

Office of the Revisor of Statutes Administrative Rules



TITLE: Adopted Permanent Rules Relating to Municipal Lockup Facilities

AGENCY: Department of Corrections

MINNESOTA RULES: Chapter 2945



RULE APPROVED
OFFICE OF ADMINISTRATIVE HEARINGS

DATE January 20, 2015
Eric R. Zy
ADMINISTRATIVE LAW JUDGE.

The attached rules are approved for
filing with the Secretary of State

A blue ink signature of Karen L. Lenertz.

Karen L. Lenertz
Deputy Revisor

152114

1.1 **Department of Corrections**1.2 **Adopted Permanent Rules Relating to Municipal Lockup Facilities**1.3 **2945.0100 DEFINITIONS.**

1.4 [For text of subp 1, see M.R.]

1.5 Subp. 2. [See repealer.]

1.6 Subp. 3. **Approved capacity.** "Approved capacity" means the maximum number of
1.7 detainees that any cell, room, unit, building, facility, or combination of them is approved
1.8 for in compliance with the standards.

1.9 Subp. 4. **Average daily population.** "Average daily population" means the average
1.10 number of detainees residing daily during the last calendar year. Detainees on furlough or
1.11 hospitalized are excluded.

1.12 Subp. 5. **Class I municipal lockup facility.** "Class I municipal lockup facility" means
1.13 an adult detention facility operated by a municipal government used to confine detainees
1.14 for more than 48 hours and no more than 72 hours, excluding weekends and holidays.

1.15 Subp. 6. **Class II municipal lockup facility.** "Class II municipal lockup facility"
1.16 means an adult detention facility operated by a municipal government used to confine
1.17 detainees for up to 48 hours excluding weekends and holidays.

1.18 Subp. 7. **Class III municipal lockup facility.** "Class III municipal lockup facility"
1.19 means an adult detention facility operated by a municipal government used to confine
1.20 detainees for up to 16 hours.

1.21 Subp. 8. **Class IV municipal lockup facility.** "Class IV municipal lockup facility"
1.22 means an adult detention facility operated by a municipal government used to confine
1.23 detainees for up to four hours.

1.24 [For text of subps 9 and 10, see M.R.]

2.1 Subp. 11. **Contraband.** "Contraband" means those items designated by the
2.2 municipal lockup facility as prohibited on the physical premises of the facility.

2.3 [For text of subps 12 and 13, see M.R.]

2.4 Subp. 14. **Custody personnel.** "Custody personnel" means those staff members or
2.5 employees who are responsible for the custody and supervision of detainees.

2.6 [For text of subp 15, see M.R.]

2.7 Subp. 15a. **Detainee.** "Detainee" means an individual, adult or juvenile, detained or
2.8 confined in a local facility.

2.9 Subp. 16. [See repealer.]

2.10 Subp. 17. **Emergency.** "Emergency" means a significant incident or disruption of
2.11 normal facility procedures, policies, routines, or activities arising from events such as:
2.12 fire, riot, natural disaster, suicide, assault, or medical emergency.

2.13 Subp. 18. [See repealer.]

2.14 [For text of subp 19, see M.R.]

2.15 Subp. 20. **Holding cell.** "Holding cell" means a cell or room in a lockup facility
2.16 used to hold one or more persons temporarily while awaiting release, booking, court
2.17 appearance, transportation, or interrogation.

2.18 [For text of subp 21, see M.R.]

2.19 Subp. 22. [See repealer.]

2.20 Subp. 23. [Renumbered subp 32a]

2.21 Subp. 24. **Local facility.** "Local facility" means any city lockup.

2.22 Subp. 25. [See repealer.]

2.23 Subp. 26. [See repealer.]

3.1 Subp. 27. **Medication.** "Medication" means a remedial agent that has the property of
3.2 curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the
3.3 purpose of this chapter, medication includes prescription and nonprescription medications.

3.4 Subp. 28. [See repealer.]

3.5 Subp. 29. [See repealer.]

3.6 Subp. 30. [See repealer.]

3.7 [For text of subp 31, see M.R.]

3.8 Subp. 32. **Policy.** "Policy" means a written statement declaring mission and purpose.

3.9 Subp. 32a. **Prescription medication.** "Prescription medication" means a medication
3.10 required by federal law to bear the following statement: "Caution: Federal law prohibits
3.11 dispensing without prescription."

3.12 Subp. 33. [Renumbered subp 15a]

3.13 [For text of subp 34, see M.R.]

3.14 Subp. 34a. **Special management detainee.** "Special management detainee" means a
3.15 detainee who presents a serious threat to safety or security of the facility, staff, general
3.16 detainee population, or self.

3.17 Subp. 34b. **Special needs detainee.** "Special needs detainee" means a detainee
3.18 whose mental or physical condition requires special handling and treatment by staff.

3.19 Subp. 35. [See repealer.]

3.20 Subp. 36. [See repealer.]

3.21 [For text of subp 37, see M.R.]

3.22 Subp. 38. **Variance.** "Variance" means an exception to a specific rule or rules for a
3.23 specified period of time.

4.1 **2945.0120 INTENDED USE AND NONCOMPLIANCE.**

4.2 Subpart 1. **Intended use.** A facility should be used only for classifications for
4.3 which it is intended. This chapter does not regulate a Class IV municipal lockup facility
4.4 or municipal police facility that:

4.5 A. includes an administrative processing area used to detain a person for up
4.6 to four hours;

4.7 B. for a municipal police facility only, is specifically designed to be
4.8 nonresidential;

4.9 C. has audio capacity, visual capacity, or both;

4.10 D. is normally not locked except for routine security reasons; and

4.11 E. is used long enough for identification, transfer arrangements, or release of a
4.12 detained person to a responsible person.

4.13 Subp. 1a. **Rule compliance.**

4.14 A. A Class I municipal lockup facility must comply with rules governing adult
4.15 detention facilities under chapter 2911.

4.16 B. A Class II or III municipal lockup facility must comply with 100 percent of
4.17 the following rules unless specifically excluded under that rule:

4.18 (1) part 2945.0130, subpart 3;

4.19 (2) part 2945.0510, subpart 1;

4.20 (3) part 2945.0530, subparts 2, 3, 4, 5, and 6;

4.21 (4) part 2945.1000, subparts 2 and 3;

4.22 (5) part 2945.2100;

4.23 (6) part 2945.2510, subpart 2;

- 5.1 (7) part 2945.2520, subpart 1;
- 5.2 (8) part 2945.2530, subparts 3 and 6;
- 5.3 (9) part 2945.2540, subpart 2;
- 5.4 (10) part 2945.2550, subparts 1 and 4;
- 5.5 (11) part 2945.3420;
- 5.6 (12) part 2945.3430;
- 5.7 (13) part 2945.4700, subpart 1;
- 5.8 (14) part 2945.4710, subpart 2;
- 5.9 (15) part 2945.4740, subpart 3;
- 5.10 (16) part 2945.4750;
- 5.11 (17) part 2945.5400;
- 5.12 (18) part 2945.5430, subparts 1, 4, and 5;
- 5.13 (19) part 2945.5450, subparts 1 and 4, item B;
- 5.14 (20) part 2945.5455;
- 5.15 (21) part 2945.5460;
- 5.16 (22) part 2945.5470; and
- 5.17 (23) part 2945.5490, subparts 3, 6, 9, and 10.

5.18 C. A Class II or III municipal lockup facility must comply with at least 90
5.19 percent of parts 2945.0120 to 2945.5490 that are not listed in item B or do not specifically
5.20 exclude that type of facility. For each rule part, every subpart, item, and subitem is
5.21 counted as a separate regulatory standard toward the required percentage totals.

5.22 Subp. 2. **Noncompliance; unsafe, unsanitary, or illegal conditions.** When
5.23 conditions do not substantially conform to subpart 1a, or where specific conditions endanger

6.1 the health, welfare, or safety of detainees or staff, the facility's use is restricted according
6.2 to Minnesota Statutes, section 241.021, subdivision 1, or legal proceedings to condemn
6.3 the facility will be initiated according to Minnesota Statutes, section 641.26 or 642.10.

6.4 **2945.0130 VARIANCES.**

6.5 Subpart 1. **Variances; general.** The granting of a variance under this part does not
6.6 constitute a precedent for any other municipal lockup facility. The granting and denial of
6.7 all variances shall be in writing and made within 30 days of the request for a variance. The
6.8 variance will be granted by the commissioner if, in the licensing procedure or enforcement
6.9 of the standards in this chapter:

6.10 A. requirements for a municipal lockup facility to strictly comply with one or
6.11 more of the provisions will result in undue financial hardship or jeopardize the health,
6.12 safety, security, detention, or well-being of the residents or facility staff;

6.13 B. the municipal lockup facility is otherwise in substantial compliance with
6.14 the standards contained in this chapter or making satisfactory progress toward substantial
6.15 compliance;

6.16 C. granting of the variance will not preclude the facility from making
6.17 satisfactory progress toward substantial compliance with this chapter;

6.18 D. granting of the variance will not leave the interests and well-being of the
6.19 detainees and staff unprotected; and

6.20 E. the facility will take action to comply with the general purpose of this
6.21 chapter to the fullest extent possible.

6.22 [For text of subp 2, see M.R.]

6.23 Subp. 3. **Notification of emergencies.** The facility administrator shall immediately
6.24 notify the sheriff of the county and the Department of Corrections of an emergency that
6.25 results in the suspension of a rule. A formal written report must follow within 72 hours.

7.1 [For text of subp 4, see M.R.]

7.2 **2945.0510 STAFF RECRUITMENT.**

7.3 Subpart 1. [Renumbered 2945.0530, subp 1a]

7.4 Subp. 2. [Renumbered 2945.0530, subp 1b]

7.5 **2945.0520 [Renumbered 2945.0530, subp 3a]**

7.6 **2945.0530 STAFFING REQUIREMENTS.**

7.7 Subpart 1. **Staffing plan.** The facility administrator shall prepare and retain a staffing
7.8 plan indicating the personnel assigned to the facility and their duties.

7.9 Subp. 1a. **Discrimination prohibited.** There must not be discrimination based on
7.10 race, color, religion, sex, or national origin.

7.11 Subp. 1b. **Staff selection.** The selection, appointment, and promotion of facility
7.12 personnel must be based on assessed ability. Custody personnel must be a minimum of
7.13 18 years old. Recruitment standards must set forth the basic requirements of ability,
7.14 preparatory experience, physical condition, and character, and those qualities that may
7.15 disqualify an individual from selection, appointment, or promotion.

7.16 Subp. 2. **Staff person in charge.** There must be a designated staff person in charge
7.17 of the facility. In the absence of the regular facility supervisor, a staff person must be
7.18 designated in charge.

7.19 Subp. 3. **Condition of staff person on duty.** No person may be detained without a
7.20 staff person on duty, present in the facility, awake and alert at all times, and capable of
7.21 responding to emergencies and the reasonable needs of the detainee.

7.22 Subp. 3a. **Extra duty.** An employee shall be scheduled for no more than 12
7.23 hours consecutive work in any 24 hours except where unusual circumstances require
7.24 reasonable and prudent exception. Coverage needs for vacations, military leave, jury

8.1 duty, scheduled training, and similar activities are not unusual circumstances requiring
8.2 reasonable and prudent exception. Each of these coverage needs must be known to the
8.3 facility administration with sufficient lead time to allow proactive scheduling to maintain
8.4 compliance with the 12-hour standard requirements.

8.5 Subp. 4. **Opposite gender policy.** There must be a policy consistent with state
8.6 statute that provides procedures to be followed by staff with regards to the types of
8.7 supervision provided to detainees of the opposite gender.

8.8 Subp. 5. **Assistance for dispatch or custody staff person.** In facilities that use the
8.9 dispatch or custody position as sole supervision, the dispatch or custody staff person must
8.10 be assisted on duty by another custody staff person when the lockup population exceeds 15.

8.11 Subp. 6. **Reporting incidents and responding to emergencies.** A combination of
8.12 staff and physical plant resources shall provide the capability of responding to emergencies
8.13 and the completion of incident reports on all special occurrences.

8.14 Subp. 7. **Ancillary functions.** Personnel must be provided to perform ancillary
8.15 functions such as transportation or court functions such as court escort to the extent
8.16 necessary to ensure security and supervision of detainees.

8.17 **2945.1000 STAFF TRAINING PLAN.**

8.18 [For text of subp 1, see M.R.]

8.19 Subp. 2. [See repealer.]

8.20 Subp. 3. **Other health and safety training.** Each facility shall develop a training
8.21 program which provides instruction in the following areas:

8.22 A. procedures for responding to health-threatening situations;

8.23 [For text of items B and C, see M.R.]

9.1 D. recognition of signs and symptoms of mental illness, suicide risk, emotional
9.2 disturbance, and chemical withdrawal;

9.3 [For text of items E and F, see M.R.]

9.4 **2945.1600 GUIDELINES AND RESPONSIBILITIES.**

9.5 Each facility supervisor shall develop written guidelines that define responsibilities,
9.6 duties, and qualifications of the persons working in the municipal lockup facility.

9.7 **2945.1610 POLICY AND PROCEDURE MANUALS.**

9.8 Policies and procedures concerning the facility's operation must be accessible to
9.9 employees at the time of employment and when revised. The policy and procedure manual
9.10 shall be reviewed at least annually.

9.11 **2945.2100 MAINTENANCE OF RECORDS AND REPORTS.**

9.12 The following records, reports, and statistics must be maintained:

9.13 A. admission and release records;

9.14 B. special occurrence records;

9.15 C. facility logs;

9.16 D. detainee personal property records;

9.17 E. clothing, linen, and laundry records except that this item does not apply to

9.18 Class III municipal lockup facilities;

9.19 F. employee personnel records;

9.20 G. records of staff training;

9.21 H. food service records;

9.22 I. medical and dental information identified at intake and treatment provided
9.23 during detention; and

9.24 J. detainee disciplinary records.

10.1 Records shall be retained according to city policy. Space must be provided for the
10.2 safe storage of records.

10.3 **2945.2130 ACCESS TO DETAINEE RECORDS.**

10.4 Access to detainee records shall be provided in conformity with state data privacy law.

10.5 **2945.2140 DETENTION INFORMATION SYSTEM REQUIREMENTS.**

10.6 The facility administrator shall designate a staff person to report to the department, at
10.7 least weekly, information on persons detained in the facility.

10.8 **2945.2500 SEPARATION OF DETAINEES.**

10.9 Subpart 1. **General.** A combination of separate living spaces, sanitation facilities,
10.10 activity spaces, cell units, and detention rooms shall be provided to properly segregate
10.11 detainees.

10.12 Subp. 2. **Detainees to be housed separately.**

10.13 A. The following detainees must be housed separately:

- 10.14 (1) female detainees from male detainees;
10.15 (2) juvenile detainees from adult detainees; and
10.16 (3) special management detainees from other detainees.

10.17 B. Special needs detainees may need to be housed separately from all other
10.18 detainees.

10.19 Subp. 3. **Separation by sight and sound.** Juvenile detainees must be separated
10.20 from adult detainees by sight and sound.

10.21 **2945.2510 DETAINEES; DISCIPLINE; RESTRAINT.**

10.22 Subpart 1. **Information to detainees.** Rules for detainee behavior must be posted in
10.23 a conspicuous place or provided to the detainee.

11.1 Subp. 2. **Official charge, legal basis for detention.** Every detainee admitted to a
11.2 facility must be advised of the official charge or legal basis for detention and confinement,
11.3 information gathered, and to whom disseminated.

11.4 Subp. 3. **Limitations on disciplinary actions.** The delegation of authority to a
11.5 detainee or group of detainees to exercise the right of punishment over another detainee
11.6 or group of detainees shall be prohibited.

11.7 No detainee may be deprived of the use of materials necessary to maintain an
11.8 acceptable level of personal hygiene. Items such as toilet paper and soap and water must
11.9 be made available and provided upon request.

11.10 Subp. 4. **Instruments of restraint.** Instruments of restraint must not be used as
11.11 punishment.

11.12 A. Instruments of restraint must not be used except in the following
11.13 circumstances:

11.14 [For text of subitems (1) and (2), see M.R.]

11.15 (3) by order of the facility administrator or person in charge in order to
11.16 prevent a detainee from injuring himself or herself, others, or from damaging property.

11.17 [For text of item B, see M.R.]

11.18 C. When reasons for restraint under item A no longer exist, the restraints
11.19 must be removed.

11.20 [For text of item D, see M.R.]

11.21 Subp. 5. [See repealer.]

11.22 **2945.2520 DETAINEE VISITATION.**

11.23 Subpart 1. **Initial visits for juveniles.** The initial visit for parents, guardians, and
11.24 attorneys must be permitted at any time. ~~Visits by parents, guardians, and attorneys with~~

12.1 ~~juvenile detainees must be as unrestricted as administratively possible.~~ The facility
12.2 administrator shall address how to regulate access to juvenile detainees by the detainee's
12.3 parents, guardians, and attorneys in the facility's visiting plan.

12.4 Subp. 2. **Visiting plan.** Each facility administrator shall develop and implement a
12.5 detainee visiting policy. The policy shall be in writing and shall provide at a minimum:

12.6 A. that detainees be allowed nonmonitored visits with the detainee's attorney; and

12.7 B. that when a visit to a detainee is denied on the belief that the visit might
12.8 endanger the security of the facility, the action and reasons for denial be documented.

12.9 **2945.2530 CORRESPONDENCE.**

12.10 Subpart 1. [Renumbered subp 5a]

12.11 Subp. 1a. **Exclusion.** Class III municipal lockup facilities are excluded from the
12.12 requirements of subparts 2 to 6.

12.13 Subp. 2. **Unrestricted volume of mail.** The volume of written mail to or from a
12.14 detainee must not be restricted.

12.15 Subp. 3. **Inspection and censorship.** Mail must not be read or censored if it is
12.16 between a detainee and an elected official, officials of the department, attorneys, or other
12.17 officers of the court. Inspection of incoming mail from this group is permitted in the
12.18 presence of the detainee.

12.19 Subp. 4. **Money.** Cash, checks, or money orders should be removed from incoming
12.20 mail and put in the detainee's personal property.

12.21 Subp. 5. **Contraband.** If contraband is discovered in either incoming or outgoing
12.22 mail, it must be removed.

13.1 Subp. 5a. **Plan for detainee mail.** A facility administrator shall develop a plan for
13.2 detainee mail consistent with established legal rights of detainees and facility rules which
13.3 are reasonable and necessary to protect the facility's security.

13.4 Subp. 6. **Sacred books.** Upon request, a detainee must be provided a copy of the
13.5 Bible or sacred book of another religion when available. These books may be made
13.6 available to detainees by the facility through the local library or other community
13.7 resources and limited to the detainee's period of confinement.

13.8 **2945.2540 BEDDING, LAUNDRY, AND CLOTHING REMOVAL.**

13.9 Subpart 1. **Bedding.** After confinement of eight hours, a detainee shall be offered
13.10 one set of clean, sanitary, and fire-retardant bedding.

13.11 Subp. 2. **Laundry.** Mattresses and pillows must be sanitized between each detainee.
13.12 Sheets must be laundered and blankets cleaned before reissuing them to another detainee.

13.13 Subp. 3. **Removing clothing and bedding.** The facility administrator shall develop
13.14 a policy and procedure for dealing with incidents in which detainees misuse clothing or
13.15 bedding. Clothing and bedding should be removed from a detainee only when the detainee's
13.16 behavior threatens the health, safety, or security of self, others, or property. The decision to
13.17 deprive a detainee of articles of clothing and bedding as a result of the detainee's destruction
13.18 of those items must be reviewed by the officer in charge during each eight-hour period, and
13.19 the review must be documented. Clothing and bedding must be returned to the detainee as
13.20 soon as it is reasonable to believe that the behavior that caused the action will not continue.

13.21 **2945.2550 EMERGENCIES AND SPECIAL INCIDENTS.**

13.22 Subpart 1. **Emergency plan.** The facility administrator shall develop a written
13.23 emergency plan. The plan must include:

13.24 [For text of items A to D, see M.R.]

13.25 E. a procedure for evacuation of detainees; and

14.1 F. arrangements for temporary confinement of detainees.

14.2 Subp. 2. **Review of emergency policies.** The facility administrator or designee
14.3 must review the emergency policies quarterly. Facilities with detention staff must have
14.4 detention staff review the emergency policies quarterly.

14.5 Subp. 3. **Reporting of special incidents.** Incidents which endanger the lives or
14.6 safety of staff or detainees or the physical plant of the facility must be reported. Reports
14.7 must include the names of staff members and detainees involved, the nature of the special
14.8 incident, actions taken, and the date and time of the incident. Special incidents include, for
14.9 example:

14.10 [For text of items A to E, see M.R.]

14.11 F. escape;

14.12 G. fire causing serious damage or resulting in medical treatment for staff or
14.13 detainees;

14.14 [For text of items H and I, see M.R.]

14.15 J. other serious disturbances;

14.16 K. occurrences of infectious diseases and disposition of the occurrences; or

14.17 L. sexual misconduct.

14.18 An incident must be reported to the department within ten days of the date of the
14.19 incident in a format established by the department.

14.20 In the event of an emergency such as serious illness, accident, imminent death, or
14.21 death, the detainee's family or others who maintain a close relationship must be notified.

14.22 Subp. 4. **Detainee death.** When a detainee's death occurs:

14.23 A. the date, time, and circumstances of the detainee's death must be recorded
14.24 in the detainee's record;

15.1 B. if the detainee dies in the facility, the medical examiner or sheriff must
15.2 be notified immediately;

15.3 C. personal belongings must be handled in a responsible and legal manner; and

15.4 D. records of a deceased detainee must be retained for a period of time in
15.5 accordance with law.

15.6 Subp. 5. **Mass arrest.** A facility shall have a written plan that governs procedures to
15.7 be followed in the event of a mass arrest that exceeds the approved capacity of the facility.

15.8 **2945.3410 FREQUENCY OF MEALS.**

15.9 There must be no more than 14 hours between an evening meal and breakfast. At
15.10 least three meals must be made available at regular times during each 24-hour period.

15.11 **2945.3420 THERAPEUTIC DIETS.**

15.12 A facility housing detainees in need of medically prescribed therapeutic diets must
15.13 document that the diets are provided as ordered by the attending physician.

15.14 **2945.3430 USE OF FOOD IN DISCIPLINE.**

15.15 Food must not be withheld as punishment.

15.16 **2945.3450 HOT MEAL MINIMUM.**

15.17 A minimum of one hot meal must be provided for each 24 hours of confinement.

15.18 Class III municipal lockup facilities are excluded from the requirement of this part.

15.19 **2945.4700 SECURITY POLICIES AND PROCEDURES, GENERAL.**

15.20 Subpart 1. **Security policies and procedures.** Each facility must have and adhere to
15.21 written security policies and procedures which provide for at a minimum the following:

15.22 A. the control and recovery of contraband;

15.23 B. the prohibition on firearms in detainee areas; and

16.1 C. that all detainees are personally observed by an employee at least every 30
16.2 minutes, but on an irregular schedule; more frequent observation is required for those
16.3 detainees who are special management or special needs detainees.

16.4 Subp. 2. [See repealer.]

16.5 **2945.4710 ADMISSIONS.**

16.6 Subpart 1. **Admission policies.** Admission policies and procedures must address
16.7 the following:

16.8 A. a thorough search of all detainees;

16.9 B. showering and delousing except that Class III municipal lockup facilities
16.10 must have some type of facilities for detainees to wash up if showers are not available;

16.11 C. an assessment of health status;

16.12 D. classification such as special management;

16.13 E. inventory and secure storage of detainee's property;

16.14 [For text of items F and G, see M.R.]

16.15 Subp. 2. **Identification.** No detainees may be received or released by the staff of a
16.16 facility until the arresting or escorting officer has produced proper credentials or until the
16.17 proper documents have been completed, identifying the purpose for detention or release.

16.18 Subp. 3. **Privacy.** All intake procedures must be conducted in a manner and location
16.19 that assures the personal privacy of the detainee and the confidentiality of the transaction.

16.20 **2945.4720 RELEASES.**

16.21 Subpart 1. **Return of detainee property.** Upon release of a detainee, the property of
16.22 that detainee, unless held for authorized investigation or litigation, must be returned with a
16.23 receipt for the detainee to sign or for the transporting officer to sign.

17.1 Subp. 2. **Transportation.** Detainees must be permitted to make arrangements for
17.2 transportation before release.

17.3 Subp. 3. **No release in severe weather.** No detainee may be released in severe
17.4 weather in a manner to endanger the detainee's health, safety, or well-being.

17.5 **2945.4730 SEARCHES AND SHAKEDOWNS.**

17.6 [For text of subp 1, see M.R.]

17.7 Subp. 2. **Regular inspection of facility.** The facility must be inspected weekly for
17.8 contraband, evidence of breaches in security, and inoperable security equipment. Facility
17.9 inspections must be documented.

17.10 [For text of subp 3, see M.R.]

17.11 **2945.4740 LOCKS AND KEYS.**

17.12 Subpart 1. **General.** All keys to security locks must be properly tagged and stored in
17.13 a secure cabinet within a secure area, and out of reach of the detainees or the public. At
17.14 least one complete set of facility keys must be kept on hand for replacement purposes.
17.15 Keys that serve a critical security purpose must be easily identifiable and never issued
17.16 to facility staff except upon order of the facility administrator or person in charge, and
17.17 in accordance with established procedure. No security keys may be made available to
17.18 detainees regardless of status. All electronic locking systems must have a manual override.
17.19 A set of keys must be available outside the secure perimeter in case of an emergency.

17.20 Subp. 2. **Regular inspection.** Locks to security doors or gates must be inspected
17.21 weekly by facility staff to ensure efficient operation. Inspections of locks must be
17.22 documented.

17.23 Subp. 3. **Inoperable locks.** No lock to a security door or gate may be permitted to
17.24 be inoperable or left in an unsuitable condition. No detainee shall be placed in a cell
17.25 or area that has inoperable locks.

18.1 **2945.4750 DANGEROUS MATERIALS.**

18.2 Materials dangerous to either security or safety shall be properly secured and labeled
18.3 and have a material safety data sheet.

18.4 **2945.5400 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.**

18.5 Subpart 1. **Availability of resources.** Each facility must have a licensed physician or
18.6 medical resource such as a hospital or clinic designated for the medical supervision and
18.7 treatment of detainees. Resources must insure service 24 hours a day.

18.8 Subp. 2. **Emergency dental care.** Each facility must have emergency dental care
18.9 available to detainees.

18.10 [For text of subp 3, see M.R.]

18.11 Subp. 4. **Examination of detainee when medical attention is necessary.** A
18.12 detainee must be examined by trained medical personnel if the detainee is visibly ill,
18.13 chronically ill, or when it is suspected that medical attention is necessary.

18.14 **2945.5420 HOSPITALIZATION OF A DETAINEE.**

18.15 Subpart 1. **Policy.** Each facility must have a policy for admission of a detainee to a
18.16 hospital on the recommendation of the attending physician.

18.17 Subp. 2. **Guarding of detainee.** When a detainee requires hospitalization, the
18.18 detainee must be guarded 24 hours a day unless the detainee is not in need of supervision
18.19 or the detainee is medically incapacitated in the opinion of the attending physician.

18.20 **2945.5430 FIRST AID.**

18.21 Subpart 1. **First aid and CPR training.** A facility must have a training program to
18.22 provide instruction on the administration of first aid and cardiopulmonary resuscitation
18.23 (CPR). All staff must be trained in first aid and CPR at least once every two years.

18.24 [For text of subps 2 and 3, see M.R.]

19.1 Subp. 4. **Medical or dental records.** If a detainee receives medical or dental care
19.2 while in custody, records must be maintained and include at a minimum:

19.3 A. the limitations and disabilities of the detainee;

19.4 B. instructions for detainee care;

19.5 [For text of items C to E, see M.R.]

19.6 F. times and dates when the detainee was seen by medical personnel and the
19.7 names of the personnel.

19.8 Subp. 5. **Data practices.** The medical record file must be maintained according to
19.9 the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

19.10 **2945.5440 PREVENTIVE HEALTH SERVICES.**

19.11 Subpart 1. **Written plan for personal hygiene.** The facility administrator shall
19.12 develop and implement a written plan for personal hygiene practices of all detainees with
19.13 special assistance for those detainees who are unable to care for themselves.

19.14 [For text of subp 2, see M.R.]

19.15 Subp. 3. **Bathing.** A detainee must be permitted daily washing. Upon request,
19.16 detainees shall receive personal hygiene items including, at a minimum, soap, toothbrush,
19.17 toothpaste, and, if appropriate, feminine hygiene items.

19.18 Subp. 4. [See repealer.]

19.19 **2945.5450 DELIVERY, SUPERVISION, AND CONTROL OF MEDICATION.**

19.20 Subpart 1. **Prescription medication.** Facility policy shall prohibit stock supplies of
19.21 prescription medications.

19.22 Subp. 2. **Delivery by unlicensed staff.** The delivery of prescription medications by
19.23 unlicensed staff must be under the direction of a physician.

20.1 **Subp. 3. Policy for storage, delivery, and control of medication.** A facility
20.2 administrator shall develop procedures for the secure storage of medication. The policy
20.3 must include at a minimum the following storage requirements:

- 20.4 A. medication be stored in a locked area;
- 20.5 B. the storage area be kept locked at all times;
- 20.6 C. medication requiring refrigeration be refrigerated and secured;
- 20.7 D. detainees not be permitted in the medication storage area;
- 20.8 E. only staff authorized to deliver medication may have access to keys for the
20.9 medication storage area;
- 20.10 F. prescribed medication be kept in its original container, bearing the original
20.11 label; and
- 20.12 G. poisons and medication intended for external use be clearly marked and
20.13 stored separately from medication intended for internal use.

20.14 **Subp. 4. Procedures for delivery of medication.**

- 20.15 A. Each facility must adopt procedures for the delivery of medication.
- 20.16 B. The procedures must include the following:
 - 20.17 (1) requirements that medication administered by injection must be
20.18 administered by a physician, registered nurse, or licensed practical nurse. Diabetics under
20.19 physician order and direct staff supervision must be permitted to self-administer insulin;
 - 20.20 (2) requirements that no detainee while receiving prescription medication
20.21 may receive any nonprescription medication without the approval of the attending
20.22 physician;
 - 20.23 (3) procedures for reporting to the physician any adverse reactions to
20.24 drugs. Any reports shall be included in the detainee's file;

21.1 (4) procedures for reporting the attending physician a detainee's refusal of
21.2 prescription medication, and an explanation made in the detainee's record;

21.3 (5) procedures for ensuring that no detainee is deprived of medication as
21.4 prescribed because of penalty or staff retaliation;

21.5 (6) procedures that prohibit the delivery of medication by detainees; and

21.6 (7) procedures for verifying prescription medication before administering
21.7 the medication.

21.8 C. Procedures must also include at a minimum the following:

21.9 (1) medication delivered to a detainee is to be self-administered under
21.10 staff supervision;

21.11 (2) there is to be a means for the positive identification of the recipient
21.12 of medication;

21.13 (3) procedures and records to assure that medication is delivered in
21.14 accordance with physician instructions, and by whom; and

21.15 (4) procedures for confirming that medication delivered for oral ingestion
21.16 has been ingested.

21.17 Subp. 5. **Records of receipt; disposition of medication.** Records of receipt, the
21.18 quantity of the medication, and the disposition of prescription medication must be
21.19 maintained in sufficient detail to enable an accurate accounting.

21.20 Subp. 6. **Medication given to detainee upon release.** Prescription medication
21.21 belonging to a detainee must be given to the detainee or to the appropriate authority upon
21.22 transfer or release and shall be recorded in the detainee's file.

21.23 Subp. 7. **Destruction of medication.** The destruction of medication on expiration
21.24 dates or when retention is no longer necessary or suitable must be consistent with

22.1 requirements of the Pollution Control Agency. A notation of the destruction must be
22.2 made in the detainee's record and a statement of what was destroyed, who destroyed it,
22.3 and how it was destroyed.

22.4 **2945.5455 TUBERCULOSIS SCREENING.**

22.5 Employees of municipal lockup facilities shall be screened for tuberculosis according
22.6 to Minnesota Statutes, section 144.445. The facilities shall follow Department of Health
22.7 requirements for tuberculosis screening of employees.

22.8 **2945.5460 REPORTING SUSPECTED COMMUNICABLE DISEASE.**

22.9 It is the responsibility of the facility administrator or person in charge in consultation
22.10 with the attending physician to report to the Department of Health any known or suspected
22.11 communicable disease.

22.12 **2945.5470 SEPARATION OF DETAINEES SUSPECTED OF HAVING A**
22.13 **COMMUNICABLE DISEASE.**

22.14 Detainees suspected of having a communicable disease must be separated from other
22.15 detainees.

22.16 **2945.5480 SPECIAL NEEDS DETAINEES.**

22.17 A policy must be developed for the management of special needs detainees and
22.18 include a procedure for managing detainees who are suspected of having special needs or
22.19 are considered to be a danger to self or others.

22.20 **2945.5490 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.**

22.21 Subpart 1. **General.** The facility must be kept in good repair to protect the health,
22.22 comfort, safety, and well-being of detainees and staff.

22.23 [For text of subp 2, see M.R.]

22.24 Subp. 3. **Compliance with rules.** Housekeeping, sanitation, water supplies,
22.25 plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions must

23.1 comply with rules required by the State Building Code, the State Fire Marshal's Office,
23.2 the Department of Labor and Industry (O.S.H.A. rules), and other departmental rules
23.3 having the force of law.

23.4 [For text of subps 4 and 5, see M.R.]

23.5 **Subp. 6. Reporting of unsanitary and unsafe conditions.** Facility staff must report
23.6 to the facility administrator any unsanitary and unsafe conditions as well as physical plant
23.7 and equipment repairs or replacement needs.

23.8 [For text of subps 7 and 8, see M.R.]

23.9 **Subp. 9. Elimination of conditions conducive to vermin.** A condition in the
23.10 facility conducive to harborage or breeding of insects, rodents, or other vermin must be
23.11 eliminated immediately.

23.12 **Subp. 10. Fire inspection.** Fire inspections of the facility must be conducted on an
23.13 annual basis by a state fire marshal or local fire official. Documentation of the inspection
23.14 and any resulting orders must be maintained and available for inspection by the regulatory
23.15 authority. Failure to comply with fire safety requirements shall result in a denial of
23.16 approval to continue facility operations.

23.17 **REPEALER.** Minnesota Rules, parts 2945.0100, subparts 2, 16, 18, 22, 25, 26, 28, 29,
23.18 30, 35, and 36; 2945.0110; 2945.0500; 2945.1000, subpart 2; 2945.2110; 2945.2120;
23.19 2945.2510, subpart 5; 2945.3400; 2945.3440; 2945.4700, subpart 2; 2945.4760;
23.20 2945.5410; and 2945.5440, subpart 4, are repealed.