

STATEMENT OF NEED AND REASONABLENESS

History and Background:

Minnesota Statutes, section 642.09, provides that the sheriff of a county in which a municipality maintains a lockup shall inspect the lockup once a year, with reference to its security and administration, and make a written report to the commissioner on blanks furnished by the commissioner and deliver a copy of the report to the governing body of the municipality maintaining the lockup.

Minnesota Statute, section 241.021, subdivision 1, provides that the commissioner adopt rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined in them according to law except to the extent that they are inspected or licensed by other state regulating agencies.

To this end the minimum standards set forth in this rule were established for the inspection of all municipal jail facilities by the sheriff or designee of the county in which the facility is located.

2945.0100 DEFINITIONS.

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

Evidence: Minnesota Rule 2910.0100

2945.0110 INTRODUCTION.

Rationale: Needed to clarify the statutory basis for the development of the proposed rules, as well as the statutory authority to inspect such facilities on an annual basis.

Evidence: Minnesota Statute 241.021, Subd. 1.
Minnesota Statute 642.09
Minnesota Rules 2910.0200

2945.0120 INTENDED USE NONCONFORMANCE; LIMITATIONS OF RULES.

Rationale: Subp. 1. Municipal facilities serve different functions in the state. Length of time a prisoner may be held varies from several hours to several days. Classifications developed. Rule needed to clarify that the facilities can only be used for the purpose for which it has been approved.

Evidence: Minnesota Statute 241.021, Subd. 1.
Minnesota Statute 642.10
Minnesota Rule 2910.0300

Rationale: Subp. 2. Needed to identify the statutes and actions available to the Commissioner if facilities do not substantially conform to the rule.

Evidence: Minnesota Statute 241.021, Subd. 1.

Minnesota Statute 641.26

Minnesota Statute 642.10

2945.0130 VARIANCES.

Rationale: Subp. 1. Needed to establish a procedure whereby a variance may be granted, to prevent an undue hardship and to provide flexibility in the rules.

Evidence: Minnesota Rules 2910.0400

Minnesota Statute 14.03, Subp. 4.

Rationale: Subp. 2. 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, 1985, State of Kansas, section 2, pp. 2-3.

Minnesota Rules 2910.0400

Minnesota Statute 14.03, Subp. 4.

PERSONNEL STANDARDS

2945.0500 MEDICAL EXAMINATIONS.

Rationale: Staff whose responsibilities include security and control or regular contact with inmates in an institutional setting must have physical examinations to protect their health, ensure their ability to perform effectively, and avoid appointments or assignments incompatible with their physical condition. The basic health status of all employees should be evaluated against the specific job requirements of their assignments. Physical examination and screening procedures may be established by the appropriate medical authority for the agency in accordance with applicable laws and regulations. Policy should encourage the hiring of handicapped persons.

Evidence: The American Correctional Association, 1990 Supplement, Adult Local Detention Facilities, Standard 2-5053.

Minnesota Rules 2910.0500

2945.0510 STAFF RECRUITMENT.

Rationale: All job qualifications and hiring policies should be examined with the assistance of equal employment specialists from outside agencies. Employment qualifications should be demonstrably related to the skills required to perform the work. Tests should not be culturally bias. To permit selection from a larger pool of applicants, artificial barriers to employment should be removed.

Evidence: American Correctional Association, "Standards for Adult Local Detention Facilities", Second Edition, February, 1984, p. 12, Standards 2-5047 and 2-5051.

Minnesota Rules 2910.0600

2945.0520 EXTRA DUTY.

Rationale: Needed to recognize the nature of the work is stressful and that employees should not be expected to routinely work longer than one shift at a time. The standard allows for deviation in case of emergency or unexpected staff shortages.

Evidence: Minnesota Rules 2910.0800

2945.0530 STAFFING REQUIREMENTS.

Rationale: Subp. 1. The 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 Sheriff's Association, 1974 Handbook on Jail Administration, pp. 16-18.

2945.0530 STAFFING REQUIREMENTS. - Continued

Evidence: (Continued) US Bureau of Prisons, Jail Management Course, Book Two.

Minnesota Rules 2910.0900, Subp. 1.

Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 2, 72.1.2.

Rationale: Subp. 2. Standard 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: The American Correctional Association, April, 1987, Standards for Adult Local Detention Facilities, Standard 2-5006, p. 2.

Minnesota Rules 2910.0900, Subp. 3.

Rationale: Subp. 3. 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: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 2-3, Standard 2-5012.

Minnesota Rule 2910.0900, Subp. 4.

Rationale: Subp. 4. This is necessary to comply with statutory requirements and protect each resident's right to privacy.

Evidence: Minnesota Statute 642.08.
Standards for Law Enforcement Agencies Accreditation Program,
December, 1985, p. 12, 72.8.4.
Minnesota Rule 2910.900, Subp. 5.

Rationale: Subp. 5. Needed to ensure that all services that are provided as necessary by the facility without jeopardizing the efficiency of the overall operation.

Evidence: Standards for Law Enforcement Agencies Accreditation Program,
December, 1985, p. 11, 72.8.2.
Minnesota Rules 2910.0900, Subp. 7.

Rationale: Subp. 6. Needed to ensure that sufficient staff is available so that premises are not left unsupervised at any time, and that sufficient staff is available and able to respond to the emergency needs of a prisoner.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, Standards 2-5149 - 2-5162.
Minnesota Rules 2910.0900, Subp. 8.

Rationale: Subp. 7. Needed to ensure that prisoners are never left unsupervised while jail staff may be occupied with noncustodial duties.

Evidence: Standards for Law Enforcement Agencies Accreditations Program,
December, 1985, p. 11, 72.8.

Minnesota Statute 642.02, Subd. 2.

Minnesota Rules 2910.0900, Subp. 10.

STAFF TRAINING

2945.1000 STAFF TRAINING PLAN.

Rationale: Of all the aspects of the operation of a municipal jail facility, none is more important or essential than personnel. The most securely constructed jail or prison have not prevented escapes by way of the front door and over 30 foot guarded wall, because of the 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, in the 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.

Proper training is essential for the protection of all concerned. This should include a general understanding of the rights and responsibility of those confined as well as the rights and responsibilities of correctional staff.

Line officers should also understand why correctional administrators adopt the 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: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 18, Standard 2-5076.

American Correctional Association, Juvenile Detention Facilities and Services, February, 1979 Edition, pp. 19-23, Standards 8099 - 8115.

National Sheriff's Association, 1980 Manual on Jail Administration, p. 8.

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

Minnesota Rules 2910.1000.

2945.1010 PART-TIME AND RELIEF STAFF.

Rationale: Needed to ensure that staff not ordinarily responsible for the supervision of prisoners have a basic understanding of the tasks they must perform. When staff is responsible for prisoners who are locked up, there is a prisoner concern and security concern. An orientation is essential in this circumstance.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 20, Standard 2-5086.

Minnesota Rule 2910.1500.

STAFF DEPLOYMENT, JOB DESCRIPTIONS, WORK ASSIGNMENTS

POST ORDERS, POLICIES & PROCEDURES

2945.1600 GUIDELINES AND RESPONSIBILITIES.

Rationale: Due to the smaller nature and short term stay of prisoners in municipal jail facilities, it may be necessary for a variety of staff persons to be involved in the supervision of a prisoner. This responsibility may not be a part of their normal job description. Therefore, this is needed so that staff know clearly what their responsibilities are when they work within the jail facility, what tasks must be done, and what the agencies policies and procedures are.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 3, Standard 2-5012.

Minnesota Rule 2910.1600.

Minnesota Rule 2910.1700.

Minnesota Rule 2910.1800.

2945.1610 POLICY AND PROCEDURE MANUAL.

Rationale: Needed in order to ensure a uniform daily operation of the facility, the policy and procedure manual should be of sufficient detail to assist employees in completing their assigned tasks. Every employee should have access to a copy, and a program should be conducted to familiarize employees with those parts of the document that concern their respective job responsibilities.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 3, Standard 2-5015.

Standard for Law Enforcement Agencies Accreditation Program, December, 1985, p. 2, Section 72.1.1.

Minnesota Rule 2910.1800.

RECORDS & REPORTS

2945.2100 MAINTENANCE OF 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 Departments' ability to carry out the responsibility of the Commissioner of Corrections.

Furthermore, the Department of Corrections 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 record (as examples: food service, medical and dental records, etc.). To properly facilitate investigation of such complaints, it is incumbent that the documentation be maintained to assist in that process and to also document that, in fact, the facility has met its legal obligations with respect to same.

Similarly, records of budget requests and work orders are especially important to the investigation of physical plant conditions. If physical plant conditions of an unsanitary, unsafe, or nonsecure 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 the 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 lie. In the event the Department of Corrections finds it necessary to initiate action to revoke the facilities license, it should be noted very clearly and specifically where the responsibility for failure to rectify the given conditions falls. The rule is very specifically designed for the safety of both the facility administrator and the local governing board.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 26-27, Standards 2-5099, 2-5101, 2-5103, 2-5104.
Minnesota Rules 2910.2100, A-P.

2945.2110 STORAGE AND PRESERVATION OF RECORDS.

Rationale: Records should be stored in a secure area so that they are protected from theft, loss, tampering and destruction. Written guidelines should specify the length of time an inmate record should be maintained after inmate release from custody, and the conditions under which archives should be maintained.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 26, Standard 2-5100.
Minnesota Rules 2910.2200.

2945.2120 FILING AND DISPOSITION OF PRISONER RECORDS.

Rationale: State law requires that a facility maintain a prisoner register. The documents in the custody record insures that the inmates are properly committed, that inmate property is correctly managed, that a record of major events while in custody is maintained. The purpose of the custody record is primarily one of a documentation.

Evidence: Minnesota Statute 641.05

American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 26, Standard 2-5101.

Minnesota Rule 2910.2300

2945.2130 CONFIDENTIALITY OF AND ACCESS TO PRISONER RECORDS.

Rationale: Access to records for legitimate purposes should be limited only to the extent necessary to protect confidentiality. Statutes govern the confidentiality and protection of information on inmates; these statutes apply also to persons who have been discharged. When statutorily required, judicial and correctional authorities involved with the case should be supplied information without a signed consent form. Those who jail individuals are responsible under the law to protect these rights of prisoners.

Evidence: Data Practices Act 13.05

American Correctional Association Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 28, Standards 2-5105, 2-5106.

Minnesota Rule 2910.2400

PRISONER WELFARE

2945.2500 SEPARATION OF PRISONERS.

Rationale: Needed in order to comply with state statute. It is reasonable to expect that prisoners be housed separately for reasons of age, sex and nature of offense in order to maintain safety and security of the facility.

Evidence: Minnesota Statute 641.14

Standards for Law Enforcement Agencies, Accreditation Program,
December, 1985, p. 7, (72.5.4), (72.5.5), (72.5.6).

Minnesota Rule 2910.2500.

2945.2510 INFORMATION TO PRISONERS.

Rationale: Subp. 1 & 2. Prisoners have the right to know what they can and can not do within the facility, what the consequences of their negative behavior might be, and the options available to them for program and what rights they have via policy. Prisoners also have the right to know what the legal basis is for their detention and what the charges are.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 82-84, Standards 2-5303, 2-5305.

Rationale: Subp. 3. Policy is needed to protect the rights of prisoners from punitive actions from either staff or fellow prisoners. When prisoners are deprived of clothing or other items due to behavior, a superior officer and one who has not been immediately involved, needs to oversee the disciplinary action.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 53, Standard 2-5200.

Minnesota Rule 2910.2800.

Rationale: Subp. 4. Proposed rule needed to insure that instruments of restraint are never used as punitive action. Instruments of restraint, such as handcuffs, irons, straightjackets, and the like, are never to be applied as punishment, and should be applied only with the approval of the facility administrator. Restraints should not be applied for more time than is absolutely necessary.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 53, 75, Standards 2-5199, 2-5283.
Minnesota Rule 2910.2800, Subp. 5.

Rationale: Subp. 5. Needed in order to insure that the protection of the rights of prisoners is being safe guarded as well as the protection of the facility staff. Records of disciplinary action need to be documented and records maintained in the event that legal action may occur years later and only the records will be used as the defense. The purpose of the disciplinary record is primarily one of documentation.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 26-27, Standard 2-5101.
Minnesota Rule 2910.2900, Subp. 6.

2945.2520 PRISONER VISITATION.

Rationale: Visiting is needed to meet recognized constitutional and statutory rights of residents as well as to establish uniformity of basic visiting provisions for all residents of the facility. Inmates should not be denied access to visitation of persons of their choice, except where administrators or designee has clear and convincing evidence that such visits jeopardize the security of the facility, or the safety of the inmate or visitor. Legal counselors and religious advisors should be allowed additional visitor privileges, and accommodations that insure privacy should be provided for these visitors. The degree of informality of inmate visiting facilities should be consistent with the facility's overall security requirements.

Evidence: The National Sheriff's Association, 1974 Handbook on Inmates Legal Rights, pp. 42-43.

American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 89-90, Standards 2-5336, 2-5337, 2-5338, 2-5340, 2-5341, 2-5342.

Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 12, Standard 72.8.5.

2945.2530 CORRESPONDENCE.

Rationale: Subp. 1, 2, and 3. An established plan for the handling of residents correspondence inclusive of those areas covered by rules here is needed to insure that residents legal rights with respect to correspondence are met and that contraband control for the maintenance of security is exercised.

Evidence: Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 12, Standard 72.8.5.

American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 88-89, Standards 2-5327, 2-5328, 2-5329, 2-5331, 2-5332, 2-5333, 2-5334.

Minnesota Rules 2910.3100, Subp. 1, 2, and 3.

Rationale: Subp. 4. Cash, checks or money orders should be received in the incoming mail and credited to the offenders account. This is necessary in order to control the potential liability of one prisoner stealing money from another, and to curtail the possibility of gambling taking place between prisoners.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 88, Standard 2-5333.

Standards for Law Enforcement Agencies Accreditation Program, December, 1985, p. 12, Standard 72.8.5.

Minnesota Rule 2910.3100, Subp. 4.

Rationale: Subp. 5. Needed so that if contraband is discovered in either incoming or outgoing mail it is removed. Only illegal items and items that threaten the security of the facility should be considered contraband.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 89, Standard 2-5334.

Standards for Law Enforcement Agencies Accreditation Program,
December, 1985, p. 12, Standard 72.8.5.

Minnesota Rule 2910.3100, Subp. 5.

Rationale: Subp. 6. People in jail are in a life crisis situation. Often religion is a comfort to them. The statutes have recognized this and have required facilities to respond by providing books to read of a religious nature at the facilities expense.

Evidence: Minnesota Statutes 641.16.

2945.2540 BEDDING, LAUNDRY AND CLOTHING REMOVAL.

Rationale: Subp. 1, 2, 3. Upon arrest a prisoner may be tired and need to lie down. Bedding would need to be provided to a prisoner if he/she were in the facility for longer than eight (8) hours or upon request. Inmates have a right to expect clean bedding and clean clothing. It is necessary to clean bedding after each use to ensure that the sanitation of the facility is protected from the spread of lice or other agents of disease. Clothing, bedding and linens need to be laundered after each use, consistent with State Department of Health recommendations. To remove such items from a prisoner must only be done for cause. The cause must be behavioral and associated with misbehavior.

Evidence: Minnesota Statutes 642.07

American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 65, Standard 2-5252.

Minnesota Rules 2910.3200.

2945.2550 EMERGENCIES AND SPECIAL OCCURRENCES.

Rationale: Subp. 1, 2, 3, 4. There is a need for all facilities to develop an emergency plan because they are charged with the care and custody of prisoners who are vulnerable and dependent. 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 those jurisdictions.

If an emergency occurs, staff must be able to respond appropriately. Therefore, it is not enough to just have a plan, staff must review that plan on a regular basis.

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 of the event of complaints for 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.

The ultimate emergency or special occurrence is a death of a prisoner. It is important that staff know what to do in case of death and is important that the facility has a plan prior to such a crisis.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 41-44, Standard 2-5149 thru 2-5162.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 3-4, (72.3-72.3.7).

Minnesota Rules 2910.3300, Subp. 1-5.

FOOD SERVICE

2945.3400 GENERAL REQUIREMENTS FOR FOOD SERVICE.

Rationale: Proposed rules 2945.3400, through 2945.3460 are needed to ensure that food service concerns inclusive of nutrition, quality, quantity, sanitary preparation and temperature are addressed by facility administrators and food personnel. Rules are needed to ensure that the State of Minnesota Health Department requirements are met.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 60-63, Standard 2-5228 thru 2-5242.

Minnesota Rules 2910.3400 - 2910.4200.

SECURITY

2945.4700 SECURITY POLICIES AND PROCEDURES, General.

Rationale: Security is the primary activity when operating any type of locked facility. Proposed rules requiring the development of policies and procedures are needed to ensure that reasonable and prudent precautions are taken to ensure that primary objective of the facility, to protect the public by securely detained persons who present a danger to the community or to themselves, is met.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 45-54, Standard 2-5163 thru 2-5205.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 4-6, (62.4.1-62.4.11).

Minnesota Rules 2910.4700, A-N.

2945.4710 ADMISSIONS:

Rationale: Subp. 1, 2, 3. There are specific considerations which need to be put in place when admitting a person to a jail facility. Proposed rules concerning admission are needed to ensure against contraband entry into the facility, disease transmission by lice, and to ensure that residents receive prompt medical attention where appropriate. Additionally, personal property inventories are needed to ensure against litigation at the time of release. All admission policy deal with the safety, security, and health issues for the facility.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 91, Standard 2-5343 thru 2-5350.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 6-7, (72.5-72.5.4).

Minnesota Rules 2910.4800, Subp. 1, 2, 3.

2945.4720 RELEASES.

Rationale: Subp. 1, 2, 3. Proposed rules concerning the release are needed to ensure that the release of resident property is documented, that residents are clothed appropriate to the season, and have been afforded opportunity to arrange transportation prior to release.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 92, 93, Standard 2-5350 thru 2-5351.

Minnesota Rules 2910.4900, Subp. 1-3.

2945.4730 SEARCHES AND SHAKEDOWN.

Rationale: Subp. 1, 2, 3. 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 policy and procedures are not being violated.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 48, Standard 2-5176, 2-5179.

Minnesota Rules 2910.5000, Subp. 1, 2, 3.

2945.4740 LOCKS AND KEYS.

Rationale: Subp. 1, 2, 3. Proposed rules concerning locks and keys 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 or other emergencies. Fire arms used by law enforcement personnel must be secured outside of resident living areas to ensure against residents having the possibility of securing same. The proposed rules would assure a good system of key control, inspection and repair of inoperable locks.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 51, Standard 2-5190.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 5, (72.4.3).

Minnesota Rules 2910.5100, Subp. 1, 2, 3.

2945.4750 DANGEROUS MATERIALS.

Rationale: Proposed rules for dangerous materials is needed for the health, safety, and security of the facility and the people detained therein. Tools can be used as weapons or instruments to affect 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: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 44, Standard 2-5162.

Minnesota Rules 2910.5200.

2945.4760 COUNT PROCEDURES.

Rationale: 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 breeches of security. The larger the facility, the greater the need for formal counts.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 48, Standard 2-5178.

Minnesota Rules 2910.5300.

ENVIRONMENTAL - PERSONAL HEALTH & SANITATION:

2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.

Rationale: Subp. 1, 2, 3, 4. Proposed rules concerning the availability of medical and dental resources are needed to ensure that, in the event of emergency, whether self inflicted or from external causes, medical, dental or ambulance services are available when needed.

Persons who are incarcerated often get depressed or ill when in custody and a system needs to be prepared to respond to these situations. Examination of residents in need of medical care is a recognized right of residents and can not be neglected.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 68-79, Standard 2-5260 thru 2-5292.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 9-10, (72.6 - 72.6.5).

Minnesota Rules 2910.5400, Subp. 1-4.

2945.5410 POSTING AVAILABLE RESOURCES.

Rationale: 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 material for the telephone numbers of such resources.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 69, Standard 2-5266.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 10, (72.6.4).

Minnesota Rules 2910.5500.

2945.5420 HOSPITALIZATION OF A PRISONER.

Rationale: Subp. 1, 2. 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 or hospital administrator.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 68-69, Standard 2-5260 thru 2-5266.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 9, (72.6).

Minnesota Rules 2910.5600, Subp. 1, 2.

2945.5430 FIRST AID.

Rationale: Subp. 1, 2, 3. Proposed rules concerning first aid are needed to ensure that persons responsible for the care and custody of a prisoner are trained in emergency first aid procedures and that first aid supplies are available and replenished on a regular basis. 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 responsibility for care with respect to same. Medical and dental records are also needed to ensure against litigation.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 69, 71, Standard 2-5265, 2-5271.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 9, (72.6.2).

Minnesota Rules 2910.5700, Subp. 1-3.

2945.5440 PREVENTIVE HEALTH SERVICES.

Rationale: Subp. 1, 2, 3, 4. 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. While it is acceptable to have a prisoner pay for hygiene items, no prisoner should go without hygiene items because he has no money. 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: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 64, 66, Standard 2-5243, 2-5245, 2-5256, 2-5257.

Minnesota Rules 2910.5800, Subp. 1-4.

2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE.

Rationale: Subp. 1, 2, 3, 4, 5. 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 of the facility 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: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, p. 77, Standard 2-5288, 2-5289.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, p. 10, (72.6.5).

Minnesota Rules 2910.5900, Subp. 1-7.

Department of Health Minnesota Rules 6800.4300.

2945.5460 REPORTING SUSPECTED CONTAGIOUS DISEASE.

Rationale: Proposed rules are necessary to ensure that health of society as a whole is protected by those people involved in service to the public by cooperating with the Department of Health by reporting any person suspected of having a contagious disease.

Evidence: Minnesota Rules 2910.6000.

Department of Health Minnesota Rules 4605.0500.

2945.5470 SEPARATION OF A PRISONER SUSPECTED OF HAVING A CONTAGIOUS DISEASE.

Rationale: Proposed rules concerning the separation for contagious disease are needed to ensure that residents placed in separation for suspicion of a contagious disease receive prompt medical attention and are not unreasonably deprived of privileges as a result of placement in separation. Separation for contagious disease is not a disciplinary action and, consequently, the individuals privileges and rights must maintain to the greatest extent possible under the circumstances.

Evidence: Minnesota Rules 2910.6100.

2945.5480 MENTALLY ILL PRISONERS.

Rationale: Proposed rules are needed to ensure that residents deemed mentally ill receive prompt medical assessment so that they are not a danger to themselves or others. If at all possible, such residents be placed in a facility more appropriate to the care of the resident.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 73, 74, Standard 2-5275, 2-5276.

Minnesota Rules 2910.6200

2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Rationale: Subp. 1, 2, 3, 4, 5, 6, 7. Proposed rules are needed to ensure that a primary responsibility of the facility to maintain high standards of cleanliness and sanitation is met. Keeping the facility in a good state of repair is necessary to insure against unnecessary deterioration of buildings and equipment, safety hazards and breeches 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 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 affect 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, dust, sprays and traps.

Evidence: American Correctional Association, Standards for Adult Local Detention Facilities, Second Edition, February, 1984, pp. 64-67, Standard 2-5243 thru 2-5259.

Standards For Law Enforcement Agencies Accreditation Programs, December, 1985, pp. 3, 4, (72.3).

Minnesota Rules 2910.6300, Subp. 1-7.