing is laundered at regular intervals and that they have clothing appropriate to the season when confined for extended periods of time.

Provisions requiring regular exchange of clothing, bedding and linens are needed to ensure that such items are laundered at intervals consistent with State Department of Health recommendations.

Proper storage, identification, inventory and security for residents excess personal clothing is needed to ensure that clothing receipts at time of release are consistent with those at the time of admission.

evidence: Jail Standards and Procedures, effective July 1, 1975, State of Kansas, section 42-43.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 15, item #3.

Survey of the United States Implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners, prepared by the ABA Commission on Correctional Facilities and Services, December 1974, pp. 19 and 30.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities, pp. 166-167.

Standards - Jails - Lockups - Houses of Correction Rehabilitation Camps, Revised January 1975, p. 16A. 53.37 and B. 1-6.

The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail, chapter 2.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, p. 26, item I.; September 12, 1974, pp. 14-15.

The U.S. Bureau of Prisons, Jail management, Book 1, pp. 17-25.

The American Bar Association Commission on Correctional Facilities and Services, August 1974 publication, Survey and Handbook on State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities, p. 151, item #1025.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, p. 13, section 20, item 2; and pp. 8-9.

A copy of Corrections form Corr. 390 is on file with the Hearing Examiner.

rationale: L.12.a. - d. Proposed rules are needed to ensure that employees of such facilities, "particularly supervisors, on all shifts are familiar with steps to be taken in such situations. Emergency plans are required by law in most jurisdictions."

evidence: The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, p. 71.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 44.

The American Correctional Association, February 1979 edition, Manual of Standards for Juvenile Detention Facilities and Services, standards 8195-96, p. 39; and 8199 p. 40.

rationale: L.12.e. Proposed rules concerning special occurrences are needed to ensure that the Department is made aware of such incidents in order that inquiries concerning such incidents can be effectively handled by the Department, that the Department is informed in the event of complaints or litigation, that the Department may assess such situations and assist where appropriate in the prevention of similar such incidents and that where staff have contributed to such incidents such knowledge may be used to the benefit of other facilities. Special occurrences listed are generally recognized as being of a serious and special nature by

practitioners in the field of juvenile residential facilities operations.

evidence: Jail Standards and Procedures, effective July 1, 1975, State of Kansas, pp. 8-9.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, p. 15, item (H).

A copy of Corrections form Corr. 390 is on file with the Hearing Examiner.

rationale: L.12.f. Resident deaths are highly unusual and likely to attract public attention. Additionally, they may result in litigation. For these reasons, special care and attention must be given to compliance with all pertinent laws and scrupulous attention must be given to the documentation of such incidents.

evidence: Minnesota Department of Corrections Rules governing Secure Juvenile Detention Facilities, 11 MCAR § 2.527, I.9.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.587 FOOD SERVICE

rationale: A. Proposed rules are needed to ensure that food service concerns inclusive of nutrition, quantity and variety, sanitary preparation and temperature are addressed by facility administrators and food personnel.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39, and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: B. and C. Rules are needed to ensure that State of Minnesota Health Department requirements are met. A copy of Minnesota State Board of Health Regulations, 7 MCAR §§ 1.161-1.170, which has been adopted by reference by the Department of Corrections, is on file with the Hearing Examiner.

evidence: The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: D. The proposed rule concerning frequency of meals is needed to ensure that meals are scheduled at regular intervals and that the time between an evening meal and a breakfast do not exceed recommendations of the State Department of Health.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: E. The proposed rule on therapeutic diets is needed to ensure that residents under medical care with prescribed diets receive same.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: F. Written policy and procedures should provide for special diets as approved by the chaplain or facility administrator.

evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8265, p. 54.

rationale: G. The proposed rule concerning the use of food in discipline is needed to ensure against the possibility of litigation resulting from deprivation of food as punishment. Increasingly, judicial decisions have considered the use of food in discipline with respect to possible findings of cruel and unusual punishment.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: H. Provisions for staff supervision of meal serving are needed for sanitary reasons and to eliminate the possibility of favoritism being exercised by residents.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: I. Provisions for menu records are needed to document nutritional needs, therapeutic diets and to act as evidence in the event of resident complaints or litigation concerning food services.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 24-29 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: J. This rule is necessary to ensure that residents' rights to a nutritionally adequate diet are met.

evidence: Advisory Task Force Sub-committee recommendation.

rationale: K. The rule concerning a hot meal minimum is needed to ensure that residents are provided with a minimum of one hot meal per day.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: L. It is felt that a management system should be capable of isolating the cost per meal per resident.

evidence: Minnesota Code of Agency Rules, Department of Corrections, 1978 edition, Rule 2.109, L.12.a.

Advisory Task Force Sub-committee recommendation.

rationale: M. Proposed rules concerning canteen are needed to provide residents

with an opportunity to purchase snacks and convenience items which are not normally available or supplied by the facility. The canteen is viewed as an addition to, not a substitute for, a good food program.

- evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.
- The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.
- The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.
- Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.
- The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.
- Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.
- Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.
- The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.
- The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.
- rationale: N. Proposed rules concerning containers and food storage are needed to ensure that foods are stored in accordance with Department of Health recommendations concerning temperature and storage provisions.
- evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.
- The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.
- The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.
- Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.
- The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.
- Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

rationale: 0. Proposed rules concerning transport of food are needed to ensure sanitation of food during transporting and to ensure that food temperatures are maintained at desired levels during such transport.

evidence: The National Sheriffs' Association, 1974 handbook on Food Service in Jails.

The National Sheriffs' Association, 1974 handbook on Jail Administration, chapter XIX.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, pp. 55-56.

Regulations of the Minnesota State Board of Health for Construction, Equipment, Maintenance and Operation of Supervised Living Facilities, September 12, 1974, pp. 9-10, MHD 395.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, p. 14.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 13-15 and 37.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, pp. 34-39 and 49.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, item #5, p. 303.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8259-8280, pp. 53-56.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.591 SECURITY

- rationale: A. Proposed rules requiring the development of policies and procedures are needed to ensure that reasonable and prudent precautions are taken to ensure that the primary objective of the facility to protect the public by securely detaining persons who present a danger to the community or to themselves is met.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.
- rationale: B. Proposed rules concerning admissions are needed to ensure against contraband entry into the facility, disease transmission by lice, and are needed to ensure that residents receive prompt medical attention where appropriate. Additionally, personal property inventories are needed to ensure against litigation at the time of the release.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.
- rationale: C. Proposed rules concerning releases are needed to ensure that the release of resident property is documented, that residents are clothed appropriate to the season and have been afforded an opportunity to arrange transportation prior to release.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.
- rationale: D. Proposed rules concerning contraband control searches are needed to ensure against contraband entry into the facility, that security equipment is in proper working order and that security policies and procedures are not being violated.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.
- rationale: E. and F. Proposed rules concerning locks and keys and dangerous materials are needed to ensure the safety of residents, the staff and the public. Locks and keys must be in proper working order and secured to prevent against escape or to prevent against a resident being trapped in an area with inoperable locks in the event of fire. Firearms used by law enforcement personnel must be secured outside of resident living areas to ensure against residents having the possibility of securing same. Tools are a critical contraband item and can be used as weapons or instruments to effect an escape. Consequently, their use must be controlled. Hazardous substances must be controlled to ensure that such materials are not used for purposes other than their intended use. As an example, aerosol containers can be highly flammable.
- evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.

rationale:

G. Proposed rules are needed for count procedures to ensure that all residents confined to the facility are present or accounted for and that such residents are not in need of medical assistance or involved in breaches of security.

evidence:

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standards 8281-8313, pp. 57-63.

STATEMENT OF NEED AND REASONABLENESS

CORR. 2.595 ENVIRONMENTAL-PERSONAL HEALTH AND SANITATION

- rationale: A. Proposed rules concerning availability of medical and dental resources are needed to ensure that in the event emergency medical, dental or ambulance services are needed, they are available. Examination of residents in need of medical care is a recognized right of residents and cannot be neglected. Additionally, annual inspections by local health officials or designated physicians are needed to ensure maintenance of sanitation and health conditions and availability of consultation concerning same.
- evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.
- U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.
- The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37, and 9.7, p. 18.
- The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.
- The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.
- The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.
- The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.
- The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.
- The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.
- Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.
- Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.
- Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.
- Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12,

1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale: B. The proposed rule concerning examination by physician, registered nurse or licensed practical nurse is needed to assure that the health status of the juvenile is known and recorded.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37, and 9.7. p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale: C. The proposed rule concerning sick call is needed to ensure residents the opportunity to report and receive appropriate medical services for illness or injury.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale: D. Proposed rules concerning posting of available resources are needed to ensure that all employees are informed of such resources and can readily identify which resource is available at a certain time of day and do not have to search a phone book or other source for the telephone numbers of such resources.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale:

E. Proposed rules concerning hospitalization of a resident are needed to ensure resident access to local hospital facilities when needed and to ensure that proper security coverage of hospitalized residents is provided as deemed necessary by the facility administrator and hospital administrator.

evidence:

The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37 and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale:

F. Proposed rules concerning first aid are needed to ensure that child care workers are trained in emergency first aid procedures and that first aid supplies are available and replenished on a regular basis.

evidence:

The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale:

G. The maintenance of medical and dental records is necessary to document all complaints of illness, medical attention received and to advise all staff of a resident's medical or dental needs and their responsibilities for care with respect to same. Medical and dental records are also needed to ensure against litigation.

evidence:

The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59; 2.6, p. 2; and 9.7, p. 18.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale:

H. Proposed rules concerning preventive health services are needed to ensure that residents are advised and required to maintain personal hygiene and are provided with regular opportunities for bathing, showering and personal hygiene items. Delousing of residents is needed on occasion to protect against disease transmission. Medical consultation and approval of delousing procedures is needed to ensure that such procedures are used only when appropriate and are effective when used.

evidence:

The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale:

I. Proposed rules concerning delivery, supervision and control of medicine are needed to ensure that residents in need of prescription medications receive same in a manner which is consistent with security needs and minimizes the possibility of drug abuse by the recipient. The proposed rules have been developed in consultation with the State Department of Health and are inclusive of recommendations received from the State Pharmacy Board.

evidence:

The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal

Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I; pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation Safety and Hygiene section and Health Care Services section.

rationale:

J. Proposed rules concerning the isolation for contagious disease are needed to ensure that residents placed in isolation for a suspected contagious disease receive prompt medical attention and are not unreasonably deprived of privileges as a result of placement in isolation. Isolation for contagious disease is not a disciplinary action and consequently the individual's privileges and rights must be maintained to the greatest extent possible under the circumstances.

evidence:

The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons, Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59; 2.6, p. 2; and 9.7, p. 18.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale: K. Rules are needed to ensure that residents deemed mentally ill receive prompt medical assessment and that if at all possible such residents be placed in a facility more appropriate to the care of the resident.

evidence: The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59; 2.6, p. 2; and 9.7, p. 18.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3, p. 32.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale:

L. Proposed rules are needed to ensure that a primary responsibility of the facility to maintain high standards of cleanliness and sanitation is met. Similarly, keeping the facility in a good state of repair is necessary to ensure against unnecessary deterioration of buildings and equipment, safety hazards and breaches of security.

To ensure that housekeeping, sanitation and plant maintenance needs are met, daily inspections of the facility by staff are needed so that problems can be readily identified and acted upon.

Proposed rules concerning budgets and work requests are needed to ensure that local governing bodies such as county boards, city councils or similar such bodies responsible for the facility are fully apprised of housekeeping, sanitation and maintenance needs as they develop and can make decisions concerning such needs after consideration of factual presentation of needs and available finances.

Documentation of budget and work requests is needed to affix responsibility for failure to correct housekeeping, sanitation or maintenance needs. In the event of litigation, it is deemed important and necessary that the facility administrator and governing body clearly show that they have identified needs and acted on same consistent with their knowledge of needs, responsibilities and authority to effect improvements.

Proposed rules concerning insect and rodent control are needed to ensure against disease transmission by same. Licensed pest control operators are necessary to ensure that selection of equipment and procedures assure the most effective application of poisons, dusts, sprays and traps.

evidence:

The National Sheriffs' Association, 1974 handbook on Sanitation in the Jail.

U.S. Bureau of Prisons Jail Management Course, Book 1, pp. 33 and 35; Jail Management Course, Book 5, pp. 18-19; and Jail Management Course, Book 2, p. 1.

The National Advisory Commission on Criminal Justice Standards and Goals, 1973 publication, Corrections, standard 2.6, pp. 36-37; and 9.7, p. 18.

The American Correctional Association, 1969 edition of Manual of Correctional Standards, section 9, pp. 58-59; 2.6, p. 2; and 9.7, p. 18.

The National Sheriffs' Association, 1970 Manual on Jail Administration, chapter XX.

The National Sheriffs' Association, 1974 handbook on Inmates' Legal Rights, pp. 14-15.

The National Sheriffs' Association, 1974 handbook on Jail Administration, p. 45.

The National Sheriffs' Association, 1974 handbook on Jail Programs, chapter 3.

The National Sheriffs' Association, 1974 handbook on Jail Security, Classification and Discipline, chapter 3.

Jail Standards and Procedures, effective July 1, 1975, State of Kansas, sections 38-41.

Jail Standards and Guidelines for Operation of Local Correctional Facilities, September 1, 1973, State of Oregon, items K., L., M., p. 26; B., pp. 27-28; A-I, pp. 40-46.

Standards Jails - Lockups - Houses of Correction Rehabilitation Camps, revised January 1975, pp. 13-16.

Regulations of the Minnesota State Board of Health for Construction, Equipment and Operation of Supervised Living Facilities, September 12, 1974, MHD 396-398.

The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, Sanitation, Safety and Hygiene section and Health Care Services section.

rationale: M. Rooms of sufficient size enable juveniles to personalize living space. Since youth have access to a day room or lounge and other programs and activities throughout the facility, these measurements for sleeping areas are considered sufficient.

evidence: The American Correctional Association, February 1979 edition, Juvenile Detention Facilities and Services, standard 8162, p. 33.

The American Correctional Association, March 1979 edition, Juvenile Training Schools and Services, standard 9169, p. 35.

Advisory Task Force Sub-committee recommendation.