

Rule Review and Legislative Oversight 2001 Report to the Legislature

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Introduction

Minnesota Laws 2000, Chapter 469, sec. 4, subd. 1., Rule Review and Legislative Oversight, directs that an entity whose rules are scheduled for review under this section must report to the governor and the appropriate committees of the legislature by August 1 of the year before the legislative session in which the entity's rules are scheduled for review.

The Minnesota Department of Corrections (DOC) has 12 rules authorized by statute.

Summary and Recommendations

2900 – Local Correctional Facility Construction Rules – Authorized by Minn. Stat. §401.03

The DOC does not recommend repeal of this rule. The rule purpose is to set correctional standards for construction of all Minnesota holding facilities, lockups, jails, and adult correctional centers. The regulations set forth in this rule are not covered by state building codes, fire marshal, Minnesota Department of Labor and Industry, or any other state/federal regulations. The rule provides consistent correctional standards that maintain sound correctional practices to all Minnesota local correctional facilities. Correctional standards include offender/staff safety, conditions of confinement, tamper-proofing materials accessible by offenders, and programming.

A draft amendment to update the rule has been written and reviewed with stakeholders including representatives of the Minnesota Sheriffs Association and the Association of Minnesota Counties. The DOC anticipates moving ahead with amendment of this rule in the 02/03 biennium as time and resources permit.

2905 – Community Corrections Act – Authorized by Minn. Stat. §§401.01-401.16

The DOC does not recommend repeal of this rule. The rule sets standards for service delivery and coordination to local level corrections where the Community Corrections Act is operational. This rule gives a framework to ensure accountability with regard to subsidy grants monitored by the DOC. This rule also ensures the various planning efforts are compatible with one another and with the basic requirements of the DOC's system.

2911 – Jail Facilities – Authorized by Minn. Stat. §241.021

The DOC does not recommend repeal of this rule. The rule purpose is to set and regulate minimum standards in operating adult detention and correctional facilities. The standards include, but are not limited to, security practices, use of force, training, medical care, food services, inmate discipline, contraband control and staff/inmate safety. The regulations include inspection of the facilities by DOC inspectors and licensing to ensure compliance to the rule.

This rule was formerly Rule 2910 which was repealed and reenacted within the past two years. This reenactment of the rule (now 2911) was accomplished in a non-controversial manner with the support of key stakeholder groups. The letters of support from the Minnesota Sheriffs Association and the Association of Minnesota Counties evidence this when the rule was rewritten.

2915 – Services for Battered Women – Minn. Stat. §611A.33

The DOC recommends repeal and reenactment of this rule under the authority of the Department of Public Safety. The DOC at one time had the victim services unit that was impacted by this rule; however, in January 1998 the victim services unit was transferred from the Department of Corrections and now is within the Department of Public Safety. This rule covers the establishment of an advisory council, awarding grants and contracts, and service provider responsibilities. This repeal and reenactment would require the following changes to Minnesota Statutes:

- Change reference to the commissioner of corrections to the commissioner of public safety in Minn. Stat. §§611A.02, subd.1, line 1; 611A.21, subd. 1, line 1; 611A.22, line 1; 611A.25, subd. 1, line 1; 611A.31, subd. 5; 611A.361, subd. 1, line 1; and 611A.41, subd. 2.
- Change reference to the department of corrections to the department of public safety in 611A.221.

2920 – Adult Halfway Houses – Minn. Stat. §241.021

The DOC does not recommend repeal of this rule. This rule establishes licensing requirements for adult halfway houses in Minnesota. The standards include, but are not limited to, personnel standards, offender discipline, security, fire/safety, health care, record keeping, physical plant, and offender/community reintegration. This rule establishes consistent correctional practice in the State of Minnesota for adult halfway houses.

This rule is currently in need of updating and a committee of stakeholders has been formed to assist the DOC in this process.

2925 – Group Foster Homes – Minn. Stat. §241.021

2930 – Secure Juvenile Detention Facilities – Minn. Stat. §241.01

2935 – Juvenile Residential Facilities – Minn. Stat. §241.021

2950 – Juvenile Temporary Holdover Facilities – Minn. Stat. §§241.021 and 241.0221

The above four rules are currently under revision in concert with the Department of Human Services in an effort to blend all rules related to the licensing of juvenile facilities. The end result of this “umbrella rule” will be one rule that sets standards for the licensing of all juvenile facilities under the auspices of both state agencies. Stakeholders have agreed with this umbrella rule and, at the time of this writing, both commissioners have endorsed the rule. The final draft is expected to be done the end of July 2001, the administrative hearing conducted the fall of 2001, and implementation by July 2002.

The above rules will need to be repealed at the time the umbrella rule becomes effective.

2940 – Hearings and Release Unit – Minn. Stat. §§14.388, 241.26, and 243.05

The DOC recommends repeal of the rule. The rule is not regulatory in nature and its purpose is to establish the operation of the hearings and release unit within the DOC and to establish rules for the placement and supervision of inmates placed in a work release program. The rule establishes an internal function of the DOC, and policy would be as effective for managing internal functions.

2955 – Juvenile Sex Offender Treatment – Minn. Stat. §241.67

2965 – Adult Sex Offender Treatment – Minn. Stat. §241.67

The DOC does not recommend repeal of the above rules. The rules establish standards for the residential treatment of Minnesota juvenile and adult sex offenders. Currently, there are eight juvenile sex offender treatment programs regulated under 2955 and two adult sex offender treatment programs regulated under 2965. In addition, there are seven juvenile sex offender treatment programs in other states regulated under 2955 with four more programs with applications in process.

The treatment standards have been formulated around explicit outcome-based requirements and involve specific quality measures and an ongoing evaluation process. The rule and the process are seen as a model for other states in the continuing effort to improve and evaluate sex offender treatment.