

Dakota County Sheriff's Office

Dakota County SO Custody Manual

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Chapter 1 - Role and Authority

Authority and Legal Assistance

102.1 PURPOSE AND SCOPE

This policy acknowledges and reflects the legal authority under which the Dakota County Sheriff's Office shall operate and maintain a local detention facility in this state. In addition to the authority vested by state law, the jail operates in accordance with these laws, constitutional mandates, regulations and local ordinances.

102.2 POLICY

It is the policy of this Office that the local detention facility will be maintained by all lawful means for the incarceration of persons suspected of violating the law or who have been adjudicated as guilty of committing a crime or civil offense by a competent legal authority, as prescribed by law.

102.3 LEGAL FOUNDATION

Jail staff at every level must have an understanding and true appreciation of their authority and limitations in the operation of a local detention facility. The Dakota County Sheriff's Office recognizes and respects the value of all human life and the expectation of dignity without prejudice toward anyone. It is also understood that vesting law enforcement personnel with the authority to incarcerate suspected law violators to protect the public and prevent individuals from fleeing justice requires a careful balancing of individual rights and legitimate government interests.

102.4 LEGAL ASSISTANCE

The following are examples of areas where the services of the County Attorney and legal specialists can be of benefit to the Office:

- (a) Analyze and alert jail administration to jail-related case law.
- (b) Serve as a legal consultant in the construction and review of new jail policies and procedures.
- (c) Serve as a legal consultant on issues related, but not limited to:
 1. Use of force
 2. Faith-based requests
 3. Complaints and grievances
 4. Allegations of abuse by staff
- (d) Serve as legal counsel in legal matters brought against this office and the Sheriff.

102.4.1 LEGAL LIAISON

The Sheriff will designate one or more staff to act as a liaison between the Office and the County Attorney's office. The legal liaison officer(s) will provide an orientation of the facility and detention facility policies to representatives of the County Attorney's office as needed.

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Authority and Legal Assistance

The liaison officer(s) may arrange for regularly scheduled meetings as necessary to provide an ongoing status report of facility issues to the legal counsel. The liaison officer(s) will maintain an open relationship with legal counsel to move quickly on emerging facility issues that could have significant legal implications for the Office.

Custody Manual

105.1 PURPOSE AND SCOPE

The Custody Manual is a statement of the current policies, rules, and guidelines of this office's jail. All prior and existing manuals, orders, and regulations that are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered guidelines. It is recognized, however, that work in the custody environment is not always predictable and circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably known to them at the time of any incident.

105.2 POLICY

The manual of the Dakota County Sheriff's Office jail is hereby established and shall be referred to as the Custody Manual. All members are to conform to the provisions of this manual.

105.3 RESPONSIBILITIES

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Departmental Directives, which shall modify the provisions to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

The Jail Administrator shall ensure that the Custody Manual is reviewed annually, updated whenever necessary, and staff trained accordingly to ensure that the policies in the manual are current and reflect the mission of the Dakota County Sheriff's Office. The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

105.3.1 COMMAND STAFF

The command staff should consist of the following:

- Sheriff
- Chief Deputy
- Commander
- Captain-Jail Administrator

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105.3.2 OTHER PERSONNEL

Line and supervisory staff have a unique view of how policies and procedures influence the operation of the facility and therefore are expected to bring to the attention of their supervisors issues that might be addressed in a new or revised policy.

All members suggesting revision of the contents of the Custody Manual should forward their suggestions, in writing, through the chain of command, to the Jail Administrator, who will consider the recommendation.

105.4 DEFINITIONS

The following words and terms shall have these assigned meanings unless it is apparent from the content that they have a different meaning:

Office - The Dakota County Sheriff's Office.

Custody Manual - The Office Custody Manual.

Employee - Any person employed by the Office.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Dakota County Sheriff's Office, including:

- Full- and part-time employees.
- Deputies.
- Reserve deputies.
- Non-licensed employees.
- Volunteers.

Deputy - All persons, regardless of rank, who are employees and who are selected and trained in accordance with state law as deputies of the Dakota County Sheriff's Office.

On-duty employee - Status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The job classification title held by a deputy.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

105.5 DISTRIBUTION OF MANUAL

Copies of the Custody Manual shall be made available to all members. An electronic version of the Custody Manual will be made available to all members on the office network.

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No changes shall be made to the electronic version without authorization from the Jail Administrator.

105.6 MANUAL ACCEPTANCE

As a condition of employment, all members are required to read and obtain necessary clarification of this office's policies. All members are required to sign a statement of receipt acknowledging that they have received a copy or have been provided access to the Custody Manual.

105.7 REVISIONS TO POLICIES

All members are responsible for keeping abreast of all Custody Manual revisions. All changes to the Custody Manual will be posted on the office network for review prior to implementation. The Training Coordinator or designee will forward revisions to the Custody Manual as needed to all personnel via electronic mail. Each member shall acknowledge receipt by return email or online acknowledgement, review the revisions and seek clarification as needed.

Each supervisor will ensure that members under his/her command are familiar with and understand all revisions.

Annual Facility Inspection

111.1 PURPOSE AND SCOPE

Annual facility inspections are the collection of data designed to assist administrators, managers and supervisors in the management of the custody facility by means of establishing a systematic inspection and review of its operation. This policy provides guidelines for conducting the annual facility inspection.

111.1.1 POLICY

This office will use a formal annual inspection process of its facility to ensure that practices and operations are in compliance with statutes, regulations, policies and procedures and best practice standards. Inspections will be used to help identify the need for new or revised policies and procedures, administrative needs, funding requirements, evaluation of service providers and changes in laws and regulations.

111.2 JAIL ADMINISTRATOR RESPONSIBILITY

The Jail Administrator or designee is responsible for collecting performance indicators and other relevant data to generate and provide an annual inspection of all custody facilities. The Jail Administrator or designee will ensure that inspections are conducted as outlined below for each facility type on an annual basis.

Annual inspections may be used in preparation of inspections by outside entities, such as inspections by a government inspection authority, professional organization or accreditation body. In this case, the local inspection will serve as a pre-inspection review that will prepare the facility for the outside or third-party evaluator.

111.3 INSPECTION AREAS

The annual inspection should include the following areas in the assessment process:

- (a) **Pre-assessment briefing** - The pre-assessment briefing should begin with a meeting of the Jail Administrator or designee, key personnel and service providers. The individual conducting the assessment will need to advise key personnel of the areas they will be inspecting so the appropriate materials will be brought up to date and made available to the assessment team.
- (b) **Policy review** - A review of all jail policies and procedures should be conducted to ensure that those policies are up to date and accurately reflect the requirements and activities related to the jail operation.
- (c) **Record review** - A review of the records that support jail activities, medical records and the facility's financial records should be conducted to ensure that contractual benchmarks are being met and that any discrepancies are documented and reported as part of the assessment report in an effort to mitigate harm from improper access to or release of records.

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Annual Facility Inspection

- (d) **Benchmark review** - A review of the Office stated goals and objectives should be discussed with the Jail Administrator, program managers and other key providers of programs. This will provide the opportunity to identify any areas that require correction, additional resources or that reflect a successful performance that should be acknowledged and possibly replicated.
- (e) **On-site inspections** - The assessment team should conduct on-site inspections of the facility to verify that activities in the facility are in alignment with goals and objectives and compliant with policies and procedures. Any discrepancies, as well as exceptional efforts on the part of management and staff, should be reported as a part of the jail assessment. An inspection checklist should be used to guide the inspection process and to ensure consistency. It is important that the jail assessments be viewed as a credible measurement instrument as many issues identified in the assessment may require significant funding.
- (f) **Develop an action plan** - After the fact-finding described in the previous sections has been accomplished, notes, records and recommendations should be analyzed and an action plan developed to initiate any needed correction. Documenting successful practices is important to determine if they can be replicated in other areas.
- (g) **Reporting** - The results of the inspection should be compiled into a report and should include recommendations and action plans necessary to ensure continuous improvement in the operation and management of the jail system. The completed report and any analysis and documentation required to justify costs, policy revisions or any other administrative requirements should be submitted to the Sheriff.
- (h) **Monitor progress** - The Jail Administrator should ensure that approved recommendations are being instituted by the responsible program providers.

111.4 FOCAL POINTS FOR INSPECTIONS

Inspections of facilities used for detaining persons pending arraignment, held during trial and held upon a lawful court commitment should include inspection of the policies, procedures and performance by management and staff to ensure compliance and timely updates. Inspections should include, but not be limited to, the following inspection points:

- Staff training
- Number of personnel
- Policy and procedures manual
- Fire suppression pre-planning
- Incident reports
- Death in-custody
- Documented suicide attempts

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Annual Facility Inspection

- Classification plan
- Reception and booking
- Communicable disease prevention plan
- Inmates with mental disorders
- Administrative segregation
- Developmentally disabled inmates
- Use of force and restraint devices
- Contraband control
- Perimeter security
- Searches (area and personal)
- Access to telephones
- Access to courts and counsel
- Inmate visiting
- Inmate mail
- Religious access
- Health care services
- Intake medical screening
- Vermin control
- Detoxification treatment
- Suicide prevention program
- First-aid kit
- Meals, frequency of serving
- Minimum diet
- Food service plan
- Food serving and supervision
- Facility sanitation, safety, maintenance
- Tools, key and lock control
- Use of safety and sobering cells
- Plan for inmate discipline including rules and disciplinary penalties, forms of discipline, limitations on discipline and disciplinary records.

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Annual Facility Inspection

- Standard bedding and linen use
- Mattresses

111.4.1 MINORS IN CUSTODY

In addition to the previously described inspection points, detention facilities that hold minors in temporary custody should also include the following inspection points:

- Serious illness of a minor in an adult detention facility
- Minors arrested for law violations
- Written policies and procedures regarding minors in custody
- Care of minors in temporary custody
- Contact between minors and adult prisoners
- Decision on secure detention
- Conditions of secure detention
- Supervision of minors held inside a locked enclosure
- Supervision of minors in secure detention outside a locked enclosure
- Non-secure custody of minors
- Supervision of minors in non-secure custody
- Intoxicated and substance-abusing minors in a lockup
- Medical receiving and screening of minors
- Classification
- Fingerprints of juveniles
- Photographs of juveniles

Post Orders

118.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the development of post orders and the training of members assigned to each post.

118.2 POLICY

It is the policy of this office to develop comprehensive post orders for every position. Copies of the orders should be maintained at each post or available electronically. Members shall be familiar with the post orders before working a position.

118.3 DEVELOPMENT

Clear procedures should be incorporated into post orders for all regular daily activities, including but not limited to safety checks, head counts, meals, sick call, recreation, clothing exchange, mail distribution, and response to emergencies, such as fires, natural disasters, and criminal acts.

118.4 REVIEW AND UPDATE

Post orders shall be reviewed at least annually and updated whenever necessary by the Jail Administrator or the authorized designee (Minn. R. 2911.5000).

118.4.1 ACKNOWLEDGEMENT

Members shall read, sign, and date applicable post orders at least annually, or as needed for new posts or revisions (Minn. R. 2911.5000).

Chapter 2 - Organization and Administration

Financial Practices

202.1 STAFFING PLAN

The Jail Administrator should maintain an up-to-date staffing plan for the purpose of exercising position control. The staffing plan should include a comprehensive list of all positions in this facility. Each position has a descriptive job title that is associated with a description of the position's duties and responsibilities. Each position will have a written job description for all position classifications and post assignments that define responsibilities, duties, and qualifications (Minn. R. 2911.1800).

The Jail Administrator should adhere to the following strategies for the management of position control and personnel costs:

- (a) Ensure that this facility is staffed with the appropriate number and type of staff. The proper allocation and deployment of staff across shifts and functional units is essential. In addition, the availability of the right classification of staff (e.g., custody staff supervising inmates, maintenance staff performing maintenance, food service staff preparing meals) with the appropriate job skills and training enhances efficiency.
- (b) Strategically time the filling of newly authorized positions or vacancies in current positions. Strategic timing is important throughout the budget year to create vacancy savings that can be used to address current budget year shortfalls.
- (c) Manage the use of overtime carefully. The historical use of overtime should be tracked to make the case for additional staff and/or to provide sufficient funding in an overtime line item. The use of overtime should also be monitored at regular intervals to verify that it is being used within projected levels.
- (d) Manage the use of part-time staff. The number of hours worked by part-time staff should be monitored to ensure that part-time employees are not working in excess of what has been authorized (e.g., a part-time employee should be working no more than an average of 20 hours per week).
- (e) Establish and maintain procedures to ensure the accuracy and integrity of payroll documentation. Time cards, time sheets, and related documentation should reflect actual hours worked.
- (f) Consider the impact of position upgrades on the entire job classification. An upgrade for one position may set the stage for upgrades of similar positions within the same job classification.
- (g) Monitor the use of merit increases. Caution should be exercised in granting merit increases as a way of making up for perceived shortfalls in cost-of-living increases. Each merit increase, unless it is a one-time bonus, increases the base pay and has an impact on continuation funding in future budget years.

202.2 BUDGET PLAN

The Sheriff or designee will establish a system of projections of expenditures for personnel, operating expenses, equipment and capital projects. A record of a historical pattern of expenditures along with a justification for new expenditures should be used as the supporting

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Financial Practices

documentation in the development of the budget plan. This shall be done on a monthly basis or as part of the annual budget. (Minn. R. 2911.7200, Subp. 5).

202.3 FISCAL ACCOUNTING AND PLAN FOR RECOVERABLE COST FOR INCARCERATION OF INMATES

Jail Administration may develop procedures for the collection of fees and board bills in accordance with applicable Minnesota laws. Applicable recoverable costs may include but are not limited to (Minn. Stat. § 641.12; Minn. Stat. § 641.15):

- Booking costs
- Amounts due for the room and board of inmates
- Medical co-payments
- Reimbursement of medical bills

Supervision of Inmates

204.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the safety and security of the jail through the application of appropriate staffing levels.

204.2 POLICY

It is the policy of this facility to provide for the safety and security of citizens, staff, and inmates through appropriate staffing levels that are sufficient to operate the jail and perform functions related to the safety, security, custody, and supervision of inmates.

204.3 ADMINISTRATOR

This jail will have a designated (single) jail administrator (Minn. R. 2911.0900, Subp. 2).

204.4 STAFF PERSON IN CHARGE

There shall be a designated "person in charge" in the facility at all times in the absence of administrative staff. This person shall be identified on the duty rosters (Minn. R. 2911.0900, Subp. 8).

204.5 SUPERVISION OF INMATES

There shall be, at all times, sufficient staff designated to remain in the jail for the supervision and welfare of inmates, to ensure the implementation and operation of all programs and activities as required by Minnesota Rule 2911, and to respond to emergencies when needed. Such staff must not leave the jail while inmates are present and should not be assigned duties that could conflict with the supervision of inmates (Minn. R. 2911.0900, Subp. 9).

When both male and female inmates are held at this facility, a minimum of one male and one female deputy should be on-duty in the jail at all times.

Staff members shall not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite gender in circumstances that can be described as an invasion of privacy or that may be degrading or humiliating to the inmates. Staff used as program resource personnel with inmates should be of the same gender as the inmates when reasonably available. However, at least one staff member of the same gender as the inmates should be on-duty and available to the inmates during all such activities (Minn. R. 2911.0900, Subp. 10).

To the extent reasonably practicable, inmate bathrooms will contain modesty screens that preserve privacy without creating areas that cannot be properly supervised.

The Jail Administrator or the authorized designee shall be responsible for developing staffing plans to comply with this policy. Records of staff deployment should be maintained in accordance with established records retention schedules.

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Supervision of Inmates

204.6 SEPARATION OF DUTIES

Maintenance personnel are employed to perform preventive, routine, and emergency maintenance functions. Custody staff will not be given physical plant maintenance duties that distract from their primary responsibility of supervising inmates (Minn. R. 2911.0900, Subp. 11).

Prohibition on Inmate Control

206.1 PURPOSE AND SCOPE

The purpose of this policy is to define the requirement that staff should at all times exercise control of the inmate population under their supervision and should prevent inmates from supervising, controlling, or exerting any authority over other inmates within the facility (Minn. R. 2911.2850, Subp. 5).

206.2 POLICY

All staff, including support staff, contractors, and volunteers, should exercise control and supervision of all inmates under their control. It is the policy of this office to prohibit any staff member to implicitly allow, or by dereliction of duty allow, any inmate to exercise authority, control, discipline, or rule over any other inmate.

206.3 EDUCATION, DRUG, OR ALCOHOL PROGRAM ASSISTANTS

Nothing in this policy is intended to restrict the legitimate use of inmates to assist in the instruction of educational or drug and alcohol programs. Any use of inmates in this manner will be expressly authorized by the Jail Administrator in a legally prescribed manner. Any program that uses inmates to assist in legitimate program activities will be closely supervised by facility employees or vocational instructors. Nothing in this section is intended to authorize an inmate program assistant to engage in disciplining other inmates.

Tool and Culinary Equipment Control

209.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a tightly controlled process for the use of tools and culinary equipment in order to reduce the risk of such items becoming weapons for the inmate population. While there are times that specific inmate workers may need to possess tools or equipment for legitimate daily operations, the possession and use of those tools must be carefully monitored and controlled by staff (Minn. R. 2911.5450).

209.2 POLICY

It is the policy of this facility to securely store, inventory, control and monitor the use of tools and culinary equipment to ensure accountability and the secure use of these items.

209.2.1 CUSTODY TOOLS

Tools include all implements that are maintained within the secure perimeter of the facility to complete specific tasks. These tools include, but are not limited to, mops, brooms, dustpans and floor polishers.

All tools, culinary items or medical equipment shall be locked in secure cabinets or storage rooms when not in use.

Any time tools are brought into a secure area where inmates are present, staff supervising the area shall count the number of tools brought in to ensure that the same number of tools are taken out.

Any tool that is used within the secure perimeter of the facility must be closely monitored and controlled by the staff supervising the area so that it cannot be used as a weapon. Inmates who are assigned tasks that require these tools shall be closely supervised.

An inventory of all tools used and stored within the secure perimeter of the facility shall be developed and maintained by the Jail Administrator. Tools will be inventoried by an assigned staff member at least once every 24 hours. The loss of any tool will be immediately reported to the on-duty supervisor, who shall initiate immediate appropriate action to locate or account for the missing tool, including:

- (a) Detaining and searching any inmate who had access to the tool.
- (b) Conducting a thorough search of the immediate area for the missing item.
- (c) Initiating a facility-wide search.

The staff member responsible for the supervision of the use of missing tool will prepare and submit a report to the Supervisor documenting the summary of the incident.

209.2.2 MAINTENANCE OR CONSTRUCTION TOOLS

Maintenance or construction tools are those tools and equipment that are brought into and out of the secure perimeter of the facility by employees or contractors to facilitate repairs or construction of the physical plant. Only the tools and equipment needed specifically for the intended work will be

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Tool and Culinary Equipment Control

permitted into the facility. All tools and equipment will be thoroughly inventoried and a documented list provided to the control booth prior to any tools or equipment being brought inside the secure perimeter.

A staff member will check the tools being brought into this facility against the inventory list. Prior to entering the secure perimeter of the facility, the contractor shall be instructed to maintain personal possession of the tools at all times. When it is necessary to complete a task in an area where inmates are present, the inmates shall be locked down by staff supervising the area.

When the person has finished working in the area, a deputy will ensure that all tools are accounted for. In the event of a discrepancy, the on-duty supervisor shall be immediately notified and appropriate action taken to locate or account for the items. Once all tools have been accounted for, the inmates may be released from lockdown.

209.2.3 KITCHEN EQUIPMENT

Culinary tools are located in the kitchen and include common tools used in the preparation, service and delivery of meals.

All kitchen knives or metal tools with sharp edges shall be stored in a locked cabinet. There shall be an outline of the tool's assigned location in the cabinet so that any tool missing from the cabinet can be easily identified. When in use and feasible all knives shall be tethered to the work area. All tools shall be returned to the secure cabinet when not in use.

The deputy or designee assigned to the kitchen shall inventory all kitchen tools at the beginning of his/her shift and prior to the arrival of inmate workers. Kitchen tools will only be issued to inmates who have been classified as inmate workers. Staff will supervise inmates at all times when the inmates are using tools.

All tools will be returned to the kitchen tool cabinet at the end of each shift and all tools must be accounted for prior to any inmate worker being released from the work assignment.

In the event that a kitchen tool is missing, the deputy shall immediately notify the on-duty supervisor, who shall initiate immediate action to locate or account for the missing tool. A thorough search for the tool will be undertaken and an incident report shall be completed by the deputy responsible for the supervision of the use of the tool. The incident report with all relevant information shall be forwarded to the Jail Administrator.

Disposition of Evidence

212.1 PURPOSE AND SCOPE

The purpose of this policy is to provide direction regarding the proper handling and disposition of contraband and evidence to ensure that of the chain of custody is maintained so that evidence is admissible in a court of law or disciplinary hearing.

212.2 POLICY

It is the policy of the Dakota County Sheriff's Office to seize evidence and contraband in accordance with current constitutional and search-and-seizure law. Members of this office shall properly handle all contraband and evidence in order to maintain its admissibility. All contraband and evidence shall be handled in a safe manner and in a way that will maintain the chain of custody.

212.3 INITIAL SEIZURE OF EVIDENCE

Any staff member who first comes into possession of any evidence should retain such evidence in his/her possession until it is properly tagged and booked. When handling evidence, staff should observe the following safety precautions:

- (a) Unload any firearm located in the approved loading/unloading area outside of the facility. If it is a revolver, the cylinder should be left open. If it is a semiautomatic pistol, the magazine shall be removed and the slide locked back in an open position. The cartridges and/or magazine will be packaged separately and booked with the firearm.
- (b) Sheath any knife or other stabbing instrument in its holster (if any), or attach (tape) stiff cardboard to completely cover the blade.
- (c) Place needles, such as syringes, into a hard plastic container that cannot be punctured by the needle.

212.4 PROPERTY BOOKING PROCEDURE

All property shall be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method to prevent defacing or damaging the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right corner of the bag or in the appropriate field of the evidence/property tag.

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- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the secure supply room or another area that can be secured from unauthorized entry. Place the completed property form into a numbered locker indicating the location of the property.

212.4.1 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate property form. Paraphernalia shall also be booked separately. All controlled substances shall be properly weighed by the booking staff member. The weight of all controlled substances shall be documented on the booking form. A copy of the booking form shall be placed with the evidence in the designated locker and shall also be distributed in accordance with current evidence booking procedures.

212.4.2 EXCEPTIONAL HANDLING

Certain property items require a separate process. Bodily fluids, such as blood or semen stains, shall be air-dried prior to booking.

212.4.3 RECORDING OF PROPERTY

The property deputy receiving custody of evidence or property shall record on the property control card his/her signature, the date and time the property was received and where the property will be stored.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Office shall be noted in the property log book.

212.4.4 PROPERTY CONTROL

Every time property is released or received, an appropriate entry on the evidence package and property control card shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or the employee who is managing the case.

Deputies desiring property for court shall contact the property deputy at least one day prior to the court day.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the property deputy. This request may be filled out any time after booking the property or evidence.

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212.4.5 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card, and complete a request for laboratory analysis.

The property deputy releasing the evidence must complete the required information on the property control card. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item, the deputy will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Jail Records for filing with the case.

212.4.6 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to a law enforcement authority for investigative purposes or for court shall be noted on the property control card, stating the date, time and to whom it was released.

The property deputy shall obtain the signature of the person to whom the property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to property or released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time and the name of the person who returned the property.

212.5 RELEASE OR DISPOSITION OF UNCLAIMED FUNDS AND PROPERTY

The employee managing the case or a supervisor shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

All reasonable attempts should be made to return unclaimed property, found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form. The release authorization shall be signed by the approving staff member and must match the items listed on the property form or must specify the items to be released. A signature of the person receiving the property shall be recorded on the original property form. Upon release the proper entry shall be documented on the property control card log and related forms.

The Property supervisor shall ensure that all cash not needed as evidence or funds that are left unclaimed by an inmate, are transferred as soon as practical to the Financial Services. A record of the transfer shall be kept in the appropriate inmate file.

The Property supervisor or the authorized designee shall submit a report of presumed abandoned property or funds once a year to the Sheriff and the Financial Services, or more frequently as directed. The Property supervisor may dispose of property in compliance with existing laws upon receipt of proper authorization from the Sheriff.

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With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction subject to the requirements of Minn. Stat. § 345.15.

If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed in accordance with applicable law. The final disposition of all such property shall be fully documented in related reports and on the property control card.

The property deputy shall release the property upon proper identification presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. Upon release, the proper entry shall be documented in the property log.

After release of all property listed on the property control card, the card shall be forwarded to the Jail Records for filing with the case. If some items have not been released the property card will remain in the property section.

Research Involving Inmates

214.1 PURPOSE AND SCOPE

The purpose of this policy is to establish safeguards and guidelines to protect inmates from being used as research subjects in medical and other research experiments based only on their status as inmates and without proper approval, review or informed consent.

214.2 POLICY

The Dakota County Sheriff's Office will conduct and support research that improves operations, enhances professional knowledge, decreases recidivism and advances the office's mission in accordance with existing laws and with appropriate protection of all inmates. However, the use of inmates for medical, pharmaceutical or cosmetic experiments is prohibited (Minn. R. 2911.6900).

214.3 AUTHORIZATION REQUIREMENTS

Prior to initiating any approved research, all persons conducting research in this facility must agree to abide by all office policies relating to the security and confidentiality of inmate data. Based upon the intended use of the research, guidelines will be established regarding what information shall be accessible to the researcher or the research organization.

Any requests for an exception shall include a response to the following questions as part of the proposed research project:

- Who is conducting the research?
- What is the purpose of the research?
- What is the methodology?
- Do the researchers or persons advocating research involving the use of inmates have an understanding of their ethical responsibilities, including the establishment of an Institutional Review Board (IRB), in accordance with 45 CFR 46.301 et seq.?
- Any other information as deemed appropriate by the Jail Administrator or Sheriff.

Inquiries regarding proposed research projects from local, state and federal executive and legislative bodies/agencies will be brought to the attention of the Sheriff immediately by the employee who receives the request. At the direction of the Sheriff, an appropriate and timely response will be made to each legitimate inquiry.

Research or studies involving more than the information identified as public information may require signed release/waiver forms from the involved inmates. The Sheriff should consult and seek guidance from the legal counsel serving the Office or other legal expert in these matters.

Inmates are not precluded from individual treatment based on the need for a specific medical procedure that is not generally available. An inmate's treatment with a new medical procedure by the inmate's own physician shall be undertaken only after the inmate has received a full

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explanation of the positive and negative features of the treatment, and only with the inmate's informed consent.

214.4 LEGAL CONSIDERATIONS

Any research conducted or supported by the United States Department of Health and Human Services will be required to comply with the provisions of 45 CFR 46.301 et seq.

Inmate Records

216.1 PURPOSE AND SCOPE

This policy establishes the procedures required to create and maintain accurate records of all persons booked and confined in this facility.

216.2 POLICY

It is the policy of this office that all records shall be complete and comprehensive, resulting in reliable data that provides information about each inmate's period of confinement, as well as histories of previous confinement in this facility. All inmate records are official office documents and should be used for official business only. Inmate records are a vital component of the criminal justice system and should only be released to authorized persons.

216.2.1 RECORD MAINTENANCE

It shall be the responsibility of the Jail Administrator or designee to maintain the following records on all persons who have been committed or assigned to this facility, including, but not limited to, the following:

- Information gathered during the admission process as provided in the Inmate Reception Policy
- Photographs and fingerprints cross referenced to the booking number
- Duration of confinement
- Court-generated background information
- Cash and property receipts
- Classification records, including inmate classification levels and housing restrictions
- Housing history records
- Reports of disciplinary events and dispositions
- Grievances and dispositions
- Reports of incidents or crimes committed during confinement
- Request forms
- Special visit forms
- Court appearances, documents and the disposition of hearings
- Work assignments
- Program participation
- Visitation records
- Telephone records

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- Medical, dental, mental health, drug and alcohol screenings, assessments, treatments, medications

The inmate records shall be identified and separated according to a format developed and approved by the Jail Administrator or the authorized designee.

216.2.2 RELEASE OF INMATE RECORDS

Inmate records are subject to the Minnesota Government Data Practices Act and shall be used only for official business, in accordance with Minnesota statutes. Any release of inmate records shall be made only in compliance with a lawful court order or as authorized by state and federal law. A copy of any release authorization document shall be maintained in the inmate record file (Minn. R. 2911.2300).

216.2.3 ELECTRONIC RECORD MAINTENANCE

All inmate records and data maintained in an electronic format shall be accessible only through a login/password-protected system capable of documenting by name, date and time any person who has accessed the information. The Jail Administrator or designee shall be responsible for working with the information technology personnel to ensure the security of the data and to develop and maintain a copy of the security plan (Minn. R. 2911.2200).

216.2.4 RECORDS RETENTION

Inmate records shall be maintained consistent with the established records retention schedule.

216.2.5 DETENTION INFORMATION SYSTEM REQUIREMENTS

The Jail Administrator or designee shall be responsible for ensuring that the data on persons detained or incarcerated at the jail shall be reported to the Minnesota Department of Corrections Statewide Supervision System (S3) in a manner consistent with the Department of Corrections' Detention Information System (DIS). The DIS reporting requirements will be accomplished in a daily and accurate manner (Minn. R. 2911.2400).

Key and Electronic Access Device Control

220.1 PURPOSE AND SCOPE

The control and accountability of facility keys and electronic access devices are vital factors in maintaining a safe and secure environment for inmates, staff, volunteers, contractors and the public. This policy outlines the methods that the Office will use in maintaining strict security of its keys and electronic access devices. For ease of reference, the term “key” as used in this policy includes all physical means of access to or exit from the secure areas of the facility (Minn. R. 2911.5550).

220.2 POLICY

It is the policy of this office that all keys used to access secure areas of the facility or to exit the secure areas of the facility are strictly controlled. Employees and supervisors will be held accountable for the security and safety of the facility. All key control activities shall be accurately documented on a daily basis (Minn. R. 2911.5550).

220.2.1 KEY IDENTIFICATION

All keys that open any doors within the facility shall be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set shall be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or code on keys shall not correspond to numbers/codes on locks.

220.2.2 KEYSSET CONTENTS

Keysets issued to staff for use within the secure perimeter of the facility shall not contain any key that would permit access to areas outside the secure perimeter. The armory key shall not be permitted inside the secure perimeter. Exterior door keys shall not be permitted inside the facility except during an emergency requiring access to the exterior doors.

220.2.3 KEY CONTROL

All facility keys shall be maintained in a locked key box within the roll call room.

Keys that serve a critical security purpose shall be easily identifiable and shall not be issued unless ordered by the facility administrator.

Under no circumstances shall an employee pass a key or keyset to another employee. All keys must be checked out through the control process. Employees shall not possess any key for which they have not been authorized.

Employees shall not duplicate, mark, alter or manufacture any key without written authorization from the Jail Administrator or the authorized designee.

Supervisors shall inventory the key box and its contents every shift. All key tags must be accounted for before the supervisor may end his/her shift.

Under no circumstances will security keys be made available to inmates regardless of their status (Minn. R. 2911.5550, Subp. 1).

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220.2.4 LOCK POLICY

All security perimeter entrances, Central Control doors and housing unit doors shall be kept locked, except when used for admission or exit of employees, inmates or visitors, and in an emergency. Operators of sallyports shall ensure that only one of the doors of a sallyport is opened at any time for entry or exit purposes, except where the entry or exit of emergency personnel requires the operator to override the doors and allow for rapid entry or exit. (Minn. R. 2911.5550, Subp. 2).

220.2.5 TESTING

Locks to security doors or gates shall be tested for proper function at least weekly to ensure proper operation. This testing shall be documented and a weekly report forwarded to the Jail Administrator (Minn. R. 2911.5550, Subp. 3).

220.2.6 MISSING KEYS

Any staff member who discovers that a key or keyset is missing shall immediately make a verbal report to the on-duty supervisor and shall prepare a written incident report as directed by the supervisor. The supervisor shall immediately initiate a search for the missing key. If a reasonable effort to locate the key fails, the supervisor shall order a lockdown of the facility. All inmates shall be locked in their cells/housing units. Inmates shall not be allowed to pass into or out of the facility without being thoroughly searched for the missing key. The supervisor shall, as soon as reasonably practicable, notify the Jail Administrator regarding the loss of the key, when it was discovered and the circumstances involved.

A methodical and thorough search of the entire facility will be made by the on-duty staff. Additional staff may be called to assist with the search. If, after a thorough search, the key or keyset is not located, the Jail Administrator will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

The Jail Administrator shall initiate an investigation into the disappearance of the keys to reexamine the procedures for key control, and shall notify the Sheriff of his/her findings. Based upon the findings of the investigation and any recommendations, the procedures governing this policy may be amended.

220.2.7 DAMAGED KEYS OR LOCKS

Damaged keys or locks shall be promptly reported to the on-duty supervisor. No part of a broken key shall be left in the lock. All portions of the damaged key must be turned in to the Supervisor, who will ensure duplicate keys are provided as needed. Damaged locks shall be replaced or repaired as soon as practicable. Appropriate security measures shall be taken until such time as the lock is properly restored. No lock to a security door or gate shall be permitted to be inoperable or left in an unsuitable condition. No inmate shall be secured in a cell, detention room or area that has inoperable locks (Minn. R. 2911.5550, Subp. 4).

220.2.8 REPLACEMENT AND EMERGENCY KEYS

At least one complete set of facility keys shall be kept on hand for replacement or emergency purposes. (Minn. R. 2911.5550).

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220.3 ELECTRONIC ACCESS DEVICES

Proximity cards, fobs or other devices may be issued to staff to allow access to restricted or controlled areas of the facility. In the event of a lost or stolen device, an employee shall notify his/her supervisor as soon as it is known the device is missing. The device shall be immediately deactivated to prevent unauthorized use.

Daily Activity Logs and Shift Reports

222.1 PURPOSE AND SCOPE

Accurate and legible records are vital to the management of the facility. They provide a means for managers to review events and emergency situations that have occurred within the facility.

This policy provides guidance for creating and maintaining accurate and legible records necessary for the management of the facility.

222.2 POLICY

This policy establishes the requirement for the preparation, maintenance and retention of permanent logs and shift reports to provide a record of both routine activities and unusual events such as emergencies or other notable occurrences.

222.3 PROCEDURES

All members assigned to a security post shall prepare an accurate daily activity log and shift report. The daily activity log and the shift report are a permanent record of daily activities. Members who falsify any official document may be subject to disciplinary action, up to and including termination.

All members will adhere to the following procedures when preparing a daily activity log or shift report:

- (a) Black ink pen shall be used, unless entries are logged into an electronic record.
- (b) Entries should be legible and provide sufficient detail to ensure that the log entry or report properly reflects the events of the day.
- (c) Entries shall include the name and badge number of the individual making the entry.
- (d) Entries shall reflect the date and time of the event logged.
- (e) Entries created and stored electronically shall not be modified. If corrections or changes become necessary, they shall be done by way of a supplemental entry, leaving the original entry unaltered and retrievable.
- (f) Handwritten log entries requiring modification shall be crossed out with one line and a new entry made, noting that it is a correction.

222.4 SHIFT ACTIVITY LOG

All pertinent activities should be documented in the daily activity log. At a minimum this includes the following:

- Personnel on-duty
- Bookings and releases
- Formal counts
- Well-being checks, security checks and inspections

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Daily Activity Logs and Shift Reports

- All searches/shakedowns
- Inmate movement within the facility
- Meal service
- Professional visits to the housing units, including maintenance work and tours
- Alarms and security equipment tests
- Medication delivery, sick call or inmate complaints of illness or injury and the action taken
- Locking and unlocking of inmate cells
- Disciplinary actions
- Supervisor rounds to the housing area and/or to specific inmates
- Unusual inmate behavior
- Activities and programs offered and the attendees
- Unusual occurrences
- Discovered contraband
- Use of emergency equipment
- Any use of force
- Sanitation inspection
- Key counts

The daily activity log will be retained in accordance with established records retentions schedules.

222.5 SHIFT REPORT

Each deputy assigned to a security post, as well as the supervisor, shall prepare a shift report for the oncoming staff. This report shall include the following:

- The formal inmate count at the beginning of each shift
- Information that would assist the oncoming staff
- Unusual occurrences

The shift log will be retained in accordance with established records retention schedules.

Employee Compensation

226.1 EXTRA DUTY

No employee shall be scheduled for more than 12 hours consecutive work in any 24 hours, except where unusual circumstances require reasonable and prudent exception. Coverage for vacations, military leave, jury duty, scheduled training and similar activities are not considered as unusual exceptions (Minn. R. 2911.0800).

Administrative and Supervisory Inspections

228.1 PURPOSE AND SCOPE

The purpose of this policy is to establish both regularly scheduled and unannounced inspections of the facility's living and activity areas. This is to encourage contact with staff and inmates and to observe inmate living and working conditions. Inspections may be useful in identifying deficiencies, which can be corrected, as well as processes working properly, which may be replicated elsewhere in the facility (Minn. R. 2911.4900).

228.2 POLICY

Tours and inspections shall be conducted by administrative and supervisory staff throughout the jail at least weekly to facilitate and encourage communication among administrators, managers, supervisors, staff employees, inmates and the visiting public.

228.3 INSPECTIONS

The Jail Administrator is responsible for ensuring that scheduled and unscheduled inspections, visits, and contacts are implemented to minimally include:

- (a) The general conditions and overall climate of the facility.
- (b) The living and working conditions of inmates.
- (c) Communication between administrators, managers, supervisors, staff, inmates, and the visiting public.
- (d) Compliance with policies.
- (e) Safety, security, and sanitation concerns.
- (f) Inmate concerns.
- (g) Meal services.

228.3.1 AREAS TO BE INSPECTED

Supervisor inspections should occur in all occupied areas of the facility on a daily basis, including weekends and holidays. Inspections should be conducted randomly, and special effort should be given to tour and informally inspect the following areas:

- Inmate housing areas
- Booking and receiving areas, including holding cells
- Exercise yard and recreation areas
- Visiting and program areas
- Medical and dental service areas
- Vocational work areas (e.g., the kitchen, janitorial closets)
- Sallyports and transportation staging areas

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228.4 INSPECTIONS OF SECURITY EQUIPMENT

The Jail Administrator shall ensure that weekly inspections of all security devices are conducted and shall have documented all action taken to correct identified deficiencies, including maintenance records, and shall retain those records in accordance with established records retention schedules.

228.5 DOCUMENTATION AND REPORTING

Each staff member conducting the inspection or tour shall document the activity in the appropriate station form or facility log. The log should include any significant findings that indicate remedial action or training may be needed. Significant issues of security or safety shall be addressed promptly. Commendable or successful actions that should be replicated elsewhere in the facility should also be noted in the log.

The Supervisor shall review the logs daily and ensure that any deficiencies noted are addressed or forwarded through the chain of command, as appropriate, and that commendable actions are also appropriately addressed.

Perimeter Security

230.1 PURPOSE AND SCOPE

The purpose of this policy is to establish this facility's security perimeters, to ensure that incarcerated inmates remain inside the perimeter, and to ensure that visitor, vendor, volunteer and employee access is granted only with proper authorization and through designated safety vestibules and sallyports. The secure perimeter of this facility will provide protection from the escape of persons being processed, held, or housed, and will act as a defense against the entry of unauthorized persons. It shall also be maintained to prevent contraband from entering the secure areas of the facility.

230.2 POLICY

All entry points to the secure perimeter of the facility shall be monitored and controlled continuously by Central Control staff. The entire perimeter shall be inspected, maintained, monitored and continuously assessed to ensure its physical integrity and prevent unauthorized entry, inmate escape and contraband from entering the facility.

230.2.1 VISITORS

This facility shall be maintained as a secure area and no person shall enter any portion of the inner perimeter without specific authorization from the Jail Administrator or the authorized designee. All visitors shall be required to provide satisfactory identification, such as a valid driver license, valid passport or military identification. Visitors shall be required to sign in on the visitor log and state the reason for the visit. Visitors must wear a visitor's badge at all times and shall be escorted by one or more staff members at all times, while they are in the secure areas of the facility.

230.3 PROCEDURE

The secure perimeter shall be maintained by assigned staff. The Jail Administrator or the authorized designee shall ensure that a staffing plan is in place to monitor the secure perimeter of this facility. Suspicious activity at or near the perimeter shall immediately be reported to the Supervisor and Central Control. Central Control staff shall initiate an appropriate law enforcement response.

Individuals suspected to be in violation of any law may be subject to detention or arrest. Warrant checks should be conducted on all individuals who are on the property without proper authorization. Individuals found to be loitering on or around the perimeter of the facility will be stopped and questioned to determine the circumstances of their presence. They may be denied entrance into the facility.

Central Control staff shall identify all persons seeking to gain access to the secure perimeter of the facility. Persons delivering goods or services shall identify themselves to Central Control staff prior to being allowed access to the delivery area.

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Materials delivered to or transported from the facility's secure perimeter shall be inspected for contraband (Minn. R. 2911.5300, Subp. 5). Vendors making deliveries into the secure area of the facility will do so under the supervision of custody staff.

Keys to the secure perimeter shall be easily identifiable and issued only in emergency situations or with the authorization of the Jail Administrator.

Weapons lockers are provided outside all secure perimeter entrances. All weapons must be secured prior to an individual being allowed to enter the facility.

The sallyport and the secure garage are to be used for the transfer of inmates.

Operation of the sallyport doors will be done in such a manner as to effectively control movement into and out of the secure perimeter of this facility. The Central Control staff is responsible for ensuring all perimeter surveillance equipment is in good working order and shall immediately report malfunctions or failures to the on-duty supervisor.

Outer perimeter security may be accomplished by using fencing or another type of barrier. These barriers should be designed to route vehicular and pedestrian traffic away from non-public areas. Outer perimeter lighting should be designed to illuminate all areas of the exterior to allow visual inspection by video monitor or perimeter patrols.

Victim Notification

238.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure victims of crimes receive notice when an inmate held for those crimes is released or escapes, and that victims receive any other notification required by Minnesota law.

238.2 POLICY

It is the policy of this office to act in accordance with all laws regarding victim notification.

238.3 PROCEDURE

The Jail Administrator shall ensure that a system is in place for individuals to request release or escape notification on any inmate housed in this facility.

Notification requests or requirements that are known during the booking process should be documented in the appropriate designated section of the inmate's booking file.

In the event that an individual contacts this facility and requests notification on any inmate housed in this facility, staff should notify a supervisor, who will determine whether notifications are required or appropriate, and ensure the notification request and determination is documented in the inmate's file. The supervisor will also ensure that the requesting individual is advised of the determination.

238.4 NOTIFICATION

Members tasked with the release of an inmate or investigating an escape shall verify whether there is a required release notification in the inmate's file.

Members shall document notification efforts in the inmate's file.

Unless ordered by the court or a supervisor, no victim or witness information shall be provided to any inmate by any member of this facility. Any unauthorized access or release of victim information is a direct violation of victim confidentiality and applicable policies, and may subject the person releasing the information to disciplinary action, up to and including termination from employment and/or criminal prosecution.

238.4.1 REQUIRED NOTIFICATIONS

(a) Domestic abuse and other related offenses

1. Before an inmate charged with stalking, domestic abuse, a violation of an order for protection, or a violation of a domestic abuse no-contact order is released, the Supervisor or the authorized designee shall make a reasonable and good faith effort to verbally notify the alleged victim, local law enforcement agencies known to be involved in the case, and at the victim's request, any sexual assault programs or local domestic abuse programs established under Minn. Stat. § 611A.32 of the following (Minn. Stat. § 629.72):

- (a) The conditions of release, if any

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- (b) The time of release
 - (c) The time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance
 - (d) The location and telephone number of the area's domestic abuse programs, as designated by the Office of Justice Programs in the Department of Public Safety, if the arrested person is charged with domestic abuse
2. As soon as practicable after an order for conditional release is entered by a court, the Supervisor or the authorized designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the time of release, the time, date, and place of the next scheduled court appearance of the arrested person, and the victim's right to be present at the court appearance.
- (b) Violent offenses and attempted violent offenses
1. Before an inmate charged with a crime of violence or an attempted crime of violence is released from pretrial detention, the Supervisor or the authorized designee shall make a reasonable and good faith effort to verbally notify the victim, as defined in Minn. Stat. § 611A.01, of the following (Minn. Stat. § 629.73):
- (a) The conditions of release, if any
 - (b) The time of release
 - (c) The time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance
 - (d) The location and telephone number of at least one area crime victim service provider as designated by the Office of Justice Programs in the Department of Public Safety.
2. As soon as practicable after an inmate charged with a crime of violence or an attempted crime of violence is released, the Supervisor or the authorized designee must personally deliver or mail to the victim a written notice of the time of release, the time, date, and place of the next scheduled court appearance of the arrested person, and the victim's right to be present at the court appearance.

Staffing

246.1 PURPOSE AND SCOPE

The propose of this policy is to establish a comprehensive staffing plan and analysis to identify staffing needs sufficient to maintain the safety and security of the facility, staff, visitors, inmates and the public.

246.2 POLICY

It is the policy of the Dakota County Sheriff's Office to ensure the safety, security and efficient operation of this facility by assigning custody personnel according to a detailed staffing plan that is developed and maintained in accordance with law (Minn. R. 2911.0900).

246.3 STAFFING PLAN REQUIREMENTS

The Jail Administrator shall ensure that a staffing plan conforming to the class type and size of this facility is prepared and maintained as described in the following section. The plan should detail all custody personnel assignments, including work hours and weekly schedules, and should account for holidays, vacations, training schedules, military leave, sick time and other atypical situations (Minn. R. 2911.0900).

At a minimum, the staffing plan will include the following:

- Facility administration and supervision
- Facility programs, including exercise and recreation
- Inmate admission, booking, supervision and housing
- Support services, including medical, food services, maintenance and clerical
- Other jail-related functions such as escort and transportation of inmates

If required, this plan and analysis will be reviewed by the Minnesota Department of Corrections (Minn. R. 2911.0900).

246.4 STAFFING ANALYSIS

The Sheriff or the authorized designee shall complete an annual comprehensive staffing analysis to evaluate personnel requirements and available staffing levels. The staffing analysis will be used to determine staffing needs and to develop staffing plans.

This analysis shall include information gathered in collaboration with the health care provider in each facility regarding staffing requirements and an appraisal of health care services provided. The analysis relating to health care personnel shall be annually reviewed for adequacy and approved by the health authority.

The Jail Administrator, in conjunction with the Prison Rape Elimination Act (PREA) coordinator, should ensure that staffing levels are sufficient to consistently and adequately fill essential positions, as determined by the staffing plan (28 CFR 115.13). Relief factors for each classification and position should be calculated into the staffing analysis to ensure staffing levels will consistently

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meet requirements. Staff should be deployed in an efficient and cost-effective manner that provides for the safety and security of the staff, inmates and the public.

The staffing analysis should be used to identify whether required activities are being performed competently and in compliance with current laws and office policies. If deficiencies are noted, the staffing analysis should also include recommendations regarding what corrective measures may be needed, including the following:

- (a) Operational changes
- (b) Equipment requirements
- (c) Additional training
- (d) Supervisory intervention
- (e) Additional personnel

246.4.1 DATA COLLECTION FOR ANALYSIS

Data that should be collected for the annual staffing analysis include:

- All categories of leave usage for each staff member working in the jail.
- Date of hire or assignment to a jail position for each employee.
- Date of transfer from the jail to another non-custody position for each member.
- Annual hours of authorized overtime expended during the previous year.
- Number of part-time or extra personnel hired during the previous year.
- Details of any unusual occurrence or significant medical issues in the jail that were related to staffing during the previous year.
- Details of claims or litigation, if any, that were related to staffing levels and were initiated against the facility in the previous year.
- Labor contracts/collective bargaining agreements relating to corrections and medical personnel.
- Annual training requirements that affected staffing levels in the jail.
- Concerns expressed by members of the public.
- Any investigations or reports by the grand jury or other government agency, jail monitor or ombudsman.
- Other data that may influence the number of personnel available to occupy posted positions.

246.5 REPORTING

The Sheriff will cause a report of the findings of the staff analysis to be submitted to the officials responsible for funding the jail operation.

Reporting Unusual Occurrences

250.1 PURPOSE AND SCOPE

This policy establishes responsibilities for the reporting of unusual occurrences within this facility as required by Minnesota Administrative Rules (Minn. R. 2911.3700, Subp. 4).

250.2 POLICY

It is the policy of this office to report certain events that may occur within the facility as required by the Minnesota Administrative Rules. The Jail Administrator or the authorized designee shall ensure that these mandates are met.

250.3 PROCEDURE

Incidents of an unusual or serious nature shall be reported to the Minnesota Department of Corrections through the Statewide Supervision System within 10 days of the event (Minn. Stat. § 241.021; Minn. R. 2911.3700, Subp. 4). The reports shall include the names of persons involved, including staff and inmates, the nature of the unusual occurrence, actions taken, and the date and time of the occurrence.

In the event of an emergency, such as serious illness, accident, or imminent death, individuals designated by the inmate shall be notified. Prior permission for notification shall be obtained from the inmate if reasonably possible.

Unusual occurrences that require reporting to the Department of Corrections include (Minn. Stat. § 241.021; Minn. R. 2911.3700):

- Serious injury or illness subsequent to detention, including incidents resulting in hospitalization for medical care or hospitalization associated with mental health needs.
- Attempted escape from a secured facility.
- Escape from a secured facility.
- Incidents requiring medical treatment of staff or inmates.
- A response by a local fire authority.
- Riot.
- Assaults of one inmate by another that result in criminal charges or outside medical attention.
- Assaults on staff by inmates that result in criminal charges or outside medical attention.
- Injury to inmates through the response to resistance by staff attempting to control inmate behavior.
- Occurrences of infectious diseases and action taken relative to the disease when a medical authority has determined that the inmate must be isolated from other inmates.
- All notices of intent to file litigation against the facility as the result of incidents that are unrelated to the detention or incarceration of an inmate.

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Reporting Unusual Occurrences

- Sexual misconduct, such as inmate on inmate, staff on inmate, and inmate on staff.
- Use of sexual materials, electronic media for sexual purposes, or both.
- For incidents of death, see the Reporting In-Custody Deaths Policy.

Chapter 3 - Recruitment and Planning

Field Training Officer Program

304.1 PURPOSE AND SCOPE

The Field Training Officer program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general corrections duties.

It is the policy of this office to assign all new deputies to a structured Field Training Officer program that is designed to prepare the new deputy to perform in a custody assignment, and to provide training on all skills needed to operate in a safe, productive and professional manner.

304.2 TRAINING OFFICER

The Field Training Officer (FTO) is an experienced deputy trained in the art and science of supervising, training and evaluating entry-level deputies in the application of their previously acquired knowledge and skills.

304.2.1 SELECTION PROCESS

Training officers will be selected based on certain requirements, including:

- (a) A desire to perform the training mission.
- (b) Has demonstrated ability to be a positive role model.
- (c) Has successfully passed an internal oral interview selection process.
- (d) Has been evaluated by supervisors and current FTOs.

304.3 TRAINING OFFICER RESPONSIBILITIES

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to the FTO's immediate supervisor on a daily basis.
- (b) FTOs shall review the performance evaluations with the trainee each day.
- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTOs shall be responsible for signing off all completed topics contained in the Training Manual, noting the methods of learning and evaluating the performance of the assigned trainee.

304.4 FIELD TRAINING OFFICER COORDINATOR

The FTO COORDINATOR's responsibilities include the following:

- (a) Assign trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed in a timely manner

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Field Training Officer Program

- (d) Maintain, update and issue the training manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor the overall FTO program
- (g) Develop ongoing training for FTOs

Training

307.1 PURPOSE AND SCOPE

This policy establishes training requirements and guidelines for deputies, support personnel, supervisors, and managers. The policy addresses the training program and the probationary evaluation (Minn. R. 2911.1300; Minn. R. 2911.1350; Minn. R. 2911.1400).

307.2 MINIMUM TRAINING REQUIREMENTS

All members, full- or part-time, shall successfully complete all initial, annual, and advanced training as required by the Minnesota Department of Corrections (Minn. R. 2911.1200 et seq.).

Members shall receive 120 hours of orientation and training within one year from the date of assignment. Forty of these hours must be completed prior to a member being independently assigned to a particular post. All full- or part-time deputies are given an additional 16 hours of training each subsequent year. At a minimum, training completed before independent assignment to a particular post shall include (Minn. R. 2911.1300):

- Security procedures
- Supervision of inmates
- Signs of suicide risk and suicide precautions
- Vulnerable inmates
- Response to resistance regulations and tactics
- Report writing
- Inmate rules and regulations
- Rights and responsibilities of inmates
- Fire and emergency procedures
- Key control
- Interpersonal relations and communication skills
- Diversity training
- Distribution of medications
- Right to know
- Bloodborne pathogens and communicable diseases

Members assigned to work in the facility prior to completing the initial required training may do so only when under the direct supervision of a fully trained member.

307.2.1 MEDICAL TRAINING REQUIREMENTS FOR CUSTODY STAFF

All members, full- or part-time, shall receive instruction, as appropriate, in the following areas (Minn. R. 2911.1350):

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- Administration of first aid and cardiopulmonary resuscitation (CPR). Recertification first aid and CPR training shall occur and be documented
- Recognition of the signs and symptoms of illness and knowledge of the action required in potential emergency situations
- Methods of obtaining assistance
- Recognition of the signs and symptoms of mental illness, retardation, emotional disturbance, and chemical dependency
- Procedure for inmate transfers to appropriate medical facilities or other health care providers

307.2.2 TRAINING FOR ADMINISTRATIVE AND MANAGERIAL STAFF

All administrative and managerial staff assigned to the facility shall receive no fewer than 16 hours of orientation training in their first year of assignment. Each year thereafter they will receive at least 16 hours of training. At a minimum the training will cover the following (Minn. R. 2911.1400):

- General management and related subjects
- Data practices
- Decision-making processes
- Labor law
- Employee-management relations
- The interaction of elements of the criminal justice system
- Relationships with other service agencies

The Training Coordinator or designee shall ensure that the provisions of this policy are met.

307.3 JAIL TRAINING PROGRAM PHASES

The jail training program is designed to build upon the conceptual foundation taught in the basic academy or core training module, whereupon the theoretical knowledge gained can be molded into a practical skill set. The jail training program consists of the five phases described below.

307.3.1 FIRST PHASE - FACILITY ORIENTATION

The trainee will be assigned to a Training Officer (TO). The TO will, at a minimum:

- (a) Brief the trainee on the purpose, scope and responsibilities expected during the training program.
- (b) Explain the evaluation system and acquaint the trainee with the rating forms that will be used.
- (c) Provide the trainee with any required equipment or materials.
- (d) Tour the entire facility and support services with the trainee.
- (e) Introduce the trainee to the Jail Administrator and key supervisory, administrative, and support personnel.

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307.3.2 SECOND PHASE - SHADOWING

In this phase the trainee will be exposed to the many duties at each post, including transportation and special functions, by observing the FTO demonstrate how each task is to be performed. The FTO should provide instruction to the trainee and encourage the trainee to ask questions.

Time should be made available during this phase to allow the trainee to study policies and procedures, directives, post orders and any other materials deemed necessary by the FTO.

The FTO will monitor the trainee's progress by asking questions and administering tests on the materials and demonstrations that have been provided to the trainee.

The work performance of the trainee will be evaluated and recorded daily by the FTO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the FTO.

307.3.3 THIRD PHASE - HANDS-ON WITH CLOSE SUPERVISION

During this phase the FTO will instruct the trainee in each required activity at each post, including transportation and special functions. Once each task is demonstrated, the trainee will be directed to perform each activity under the close supervision of the FTO.

The FTO will provide direction as needed to the trainee during the hands-on activities.

The work performance of the trainee will be evaluated and recorded daily by the FTO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the FTO.

307.3.4 FOURTH PHASE - SOLO WITH MONITORING

During this phase the trainee will be directed to work solo in each area that training has been provided.

The solo activities of the trainee will be monitored by the FTO and a supervisor.

The work performance of the trainee will be evaluated and recorded by the FTO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the FTO.

307.3.5 FIFTH PHASE - WORKING INDEPENDENTLY WITH SUPERVISION

Provided that there are no concerns about the trainee's ability, the trainee will be assigned to a shift and will be supervised regularly by the supervisor.

The supervisor, in consultation with the TO and the Jail Administrator, will make a recommendation to pass the trainee on to the trainee's assignment, to continue training, or to terminate the employee.

307.4 PROBATIONARY PERIOD EVALUATION

Probationary employees will receive a written evaluation of their job skills and learning progress at least once a month or at the completion of each phase of training, whichever occurs first. Prior to being permanently appointed, each probationary employee will receive a final evaluation. These evaluations shall be in writing and discussed with the employee by the trainee's supervisor. The final evaluation shall be made a part of the employee's personnel record (Minn. R. 2911.0700).

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Training

307.5 POLICY

It is the policy of this office to assign all members to a structured jail training program designed to prepare the member to perform their assigned duties in a custodial jail in a safe, productive, and professional manner.

307.6 TRAINING OBJECTIVES

The objectives of the training program are to accomplish the following:

- Improve the competency of staff at all levels
- Ensure that staff can carry out the mission of the Office through a thoroughly demonstrated knowledge of office policies and procedures
- Increase the technical expertise and overall effectiveness of personnel
- Provide for continued professional development of office personnel

Health Care Staff Orientation

313.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an orientation period for all new health care staff working in the facility, in cooperation with the health authority. The goal is to improve the competency of the health care staff and the effectiveness of the care delivered, as well as to maintain the safety and security of the custody environment and to comply with all applicable laws, regulations and national health care standards observed by the Office.

313.2 NEW HEALTH CARE STAFF ORIENTATION

All new health care staff shall complete an orientation program before independently working in their assignments. At a minimum, the orientation program will cover the following:

- The purpose, goals, policies and procedures for the Dakota County Sheriff's Office
- Security and contraband regulations
- Access control to include use of keys
- Appropriate conduct with inmates
- Responsibilities and rights of facility employees and contractors
- Universal and standard precautions
- Occupational exposure
- Personal protective equipment (PPE)
- Biohazardous waste disposal
- An overview of the correctional field as it relates to custody functions
- Health care delivery protocols

313.3 REFRESHER TRAINING

All qualified health care professionals shall meet refresher training requirements as established by the local public health entity or the minimum licensing requirements as established by the state licensing body.

313.4 FACILITY-SPECIFIC TRAINING

The Training Coordinator or designee should include qualified health care professionals in training and training exercises relative to facility safety and security including, but not limited to, the following:

- Emergency medical triage in the facility
- Emergency evacuation routes and procedures
- Communication systems during facility emergencies

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Health Care Staff Orientation

- Security during facility emergencies
- Qualified health care professional's response during "officer down" incidents
- Responding to critical facility emergencies
- Facility hostage policy and medical response tactics
- Medical emergency transportation procedures
- Media relations

313.5 TESTING

All training delivered to qualified health care professionals should include a testing component to document that the personnel understand the subject material.

313.6 TRAINING RECORDS

The Training Coordinator or designee, in coordination with the Responsible Physician, shall be responsible for developing and maintaining training records in accordance with established records retention schedules. The Training Coordinator or designee shall also maintain a file of professional licensure and certifications for each member of the health care staff.

Volunteers

315.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers to assist in the daily operation through their contribution of services to the inmates and the families of inmates, and to serve as a link between the facility and the community. Volunteers are intended to supplement and support, rather than supplant deputies and other personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to corrections institutions (Minn. R. 2911.3500).

315.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, chemical use counselors, interns and persons providing administrative support.

315.2 VOLUNTEER PROGRAM MANAGEMENT

315.2.1 PROGRAM COORDINATOR

The function of the program coordinator is to provide a central coordinating point for effective program management within the Office, and to direct and assist staff and volunteer efforts to provide more productive services. The program coordinator should work with other Office staff on an ongoing basis to assist in the development and implementation of volunteer positions.

The program coordinator or the authorized designee shall be responsible for:

- (a) Developing and maintaining a volunteer recruiting plan.
- (b) Recruiting, selecting and training qualified volunteers for various positions.
- (c) Facilitating the implementation of new volunteer activities and assignments.
- (d) Maintaining records for each volunteer.
- (e) Maintaining a record of volunteer schedules and work hours.
- (f) Completion and dissemination as appropriate of all necessary paperwork and information.
- (g) Planning periodic recognition events.
- (h) Administering discipline when warranted.
- (i) Maintaining liaison with other community programs that use volunteers and assisting in community efforts to recognize and promote volunteering.

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315.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation should be an interest in, and an ability to assist the Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the program coordinator through the requester's immediate supervisor. A complete position description, including when the volunteer would be needed, should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The program coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

315.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The program coordinator or the authorized designee should conduct a face-to-face interview with an applicant under consideration (Minn. R. 2911.3500 (B)).

A documented background investigation shall be completed on each volunteer applicant and shall include, but is not necessarily limited to, the following:

- (a) Traffic and criminal background check; fingerprints shall be obtained from applicants and processed through the Bureau of Criminal Apprehension, Biometrics Unit.
- (b) Employment
- (c) References

315.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Office shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, normally the program coordinator. No volunteer should begin any assignment until he/she has been officially accepted for the position. Each volunteer should complete all required enrollment paperwork and will receive a copy of his/her position description and agreement of service with the Office.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the facility.

315.2.5 TRAINING

The program coordinator or the authorized designee shall be responsible for developing and maintaining training curriculum and any related forms specific to volunteer assignments. The program coordinator or the authorized designee shall be responsible for ensuring that volunteers are provided with an orientation program to acquaint them with the Office, personnel, and policies and procedures that have a direct impact on their work assignments.

The training/orientation will include, but is not limited to, the following topics:

- (a) Office policies and procedures

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- (b) Rules related to contraband in the facility
- (c) Prohibition on carrying weapons in the facility
- (d) Volunteer/offender relationship and general rules of conduct
- (e) Safety and emergency information
- (f) An overview and history of the Office

The program coordinator shall be responsible for creating and maintaining records of all training provided to each volunteer.

Volunteers should receive position training by their immediate supervisors to ensure they have adequate knowledge and skills to complete tasks required by the position. They should receive periodic ongoing training as deemed appropriate by their supervisors or the program coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are, deputies or other full-time members or employees of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office (Minn. R. 2911.1000).

315.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her mental or physical condition has been impaired by alcohol, medication or other substances, or when the volunteer is experiencing illness or injury.

Volunteers shall report to their supervisors any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license status, if driving is part of the duties of the assignment
- (b) Any medical condition that might impair the volunteer's ability to perform the duties of the position
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

315.2.7 DRESS CODE

As representatives of the Office, volunteers should present a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to office-approved dress in accordance with their duty assignments. Uniforms authorized for volunteers should be readily distinguishable from those worn by deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty. However, volunteers may choose to wear the uniform while in transit to or from official office assignments

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or functions, provided an outer garment is worn over the uniform shirt to avoid bringing attention to the volunteer while he/she is off-duty.

Volunteers shall be required to return any issued uniform or office property at the termination of service.

315.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Office and assigned to the jail must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned and act as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. The following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

315.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to non-public data, such as criminal histories or investigative files. All data shall be handled as required by the Minnesota Government Data Practices Act.

Only that data specifically identified and approved by authorized personnel shall be released. Non-public data shall be given only to persons who have a need and a right to know, as determined by office policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any non-public data, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any data concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

315.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

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Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

315.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete:

- (a) Verification that the volunteer possesses a valid driver license.

The program coordinator should ensure that all volunteers receive safety briefing updates, and should verify their license and insurance at least once a year.

When operating an office vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all office vehicles.

315.5.2 TELECOMMUNICATION SYSTEMS USAGE

Volunteers with access to law enforcement telecommunication systems shall successfully complete all mandated access training and radio procedures training prior to using any such equipment. Volunteers shall comply with all policies and procedures related to the use of such equipment. The program coordinator should ensure that appropriate training is provided for volunteers whenever necessary.

315.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff, the Jail Administrator or the program coordinator. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with the Office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

315.6.1 EXIT INTERVIEWS

Exit interviews, when reasonably practicable, should be conducted with volunteers who are leaving their positions. The interview should attempt to ascertain the reason for leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

315.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the program coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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315.8 VOLUNTEER REGISTRATION

All volunteers shall be issued an identification card indicating his/her volunteer status within the Office. An identification record shall be kept for each volunteer that includes the following:

- Photograph
- Address
- Contact telephone number
- Background certification
- Training/orientation certifications
- List of special skills or volunteer specialty
- Languages spoken

Roll call Training

317.1 PURPOSE AND SCOPE

Roll call training is generally conducted at the beginning of the deputy's assigned shift. Roll call training provides an opportunity for an important exchange of information between employees and supervisors.

317.2 POLICY

Roll call training covers a wide range of topics selected by the management/supervisory and training staff.

The supervisor conducting roll call training is responsible for the preparation of the materials necessary for constructive training. Supervisors may delegate this responsibility to a subordinate deputy in their absence or for training purposes. The roll call training will be based upon a structured program to provide topics related to, but not limited to, the following:

- Custody facility policies and procedures
- Departmental Directives not yet established into policy
- Reviewing recent incidents for training purposes
- In preparation or response to an unusual occurrence
- Statutory requirements or court orders
- Operation of new equipment, including computer software
- Notifying the staff of changes in schedules and assignments
- Any other topic as determined by the Sheriff or Jail Administrator

317.3 COMPUTER-BASED TRAINING OPTIONS

The Lexipol Daily Training Bulletins (DTBs) is a web-based system that provides training on the Dakota County Sheriff's Office Custody Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Coordinator or designee.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Coordinator or designee. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the

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Roll call Training

DTB system can be accessed from any Internet-active computer, employees shall only take DTBs as part of their on-duty assignment as there will be no authorization for taking or viewing DTBs while off-duty.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

317.4 TRAINING RECORDS

The Training Coordinator or designee will assist the Supervisors with identifying relevant topics for delivery during roll call training and will be responsible for maintaining all roll call training records.

Training Plan

319.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a training plan that will provide for the professional growth and continued development of facility personnel and to forecast annual funding needs for future training. By doing so, the Office will ensure its personnel possess the knowledge and skills necessary to professionally manage the inmate population.

319.2 POLICY

The Training Coordinator or designee shall conduct an annual training needs assessment to determine the training needs of all members based upon state laws, regulations, certification requirements, and continued professional training requirements.

A training plan shall be based on the assessment. It is the responsibility of the Training Coordinator or designee to develop, maintain, review, and update the training plan on an annual basis.

The annual training plan should be presented to the management staff for review. The approved training plan should include the annual funding requirements forecast by the Training Coordinator or designee. The Training Coordinator or designee shall coordinate with the budgeting office to develop a funding source for all mandatory training.

The Sheriff or the authorized designee shall have final approval of the training plan and the budget to ensure that the training to be delivered is fiscally responsible and meets the mission of the Office.

The Training Coordinator or designee will execute the training plan on behalf of the Sheriff.

319.3 TRAINING COORDINATOR OR DESIGNEE

A qualified individual shall be appointed by the Sheriff or the authorized designee to serve as the Training Coordinator or designee, who shall report to the Sheriff or the authorized designee.

Full-time members who are assigned to be trainers shall receive specialized instruction, which at a minimum shall include a 40-hour train-the-trainers course.

The Training Coordinator or designee is responsible for developing an annual training plan. The plan should ensure that members meet all state law and certification requirements, any specialty training required for specialty assignments, and all continued professional training requirements. The plan should include a process to review course content and quality, typically by way of attendee feedback and/or a course audit by the training staff (Minn. R. 2911.1000; Minn. R. 2911.1600).

319.4 TRAINING RECORDS

An individual training file shall be maintained by the Training Coordinator or designee or the authorized designee for each member. Training files shall contain records of all training and education (original or photocopies of available certificates, transcripts, diplomas, and other documentation) for all members.

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The maintenance of the training records shall be in sufficient detail as to comply with any outside audit requirements (28 CFR 115.34; Minn. R. 2911.1600).

It shall be the responsibility of the involved member to provide their immediate supervisor or the Training Coordinator or designee with evidence of completed training or education in a timely manner.

The Training Coordinator or designee or supervisor shall ensure that copies of such training records are placed in the member's training file.

Training records shall contain the following information:

- Name of the member
- Date of hire
- Education and training background (education and training received prior to hire)
- Type of training received
- Date the training was received and successfully completed
- Title of the training and name of the provider
- Test scores or training benchmarks

The Training Coordinator or designee shall also be responsible for documenting the waivers of the training requirements based upon equivalent training received before employment or demonstrated competency through proficiency testing (Minn. R. 2911.1600).

319.5 COURSE CERTIFICATION/QUALITY ASSURANCE

Training courses should be subject to a quality assurance process that, at a minimum, provides (Minn. R. 2911.1000):

- A complete description of the course, including the number of certified training hours achieved.
- A curriculum including job-related topics, and content and performance objectives.

Training should not only include the minimum number of hours required annually, but also instruction specific to tasks performed by members in the facility. Courses should include a testing component that shows a measurable transfer of knowledge and a mastery of topics.

319.6 TRAINING COMMITTEE

The Training Coordinator or designee shall establish a training committee, which will serve to assist with identifying training needs for the Office. The training committee shall comprise at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs.

The Training Coordinator or designee may remove or replace members of the committee at his/her discretion. The training committee should review certain incidents, as detailed below, to determine

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whether training would likely improve future outcomes, or would reduce or prevent the recurrence of an incident. Specific incidents the training committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high-risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The training committee should convene on a regular basis, as determined by the Training Coordinator or designee, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit a written recommendation to the Training Coordinator or designee. The recommendation should not identify specific facts of any incident, such as identities of members involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Coordinator or designee will consider the recommendation of the committee and determine what training should be addressed, taking into consideration the mission of the Office and available resources.

319.7 TRAINING PROCEDURES

All members assigned to attend training shall attend as scheduled, unless previously excused by their immediate supervisors or the Training Coordinator or designee.

- (a) Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. Authorized vacation
 - 3. Sick leave
 - 4. Physical limitations preventing the member's participation
 - 5. Emergency situations
- (b) When a member is unable to attend mandatory training, that member shall:
 - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 - 2. Document his/her absence in a memorandum to the supervisor.
 - 3. Make arrangements through the supervisor and the Training Coordinator or designee to attend the required training on an alternate date.
- (c) All training programs, whether in-house or outside the facility, are considered on-duty work assignments and the following should apply:
 - 1. Uniform or business casual attire is required unless otherwise indicated.
 - 2. Members should participate during training.
 - 3. Members shall display a professional demeanor.

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Training Plan

4. Members shall adhere to the Drug- and Alcohol-Free Workplace Policy.

319.8 WAIVERS OF TRAINING REQUIREMENTS

Training requirements may be waived by the facility administrator or designated Training Coordinator or designee (Minn. R. 2911.1700):

- When it has been determined that an individual has received equivalent training within an appropriate time before employment, such as completion of first-aid training with a current certificate of training.
- When the Training Coordinator or designee or the authorized designee has tested the member for proficiency and competency to demonstrate the skills and/or knowledge required, and the member has met the required proficiency and competency level.

Support Personnel Orientation and Training

321.1 PURPOSE AND SCOPE

The Office has developed an orientation and training program for support and contractor personnel, whether full- or part-time, to increase competency in their assigned tasks and to help ensure that all support personnel understand the issues that are unique to their positions as they relate to this facility (Minn. R. 2911.1200; Minn. R. 2911.1500).

321.2 TRAINING COORDINATOR OR DESIGNEE RESPONSIBILITIES

The Training Coordinator or designee is responsible for coordinating training and will ensure that the training and orientation given to all support or contract personnel is properly documented and placed in the worker's training file. At a minimum, the record should contain the name of the individual, the assignment, the date that the orientation and training was presented, and the orientation outline indicating the subject material and the name of the instructor. To the extent applicable, copies of tests and passing scores should also be included as a part of the record.

321.3 PART-TIME PERSONNEL

Support personnel working part-time, including contractors, shall receive formal orientation and training commensurate with the scope of their work assignments, as determined by the Jail Administrator, before assignment to duties within the facility. At a minimum, the orientation and training should include:

- (a) Safety and security
- (b) Facility regulations
- (c) Facility operations
- (d) Guidelines for conduct with inmates

Support and contract personnel who fail to successfully complete all required training shall not be permitted to work in the secure portions of the facility.

321.4 PERSONNEL WITH MINIMAL INMATE CONTACT

Support personnel, including contractors, whose positions involve minimal contact with inmates shall receive orientation and training commensurate with the scope of their work.

The orientation and training shall include a minimum of 24 hours during the first year of employment. Of these hours, a person shall complete 16 before being independently assigned to a particular job. Persons in this category will receive an additional 16 hours of training each subsequent year of employment (Minn. R. 2911.1200).

Minimal inmate contact is defined as tasks that do not involve the supervision of inmates, inmate discipline, or specific tasks that involve custody and control of inmates. Orientation and training topics shall include but not be limited to:

- Safety and security

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Support Personnel Orientation and Training

- Custody policies and procedures
- Emergency procedures
- Job-specific training

321.5 PROGRAM STAFF ORIENTATION AND TRAINING

All new program staff who have regular or daily inmate contact shall receive a minimum of 40 hours of orientation and training during the first year of employment. These hours shall be completed prior to being independently assigned to a particular job function. These employees will also be provided with at least 16 hours of training in each subsequent year (Minn. R. 2911.1500).

Regular inmate contact is defined as tasks that involve the direct provision of services to inmates (e.g. custody assistants, vocational supervisors, teachers) but that do not involve the custodial supervision of inmates involving discipline and control. Training topics shall include but not be limited to:

- Security procedures and regulations
- Planning
- Development and implementation of treatment, education, and recreation programs
- Supervision of inmates
- Signs of suicide risk
- Suicide precautions
- Use of force regulations and tactics
- Report writing
- Inmate and staff rules and regulations
- Key control
- Rights and responsibilities of inmates
- Safety procedures
- All emergency plans and procedures
- Interpersonal relations
- Social/cultural lifestyles of the inmate population
- Cultural diversity for understanding staff and inmates
- Communication skills
- Cardiopulmonary resuscitation (CPR/first aid) (Minn. R. 2911.1350)
- Universal precautions for the prevention of disease
- Counseling techniques

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Support Personnel Orientation and Training

- Interaction of the elements of the criminal justice system
- Sexual harassment/sexual misconduct awareness

321.6 PERSONNEL WITH REGULAR INMATE CONTACT

Support personnel, including contractors, whose positions involve regular or daily contact with inmates shall receive at least 40 hours of orientation and training during their first year of employment. These hours must be completed before a person is independently assigned to their job. These employees will receive an additional 16 hours of training during each subsequent year of employment (Minn. R. 2911.1200). At a minimum, this training shall include:

- Security procedures and regulations
- Rights and responsibilities of inmates
- Signs of suicide risk and suicide precautions
- Vulnerable inmates
- Response to resistance regulations and tactics
- Report writing
- Inmate rules and regulations
- Fire and emergency procedures
- Key control
- Interpersonal relations and communication skills
- Diversity training
- Distribution of medications
- Right to know
- Blood-borne pathogens and communicable diseases
- First aid

321.7 POLICY

It is the policy of the Dakota County Sheriff's Office to establish minimum training guidelines for support and contract personnel.

Chapter 4 - Emergency Planning

Facility Emergencies

400.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a plan to appropriately respond to emergencies within the facility and to ensure all affected personnel receive timely training regarding emergency response. This policy is intended to protect the community, employees, visitors, inmates, and all others who enter the jail (Minn. R. 2911.0400, Subp. 2; Minn. R. 2911.3700, Subp. 1), while allowing the facility to fulfill its primary purpose. This plan, along with any associated data, is classified as non-public security data under the Minnesota Government Data Practices Act.

Facility emergencies related to fire will be addressed in the Fire Safety Policy.

400.1.1 DEFINITIONS

Definitions related to this policy include:

Emergency - A significant incident or disruption of normal facility procedures, policies, routines, or activities.

400.2 POLICY

It is the policy of this office to have emergency response plans in place to quickly and effectively respond to and minimize the severity of any emergency within the facility.

400.3 PROCEDURE

The Jail Administrator shall develop, publish, and review written emergency response plans that address the following (Minn. R. 2911.1900; Minn. R. 2911.3700):

- (a) Protection of the public by securely detaining inmates who represent a danger to the community or to themselves when the facility must be evacuated in total.
- (b) Location of alarms and firefighting equipment (see the Fire Safety Policy).
- (c) Emergency drills to include:
 1. At minimum, annual drills at all facility locations.
 2. Staff drills, even when evacuation of extremely dangerous inmates may not be included.
- (d) Specific assignments and tasks for personnel.
- (e) Persons and emergency departments to be notified.
- (f) Evacuation, security, and control of inmates during emergencies.
- (g) Arrangements for temporary confinement of inmates.
- (h) Means for the prompt evacuation of inmates from an area of emergency.
- (i) Escapes.
- (j) Disturbances/riots.
- (k) Hostages.

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Facility Emergencies

- (l) Civil disturbances.
- (m) Natural disasters.
- (n) Periodic testing of emergency equipment.
- (o) Other emergencies as needs are identified.

The facility emergency response plans are intended to provide the staff with current methods, guidelines, and training for minimizing the number and severity of emergency events that may threaten the security of the facility or compromise the safety of staff, inmates or the community.

The emergency response plans are intended to provide information on specific assignments and tasks for personnel. Where appropriate, the emergency response plans will include persons and emergency departments to be notified.

The emergency response plans should include procedures for continuing to house inmates in the facility, the identification of alternative facilities outside the boundaries of the disaster or threat and the potential capacity of those facilities, inmate transportation options, and contact information for allied agencies.

The emergency response plans shall be made available to the staff, volunteers, and contractors working in the facility as needed.

400.3.1 EMERGENCY SUSPENSION OF STANDARD

When the Jail Administrator or designee declares an emergency in the facility as defined above, the applicable rules may be suspended during the duration of the emergency (Minn. R. 2911.0400, Subp. 2).

400.3.2 NOTIFICATION

The Jail Administrator shall notify the Department of Corrections in writing within 72 hours of an emergency that results in a suspension of standards (Minn. R. 2911.0400, Subp. 2).

400.3.3 SUSPENSION TIME

A suspension of rules based upon an emergency declared by the Jail Administrator or the authorized designee shall not exceed seven days unless the Jail Administrator obtains approval for a variance to the rules. The variance must be based upon the protection of the health, security, safety, detention or well-being of the staff or inmates within the facility where the emergency exists, or when an emergency public safety issue has occurred (Minn. R. 2911.0400, Subp. 4).

400.3.4 NON-PUBLIC DATA

The emergency response plans are classified as non-public data under the Minnesota Government Data Practices Act and shall be protected from unauthorized disclosure.

400.4 LOCKDOWN

Upon detecting any significant incident that threatens the security of the facility, such as a riot or hostage situation, staff shall immediately notify Central Control and the Supervisor. The

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Supervisor, or in his/her absence Central Control, may determine whether to order a partial or full lockdown of the facility and shall notify the Jail Administrator as soon as practicable.

If a lockdown is ordered, all inmates will be directed back to their housing units/cells. All inmates in transit within the facility will either be escorted back to their housing units/cells or to another secure location (holding cell). The Supervisor should instruct any staff not directly involved in the lockdown to escort any visitors and non-essential contractors out of the facility.

A headcount shall be immediately conducted for all inmates, visitors, contractors and staff. The Supervisor shall be immediately notified of the status of the headcount. If any person is unaccounted for the Supervisor shall direct an immediate search of the facility and notify the Jail Administrator of the situation as soon as practicable.

Lockdown is not to be used as a form of punishment. It may only be used to ensure order.

400.5 CIVIL DISTURBANCES OUTSIDE OF THE JAIL

Upon being notified that jail space will be needed in response to a civil disturbance involving mass arrests, the Supervisor should notify the Jail Administrator. The Jail Administrator should make the determination regarding the magnitude of the event and whether it warrants notification of the Sheriff.

The size of the event may also require a lockdown, suspension of any programs that are not critical to jail operations, and/or implementation of alternate staffing plans. To accommodate the influx of inmates, the Supervisor should develop a housing plan that will not adversely affect the safety and security of the facility. Program spaces, such as exercise yards, classrooms, and dayrooms, may be used to temporarily house a limited number of additional inmates.

In the event that the jail can no longer accept additional inmates without compromising the safety and security of the facility, mutual aid may be requested from allied counties. Minnesota standards may be temporarily suspended as described in Minn. R. 2911.0400 (see the Crowding Policy).

400.6 REVIEW OF EMERGENCY PROCEDURES

The Jail Administrator should ensure that there is a review of emergency procedures at least quarterly. This review should be documented with reports submitted to the Jail Administrator or the authorized designee within 10 days of the review for approval. This review should also include the signatures or initials of the facility staff responsible for the review. At a minimum, the review shall include (Minn. R. 2911.3700, Subp. 2):

- Assignment of persons to specific tasks in emergency situations.
- Instructions in the use of the alarm systems and signals.
- Systems for the notification of appropriate persons outside of the facility.
- Information on the location and use of emergency equipment in the facility.
- Specification of evacuation routes and procedures.

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400.7 TRAINING

The staff shall be trained annually on this policy. This facility will provide emergency preparedness training as part of orientation training for all personnel assigned to the facility and for those who may be required to respond to the facility in an emergency. The staff shall also receive refresher training at least annually in the emergency response plans. The Training Coordinator or designee is responsible for developing and delivering appropriate initial training and annual refresher training.

Emergency planning training should occur in the form of classroom instruction (or roll call training), mock practical, exercises and drills. Each type of emergency covered in the emergency response plan must be included in the training.

A lesson plan, staff training sign-up sheet with the dates and times training should be provided, and proof of competency (testing) for each participant should be maintained by the Training Coordinator or designee.

The Training Coordinator or designee shall forward an annual report to the Sheriff and the Jail Administrator on the status of emergency response plan training. Any training deficiencies identified in this report should be rectified within 90 days of the report.

The facility emergency plan and all training shall be documented by the Training Coordinator or designee and retained in accordance with established records retention schedules.

Policy and Procedure Manuals

402.1 POLICY AND PROCEDURE MANUALS

2911.1900 POLICY AND PROCEDURE MANUALS.

A facility shall have a written policy and procedure manual that is electronically available to staff and relevant regulatory authorities and defines the philosophy and method for operating and maintaining the facility. This manual shall be made available to all employees, reviewed annually, updated as needed, and staff trained accordingly. The manual shall include, at a minimum, the following chapters:

- A. correctional standards required under this chapter;
- B. administration and organization;
- C. fiscal management;
- D. personnel;
- E. training;
- F. inmate records;
- G. safety and emergency;
- H. security and control;
- I. sanitation and hygiene;
- J. food service;
- K. medical and health care services;
- L. inmate rules and discipline;
- M. communication, mail, and visiting;
- N. admissions, orientation, classification, property control, and release;
- O. inmate activities, programs, and services; and
- P. a written suicide prevention and intervention plan.

The facility administrator or designee shall review policy and procedure manuals at least once each year. The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

Emergency Staffing

404.1 PURPOSE AND SCOPE

The facility must operate at all times as a safe and secure environment, regardless of staffing levels. Consequently, contingency plans must be made in advance for any staffing emergency or planned job action, regardless of the length of the staffing deficit.

The purpose of this policy is to establish roles and responsibilities for creating and implementing emergency staffing plans, providing appropriate emergency staffing training to supervisory and management personnel, and identifying an update schedule and distribution list for the plan, as identified by the Sheriff or the authorized designee.

404.2 POLICY

It is the policy of this office to be prepared to operate a safe and secure facility in the event of a staffing emergency. Staffing emergencies that could negatively affect the good order the facility may include, but are not limited to, an outbreak of infectious disease, a work stoppage or strike by the staff, a natural disaster or other disruption. The Sheriff, Jail Administrator or the authorized designee shall be responsible for ensuring that an appropriate emergency staffing plan exists and that a copy of the plan is made available to all supervisory personnel who must familiarize themselves with the plan (Minn. R. 2911.3700). This plan, along with any associated data, is classified as non-public security data under the Minnesota Government Data Practices Act.

404.2.1 EMERGENCY STAFFING

In the event the Jail Administrator becomes aware that a staffing emergency exists or may occur, staff members who are present may be ordered to remain at their posts. Plans should include measures to achieve minimum staffing for the facility within four hours of a staffing emergency and may include the following operational adjustments:

- The facility may go to a lockdown. Minimum activities, including visiting, exercise and other programs will be suspended only if necessary. Meals, cleaning, medical services, court transportation and attorney visits will continue. Other activities will be assessed by the Jail Administrator on a case-by-case basis.
- Supervisory and management personnel may have time-off cancelled or rescheduled for the duration of the staffing emergency.
- Staff from other areas of the office who have custody experience may be used to fill vacancies in the facility.
- Assistance from allied agencies may be requested to help management and supervisors in safely staffing the facility.
- Contracting with surrounding facilities may be necessary if adequate staffing cannot be obtained to safely operate the facility.

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Emergency Staffing

- In the event of a health-related staffing emergency, the office Exposure Control Officer and medical staff shall be notified in accordance with the Communicable Diseases Policy.

404.2.2 LEGAL ASSISTANCE

In cases where the Jail Administrator becomes aware that a work stoppage is planned or has occurred, legal counsel should be consulted for assistance in preparing the necessary legal action to either prevent the work stoppage or to cause it to cease. Immediate contact with the employees' representatives may also be necessary to prevent or conclude the job action.

404.2.3 TRAINING

The Jail Administrator or the authorized designee should be responsible for:

- (a) Establishing a distribution list for the contingency plan.
- (b) Establishing a periodic review and update of the plan.
- (c) Ensuring that all supervisors and managers are periodically trained on the plan.
- (d) Ensuring that all supervisors and managers are provided a copy of the plan and/or a means to access it in the event of an emergency.
- (e) Documenting all training.
- (f) Maintaining training records for each supervisor and manager and ensuring that those personnel periodically receive appropriate update training on the plan.

Fire Safety

406.1 PURPOSE AND SCOPE

The threat of fire and toxic smoke in the facility represents a significant risk to the safety and security of the community, the staff, inmates, volunteers, contractors and visitors. The purpose of this policy is to clearly identify and conform to applicable federal, state and/or local fire safety codes, and to establish a process of creating, disseminating and training all individuals in the facility on the emergency plans for fire safety and evacuation. This plan, along with any associated data, is classified as non-public security data under the Minnesota Government Data Practices Act.

406.2 POLICY

It is the policy of this office that fire prevention strategies are a high priority.

The Jail Administrator shall ensure that a fire alarm and detection and suppression system, as required by law, are installed, maintained and periodically tested. Any variance, exception or equivalency issues must be approved by the fire jurisdiction authorities, and must not constitute a serious life-safety threat to the occupants of the facility (Minn. R. 2911.7300, Subp. 5).

The locations of fire alarms will be noted on the facility fire plan (schematic) (Minn. R. 2911.3700, Subp. 1).

406.2.1 FIRE CODES

The Office shall conform to all federal, state and local fire safety codes.

406.3 FIRE SUPPRESSION PRE-PLANNING

The Jail Administrator shall, in cooperation with the local fire department or other qualified entity, develop a plan for responding to a fire. The plan shall include, but is not limited to:

- (a) A fire suppression pre-plan by the local fire department, to be included as part of this policy.
- (b) Fire prevention and safety inspections by designated staff on a weekly basis, with a two-year retention of the inspection record.
- (c) Annual fire prevention inspections in accordance with applicable fire codes, conducted by the state fire marshal or local fire authority (Minn. R. 2911.7300, Subp. 1).
- (d) Documentation of the annual fire inspection and any orders must be maintained and available to the Department of Corrections.
- (e) An evacuation plan (see the Evacuation Policy).
- (f) A plan for the emergency housing of inmates in case of fire.
- (g) A plan for the cross-training of responders and facility staff via drills, which should occur at least quarterly, if practicable.

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Fire Safety

406.4 FIRE PREVENTION EQUIPMENT

All required fire alarms, sprinklers and detection devices shall be in good working order at all times.

Should such a device become inoperative, the Jail Administrator or the authorized designee shall be responsible for ensuring that emergency repairs are undertaken as soon as possible and that staff is provided with an alternative emergency fire safety and evacuation plan.

Any time any fire prevention system is inoperative and poses a serious life-safety risk, that portion of the facility shall not be inhabited by inmates or staff.

406.5 FIREFIGHTING EQUIPMENT

The Jail Administrator shall ensure that the facility is equipped with the necessary firefighting equipment (e.g. fire hoses, extinguishers) in an amount and in a location as recommended by the local fire authority or other qualified entity. The locations of firefighting equipment will be shown on the facility fire plan (schematic) (Minn. R. 2911.3700, Subp. 1).

While the staff is not trained as fully qualified firefighters, the Jail Administrator or the authorized designee will ensure that the staff is trained to initially respond to a fire with the purpose of facilitating the safety of the occupants, including evacuation, if necessary.

406.6 INSPECTIONS

The Office shall be inspected on a weekly basis by a designated staff member who is qualified to perform fire and safety inspections. This is to ensure that fire safety standards are maintained. These inspections will be focused on, but not limited to, fire prevention, staff training and proficiency, firefighting equipment availability and functionality, alarms, fire detectors, fire safety equipment, and staff familiarity with prevention and suppression techniques, suppression pre-planning, emergency response, fire safety equipment use and the evacuation plan (Minn. R. 2911.7300).

The Jail Administrator or the authorized designee shall ensure that staff conduct weekly fire and safety inspections and that all fire safety equipment is tested at least quarterly.

A staff member shall be assigned to coordinate with local or state fire officials for the inspections as required. The result of all fire inspections and fire equipment testing shall be provided to the Jail Administrator and the Sheriff and maintained for a minimum of two years.

406.6.1 FURNISHINGS

All furnishings allowed in the facility shall meet fire authority standards for fire performance characteristics. Prior to the introduction of any furnishing into the facility, the staff shall receive clearance from the local fire authority as to its appropriateness.

406.6.2 FLAMMABLE, TOXIC AND CAUSTIC MATERIALS

The Jail Administrator, in collaboration with the local environmental health expert, will review the type of materials introduced into the facility to ensure that flammable, toxic and caustic materials are controlled and used safely. All such materials will be safely stored and only used by inmates under the direction of the staff.

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Fire Safety

406.7 EMERGENCY HOUSING OF INMATES

The Jail Administrator or the authorized designee shall develop a plan for the emergency housing of inmates in the event of a fire. The plan should include procedures for continuing to house inmates in the facility, identification of alternate facilities and the potential capacity of those facilities, inmate transportation options and contact information for allied agencies. This plan shall be reviewed annually and revised if necessary.

Emergency Power and Communications

408.1 PURPOSE AND SCOPE

The Dakota County Sheriff's Office facility must continue to operate as a safe and secure environment regardless of emergencies, including electrical outages. The purpose of this policy is to establish guidelines regarding back-up power and communication systems, and the inspection, preventive maintenance and testing of the systems to ensure a seamless transition in the event of a loss of power. This plan, along with any associated data, is classified as non-public security data under the Minnesota Government Data Practices Act.

408.2 POLICY

It is the policy of this office to ensure that power to critical systems and communications continues to operate within the facility in the event of a loss of power.

408.2.1 PREVENTIVE MAINTENANCE

It is the responsibility of the Sheriff and Jail Administrator to ensure that there is sufficient emergency power to operate all essential lighting, security equipment, safety equipment and communications systems. The emergency power system should have sufficient fuel to allow the facility to operate continuously for a three-day period, if necessary, without external resources.

The emergency power system should be inspected, tested and maintained as necessary. In the event that the system fails, the Jail Administrator or Supervisor should contact the designated maintenance authority or repair company to obtain necessary repairs as soon as practicable. If the emergency power system cannot be repaired within eight hours, portable emergency generators should be secured as a temporary emergency power source until the repair or replacement of the primary system occurs.

408.2.2 SAFETY AND SECURITY

All safety and security equipment will be repaired or replaced in an expedited manner by qualified personnel. In the event that safety and security equipment become inoperable or damaged and it is not safe to operate a secure portion of the facility, that portion of the facility should be vacated and the inmates housed elsewhere. Or, staffing should be increased sufficiently for the area to remain safe and secure until the repair can be completed.

408.2.3 INSPECTION AND TESTING

The Jail Administrator is responsible for scheduled testing of emergency power systems. The power system manufacturer should be contacted for the required testing intervals and load information. The emergency power system should be load-tested in accordance with the manufacturer's recommendations or at least quarterly.

All emergency equipment and systems should be inspected by a qualified individual at least quarterly.

Power generators should be inspected and tested by a qualified individual at least weekly.

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Emergency Power and Communications

All testing and inspections shall be documented and the results included in a report to the Jail Administrator.

Evacuation

409.1 PURPOSE AND SCOPE

The purpose of this policy is to promote planning and to establish procedures, responsibilities and training requirements for the staff of the Dakota County Sheriff's Office Jail in case of fire and other emergency evacuations.

409.2 POLICY

The community, staff, volunteers, contractors and inmates should have a well-researched and validated evacuation plan that can be implemented in the event any portion of this facility requires evacuating due to an emergency (e.g., fire, smoke, flood, storm). All custody staff should be knowledgeable about the evacuation plan, policy and procedures (Minn. R. 2911.3700).

409.3 EVACUATION PLAN

The Dakota County Sheriff's Office maintains an evacuation plan to be implemented in the event of a fire, natural disaster or other emergency (Minn. R. 2911.3700, Subp. 1). At a minimum the evacuation plan shall address the following:

- Location of facility building and floor plans
- Procedures on how inmates are to be released from locked areas
- Relocation areas to be used for housing inmates in the event of a full or partial evacuation
- Notifications
- Training and drill requirements for staff
- Reporting requirements

The Jail Administrator should ensure that the evacuation plan is maintained and updated as needed and is reviewed for accuracy annually by a qualified independent inspector and in coordination with the local fire authority.

A current copy of the evacuation plan shall be maintained in the Administration office and in the command area of each annex facility. This plan, along with any associated data, is classified as non-public security data under the Minnesota Government Data Practices Act.

409.3.1 EXITS

All facility exits should be marked with signs that clearly indicate the direction of traffic.

Except for temporary reasons, such as maintenance or repairs, all exits to the facility shall remain free from obstacles at all times regardless of the frequency of use. It is the duty of all staff to remove any obstructions that block, either partially or completely, staff's ability to observe or use any exit.

All housing areas and places of assembly that are designed for occupancy of 50 individuals or more shall have two available exits.

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Evacuation

409.3.2 EVACUATION PLANS AND ROUTES

Plans for evacuation routes will be posted in all public areas of the facility. All custody staff will be familiar with evacuation routes for inmates.

409.3.3 EMERGENCY HOUSING OF INMATES

The Jail Administrator or the authorized designee shall develop a plan on the emergency housing of inmates in the event of a full or partial evacuation of the facility. The plan will address when inmates should be housed in place, identification of alternate facilities and the potential capacity of those facilities, inmate transportation options, and contact information for allied agencies. This plan shall be reviewed at least annually and revised if necessary.

409.4 TRAINING DRILLS

The Jail Administrator should ensure that drills of the evacuation plan are conducted at least annually, or more often if required by code, for each shift and at all facility locations. Drills will include staff and volunteers. The local fire agency may be invited to participate in one or more drills annually. Nonviolent and compliant inmates may participate. Violent and/or dangerous inmates or those known to be a flight risk will not be involved in the drills.

Drills should be designed to ensure that all staff members are proficient in their duties during each type of evacuation. Each drill should be documented as to its scope and participants (Minn. R. 2911.3700, Subp. 1).

Chapter 5 - Inmate Management

Inmate Counts

501.1 PURPOSE AND SCOPE

Inmate counts are vital to the security of the facility, the safety of the staff and the welfare of the inmates. This policy establishes guidelines for the frequency of inmate counts, which ensures that all inmates and their status can be accounted for at any time.

501.2 POLICY

It is the policy of this office to account for all inmates within and under the control of this facility through scheduled and other counts as needed (Minn. R. 2911.5000, Subp. 4).

501.3 PROCEDURE

The Jail Administrator or the authorized designee shall be responsible for creating and maintaining a written procedure establishing the process and frequency of counts. Inmate counts shall be conducted at least once every eight hours. Emergency counts may be conducted at the direction of the Supervisor as needed. Electronic counts shall not be substituted for direct staff observation.

All counts shall be documented on the daily activity log and verified by the Supervisor. Counts shall include all inmates in custody, including those on work assignments, furlough, education release and those who are off-site, such as the hospital or court.

Any discrepancy in the count should be immediately resolved prior to the release of the shift personnel responsible for the count. A formal count in which all inmates are personally identified by a deputy should be conducted once a day at a time established by the Jail Administrator. The result of the formal count will be used to calculate the average daily population statistics for the facility (Minn. R. 2911.5000, Subp. 4).

Reception

503.1 PURPOSE AND SCOPE

This policy establishes guidelines for admission, including implementing security measures, processing initial classification, processing immigration detainees, identifying medical and mental health issues, seizing and storing personal property, and providing intake telephone calls (Minn. R. 2911.2525).

503.2 POLICY

This office shall use the following standardized guidelines when receiving individuals to be booked into this jail to maintain security and to respect individuals' civil rights.

503.3 PRE-BOOKING SCREENING

All individuals shall be screened prior to booking to ensure each individual is physically acceptable for admission and that all arrest or commitment paperwork is present (see the Medical Screening Policy). Required paperwork includes, as applicable:

- (a) Arrest reports
- (b) Probable cause declarations
- (c) Warrants or court orders
- (d) Victim notification information
- (e) Documentation of needs related to religious practices, such as diet, clothing, and appearance (see the Religious Programs Policy)
- (f) Accommodation requests related to disabilities (see the Inmates with Disabilities Policy)
- (g) Information regarding suicidal statements or actions, or assessments of suicide risk
- (h) Medical and mental health records

Any discrepancies in required paperwork should be resolved or missing documentation located before accepting the individual for booking from the arresting or transporting deputy.

Prior to accepting custody of an individual who claims to have been arrested due to a mistake of identity or an individual who claims that identity theft led to the issuance of a warrant in the individual's name, members shall make reasonable efforts to investigate the claim of identity fraud or mistake. Members shall notify a supervisor when an individual makes a claim of mistaken identity or identity fraud.

503.3.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer (Form I-247A) under 8 CFR 287.7 unless the individual has been charged with a federal crime or the detainer is accompanied by a criminal warrant, affidavit of probable cause or removal order. Civil administrative warrants (Form I-200 or I-205) signed by immigration officials are not criminal arrest

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warrants or criminal detainers. Notification to the federal authority issuing the detainer should be made before release.

503.3.2 IMMIGRATION NOTIFICATION ON COMMITMENT

Members shall inquire into the nationality of all persons committed to this jail who were convicted of a felony or found to be mentally ill. If it reasonably appears the individual is an alien, members shall notify the U.S. Immigration and Customs Enforcement (ICE) of the following, if known (Minn. Stat. § 631.50):

- (a) The date of and the reason for the commitment
- (b) The length of time for which the individual is committed
- (c) The country of which the individual is a citizen
- (d) The date on, and the port at, which the individual last entered the United States

503.4 SEARCHES BEFORE ADMISSION

The Jail Administrator shall be responsible for designating which items will be considered contraband, approved personal property, and excess personal property, and for creating procedures regarding the disposition of each category of property.

All individuals and their property shall be searched for contraband before being accepted for booking (Minn. R. 2911.2525). All contraband items will be handled according to jail procedures. Items of possible evidentiary value may be turned over to the arresting or transporting deputy for processing or be processed according to the jail's rules for handling evidence (see the Disposition of Evidence Policy). Approved personal property should be accepted. Items not approved should be returned to the arresting or transporting deputy prior to the individual being accepted for booking, or disposed of according to jail procedures. A description of the items returned to the arresting or transporting deputy shall be documented in the individual's booking record.

Searches shall be conducted in accordance with the Searches Policy. Deviation from the Searches Policy shall be only with prior written approval of a supervisor and as the result of reasonable suspicion (Minn. R. 2911.5300, Subp. 2).

503.5 ADMISSION PROCESS

A unique booking number shall be assigned to each individual specific to the current admission. Photographs and fingerprints shall be taken.

Members facilitating the admission process should attempt to gather a comprehensive record of each individual, including the following (Minn. R. 2911.2525; Minn. Stat. § 299C.10, Subd. 1):

- Identifying information, including name and any known aliases or monikers
- Current or last known address and telephone number
- Date and time of arrest
- Date and time of admission

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- Name, rank, agency, and signature of the arresting deputy and transporting deputy, if different
- Health insurance information
- Legal authority for confinement
- Gender
- Gender identity
- Age
- Date and place of birth
- Race
- Height and weight
- Occupation and current or most recent employer
- Emergency contact, including name, address, telephone number, and relationship to the individual
- Driver's license number and state where issued, state identification number, or passport number
- Social Security number
- Information regarding religious practices and disabilities
- Local, state, and federal criminal history records
- Notation of any unique marks or physical characteristics, such as scars, birthmarks, or tattoos
- Medical clearance, if applicable
- Suicide risk
- Inventory of all personal property, including clothing, jewelry, and money
- A record of personal telephone calls made at the time of booking or the opportunity to place calls if the calls were not made
- Records related to past periods of detention at the jail
- Authorization form to release medical information (Minn. Stat. § 241.021)

Within 24 hours of taking the fingerprints and data, the fingerprint records and other identification data must be electronically entered into a Bureau of Criminal Apprehension-managed searchable database in the manner prescribed (Minn. Stat. § 299C.10, Subd. 1(7)(b)).

503.5.1 LEGAL BASIS FOR DETENTION

Individuals admitted to the jail shall be notified of the charge or other legal basis of confinement in a language they understand (Minn. R. 2911.2700, Subp. 3).

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503.6 TRANSITION FROM RECEPTION TO HOUSING UNITS

The Supervisor or the authorized designee is responsible for ensuring only individuals who qualify are placed into appropriate housing. Those who will not be housed include individuals who are:

- (a) Eligible for release following citation.
- (b) Intoxicated or under the influence of any intoxicating substance.
- (c) Arranging bail. Such individuals should be permitted a reasonable amount of time, at the discretion of the Supervisor or designee, to make telephone calls before being housed.

503.6.1 DATA PRIVACY

Individuals admitted to the jail shall be given a Tennessee warning notice regarding their rights under the Minnesota Government Data Practices Act (MGDPA) with respect to personal data requested by the jail. Intake procedures dealing with data protected by the MGDPA, Minnesota statutes, Chapter 13, § 13.05, Subd. 3, shall be conducted in a manner and location that assures the personal privacy of the individual and maintaining the privacy of the transaction from unauthorized personnel (Minn. R. 2911.2700, Subp. 4; Minn. R. 2911.2525, Subp. 2).

503.7 PROPERTY CONTROL

All approved personal property received from individuals at the time of booking shall be inventoried. A receipt referencing the individual's booking number shall be signed by the individual and the booking member. The original copy of the property receipt shall be retained and placed in the individual's file and/or with the property. A second copy should be presented to the individual at the time of booking (Minn. R. 2911.2525, Subp. 4). Excess personal property shall be handled according to jail procedures (Minn. R. 2911.3600, Subp. 6).

503.7.1 VERIFICATION OF MONEY

All monies belonging to the individual shall be verified in front of the individual. The individual should initial the dollar amount on the booking sheet. All money should be placed in a separate envelope and sealed.

Negotiable checks or other instruments and foreign currency shall also be sealed in an envelope with the amount indicated but not added to the cash total. Jewelry and other small property shall also be sealed in an envelope. All envelopes shall clearly indicate the contents on the front. The member sealing an envelope shall initial across the sealed flap. Should any money be withdrawn or added to the cash envelope, the member making the change shall enter the new amount below the original entry on the booking sheet, initial it, and write the new total on the outside of the envelope.

503.7.2 PROPERTY STORAGE

All approved property should be stored in a secure storage area. Only authorized personnel may access the storage area and only for the purpose of depositing or retrieving property, or to conduct authorized work, including maintenance and other duties as directed by the Jail Administrator.

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503.8 INMATE TELEPHONE CALLS

Inmates may be given the opportunity to use the phone during the booking process.

503.8.1 TELEPHONE CALL PROCEDURES

Calls between the inmate and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

503.9 SHOWERING AND CLOTHING EXCHANGE

Showering shall occur before an inmate is transferred from the temporary holding area to general population housing (see the Inmate Hygiene Policy).

Inmate Handbook and Orientation

505.1 PURPOSE AND SCOPE

This policy provides for the orientation of inmates booked into the Dakota County Sheriff's Office facility. The purpose of the orientation is to inform inmates of the jail routine, rules, inmate rights and services.

505.2 POLICY

The Jail Administrator shall provide an effective method of orienting all incoming inmates that includes an inmate handbook (Minn. R. 2911.2700). The orientation should take place within 24 hours of an inmate's admission and in any event prior to the inmate being moved to general population housing, and should be an ongoing process in the housing area so that the information is available to the inmates throughout their entire time in custody.

505.2.1 ORIENTATION FOR NON-READERS, VISUALLY IMPAIRED AND DEAF OR HARD-OF-HEARING INMATES

Inmates who cannot read, are visually impaired, or have intellectual, psychiatric or speech disabilities or limited reading skills, shall have the materials read to them by a staff member or to them using audible recorded media (28 CFR 115.16).

Inmates who are deaf or hard of hearing shall be provided with interpretation services. Reasonable efforts should be made by the staff to assist the inmate in understanding the information (Minn. R. 2911.2700).

505.3 INITIAL ORIENTATION

To assist with the inmate's transition into a custody environment, the orientation will include the following topics, supplemented by a more detailed inmate handbook that will be provided to each inmate (Minn. R. 2911.2700):

- (a) Facility rules and disciplinary sanctions
- (b) Correspondence, visiting and telephone rules
- (c) Availability of personal care items and opportunities for personal hygiene
- (d) Inmate grievance procedure, including all steps and deadlines necessary to exhaust the grievance process
- (e) Co-pays, fees, and charges
- (f) Medical, dental, and mental health services
- (g) Possibilities for pretrial release
- (h) Programs and activities, including application procedures
- (i) Classification/housing assignments and appeal procedures
- (j) Court appearance, where scheduled, if known

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- (k) Sexual abuse and sexual harassment information including the following (28 CFR 115.33):
 1. Facility's zero-tolerance policy
 2. Prevention and intervention
 3. Reporting sexual abuse or sexual harassment incidents, including how to report such incidents anonymously
 4. Instruction on how inmates can avoid being victims of sexual abuse and sexual harassment through self-protection techniques
 5. Treatment and counseling for victims of sexual abuse or sexual harassment
 6. Mailing addresses and telephone numbers, including toll-free hotline numbers, where available, of local, state or national victim advocacy or rape crisis organizations and, for persons detained solely for civil immigration purposes, immigrant services agencies (28 CFR 115.53)
 7. Information regarding confidentiality, monitoring, and mandatory reporting
- (l) Contacting foreign consuls
- (m) Requests for religious accommodations
- (n) Emergency procedures (e.g., fires, evacuations)
- (o) Voting, including registering to vote
- (p) An approved list of items that inmates are permitted to possess (Minn. R. 2911.2525)

In addition to English, orientation information will be provided in the most commonly used languages for the inmate population.

The Jail Administrator should consider enlisting the assistance of volunteers who are qualified and proficient in both English and the language in which they are providing translation assistance to translate the orientation information. Use of outside translation sources may also be considered.

Interpretive services will be provided to inmates who do not speak English or any of the other languages in which the orientation information is available.

A written and signed acknowledgment of the orientation and receipt of the handbook should be maintained in the inmate's permanent file (28 CFR 115.33; Minn. R. 2911.2525, Subp. 3).

505.4 ORIENTATION FOR NON-READERS, VISUALLY IMPAIRED, AND DEAF OR HARD-OF-HEARING INMATES

Inmates who cannot read, are visually impaired, or have intellectual, psychiatric, or speech disabilities or limited reading skills shall have the materials read to them by a staff member or presented to them using audible recorded media (28 CFR 115.16).

Inmates who are deaf or hard of hearing shall be provided with interpretation services. Reasonable efforts should be made by the staff to assist the inmate in understanding the information (Minn. R. 2911.2700).

Inmate Well-Being Checks

507.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a requirement for conducting visual well-being checks at least every 25 minutes for all inmates, and for creating and maintaining a log to document all well-being checks.

507.2 WELL-BEING CHECKS

The staff shall adhere to the following procedures when conducting well-being checks:

- (a) Well-being checks shall be conducted at least once every 25 minutes and more frequently if necessary.
- (b) Well-being checks shall be conducted on an irregular schedule (staggered) so that inmates cannot predict when the checks will occur.
- (c) Well-being checks shall be done by personal observation of the deputy and shall be sufficient to determine whether the inmate is experiencing any stress or trauma.
- (d) Cameras and monitors may supplement the required visual observation well-being checks but they shall not replace the need for direct visual observation.
- (e) Well-being checks will be clearly documented on permanent logs in accordance with the office Daily Activity Logs and Shift Reports Policy (Minn. R. 2911.5000, Subp. 5). If a well-being check does not occur due to an emergency, the missed check shall be documented in the Daily Activity Log and approved by a supervisor.
- (f) Actual times of the checks and notations should be recorded on the daily activity logs.
- (g) Log entries shall never be made in advance of the actual check. Log entries made in this manner do not represent factual information and are prohibited.
- (h) Special management Inmates shall be checked more frequently as detailed in the Special Management Inmates Policy.

Special Management Inmates

509.1 PURPOSE AND SCOPE

Inmates who pose a heightened risk to themselves or others require special management, including frequent interaction and increased supervision by staff. Interaction with special management inmates is essential to maintaining a safe, secure and humane environment. This policy establishes guidelines and procedures for interacting with special management inmates in the custody of the Dakota County Sheriff's Office.

509.1.1 DEFINITIONS

Definitions related to this policy include:

Administrative segregation - The physical separation of an inmate who is prone to escape or assault staff or other inmates, or one who is mentally challenged or in need of medical isolation or infirmary status. This is a non-punitive classification process (Minn. R. 2911.0200, Subp. 2).

Protective custody - A level of custody either requested or required for an inmate's protection from others.

Special management inmate - An inmate who is either classified as administrative segregation or protective custody segregation. Classification as a special management inmate is a non-punitive classification.

509.2 POLICY

This office shall provide for the secure and segregated housing of any special management inmate but shall not impose more deprivation of privileges than is necessary to obtain the objective of protecting the inmate, staff, or the public (Minn. R. 2911.2800, Subp. 2).

509.3 SPECIAL MANAGEMENT INMATES HOUSING CRITERIA

The safety and security of this facility is dependent on a classification system that identifies inmates who pose a risk to themselves or to others. Inmates who pose such a risk must be promptly and appropriately segregated from the general inmate population until such time that they no longer pose a risk. Staff must have the ability to promptly segregate these inmates pending further review.

Individuals who may be classified as special management inmates include but are not limited to inmates who are:

- In protective custody or court-imposed segregation.
- Exhibiting mental health concerns.
- An escape threat.
- A serious violence threat.
- Known to have gang affiliation.
- A known management problem.

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- A suicide risk.
- Exhibiting medical issues.
- Physically impaired.

509.3.1 DEPRIVATION REPORT

Whenever an inmate in administrative segregation is deprived of any usually authorized item or activity, a report of the action shall be made. A copy of the report shall be forwarded to the Jail Administrator. A copy of the report should be placed in the inmate's file (Minn. R. 2911.2800).

509.4 CIRCUMSTANCES REQUIRING IMMEDIATE ADMINISTRATIVE SEGREGATION

Inmates will generally be assigned to administrative segregation through the classification process. The Jail Administrator or the Supervisor has the authority to immediately place any inmate into administrative segregation when it reasonably appears necessary to protect the inmate or others (see the Disciplinary Segregation Policy) (Minn. R. 2911.2800, Subp. 1).

Reasons that an inmate may be placed into administrative segregation include the following:

- (a) The inmate requests protection or is under court-ordered protection, or the staff has determined that the inmate requires protection.
- (b) There is reason to believe the inmate poses a danger to him/herself or others.
- (c) The inmate poses an escape risk.
- (d) The inmate requires immediate mental health evaluation and medical housing is not reasonably available.
- (e) The inmate is charged with a disciplinary infraction and is awaiting a disciplinary hearing. In the judgment of the staff, the inmate may become disruptive or dangerous if left in general population.
- (f) The inmate is in the process of being transferred to a higher security classification.
- (g) Other circumstances where, in the judgment of the staff, the inmate may pose a threat to him/herself, others or the security of the facility.

509.4.1 REVIEW PROCESS

The Jail Administrator or designee shall be notified when any inmate is placed in immediate segregation and shall be informed of the circumstances leading to the order to segregate. Inmates in administrative segregation will have their status reviewed every 7 days (Minn. R. 2911.2800, Subp. 4).

An inmate in disciplinary segregation for an alleged rule violation shall have a disciplinary hearing within 72 hours (Minn. R. 2911.2850(F)). The review of either status will be to determine which of the following actions shall be taken :

- (a) The inmate is designated for administrative segregation.
- (b) The inmate is designated for protective custody.

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- (c) The inmate remains segregated pending a disciplinary hearing.
- (d) The inmate is returned to general inmate population.

509.4.2 DISCIPLINARY HEARINGS

An inmate in administrative segregation for an alleged rule violation shall have a disciplinary hearing within 72 hours, excluding weekends and holidays, unless there is reasonable cause to delay the hearing (Minn. R. 2911.2850).

509.5 PROTECTIVE CUSTODY

The deputy responsible for assigning classifications to incoming inmates shall clearly document the reason an inmate should be placed into protective custody. Inmates in need of protective custody may be placed into a segregation unit when there is documentation that the protective custody is warranted and segregation is the least restrictive alternative reasonably available.

Inmates who are in protective custody shall receive all services and programs that are available to inmates in general population and that are deemed a privilege. Any deviation from allowing usually authorized items or activities shall be documented on the inmate's file (Minn. R. 2911.2800).

509.6 MAINTENANCE OF PROGRAMS AND SERVICES

Inmates who are classified for administrative segregation or protective custody shall, at a minimum, be allowed access to programs and services including but not limited to the following:

- Inmate telephones.
- Visitation.
- Educational programming appropriate to the inmate classification.
- Commissary services.
- Library and law library services.
- Social services.
- Faith-based guidance, counseling, and religious services.
- Recreation activities and exercise.
- Social and professional visits.

Nothing in this policy prohibits changing the delivery of programs or services to segregated inmates when reasonably necessary to provide for the safety and security of other inmates and staff.

509.7 REVIEW OF STATUS

The Supervisor or the classification officer shall review the status of all inmates who are assigned to administrative segregation units and designated for administrative segregation or protective custody. This review shall occur every seven days and should include a visit from the Jail Administrator or the authorized designee, specify the review process used to release the inmate,

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and be documented in the inmate's file (Minn. R. 2911.2800, Subp. 4). The review should include information about these inmates to determine whether their status in administrative segregation and protective custody is still warranted.

If other reasonable housing options exist that will provide for the safety of the inmate and the facility, the inmate should be moved out of administrative segregation. In reviewing an alternative housing decision for an inmate in protective custody, the safety of the inmate should receive the utmost consideration.

509.8 WELL-BEING CHECKS

A staff member shall conduct a face-to-face well-being check of all special management inmates, including those classified as administrative segregation or housed in protective custody, at least every 25 minutes on an irregular schedule. Inmates who are violent, have mental health problems or who demonstrate behavior that is easily identified as out of the ordinary or bizarre in nature should be personally observed by the staff every 15 minutes on an irregular schedule (Minn. R. 2911.5000, Subp. 5).

Inmates who are at risk of suicide shall be seen by a qualified health care professional. Subsequent supervision routines should be in accordance with orders provided by the qualified health care professional.

Special management inmates shall receive increased monitoring to include, at a minimum:

- Visits by members of the program staff, upon request.

All management, program staff and qualified health care professional visits shall be documented in the appropriate records and logs and retained in accordance with established records retention schedules.

509.9 LOG PROCEDURES

Handwritten logs should be completed in ink. Once an entry is made it should not be modified. If corrections or changes are needed they should be done by way of a supplemental entry. Electronically captured logs will be maintained in a way that prevents entries from being deleted or modified once they are entered. Corrections or changes must be done by way of supplemental entries. At a minimum the log will contain the following:

- Inmate name
- Inmate identification number
- Housing location
- Date and time of entry and exit from the cell
- Type of infraction or reason for admission

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- Any special medical or psychiatric problems or needs
- Counseling for behavior

Log entries should be legible, entered promptly and provide sufficient detail to adequately reflect the events of the day for future reference.

The date and time of the observation or incident and the name and identification number of the staff member making the log entry shall be included on each entry.

Supervisors should review the logs frequently during the shift and enter comments as appropriate.

All well-being checks will be documented in detail and should include the exact time of the well-being check and the identification information of the employee conducting the check.

Juvenile Housing

511.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the safety and security of juvenile inmates who are being prosecuted as adults and housed in the Jail.

This policy does not address juveniles who are under the jurisdiction of the juvenile court system or juveniles that require living areas to be certified by the Minnesota Department of Corrections.

511.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile - A person under the age of 18.

511.2 POLICY

It is the policy of this office to prohibit the housing of juveniles, except when the juvenile is being prosecuted as an adult.

Inmate Classification

514.1 PURPOSE AND SCOPE

This policy describes the Dakota County Sheriff's Office's classification process, which is designed to identify security and health issues so that inmates may be held in such a way as to foster a safe and secure facility.

514.2 POLICY

It is the policy of this office to process all arrestees and detainees entering this facility to determine whether they will be housed in the facility, cited and released, released on their own recognizance (O.R.) or bail, or released back to the community through an appropriate release mechanism, including alternatives to incarceration programs, such as electronic supervision.

Anyone housed in the facility shall be properly classified according to security and health risks so that appropriate supervision, temporary holding and housing assignments may be made.

514.3 CLASSIFICATION PLAN

The Jail Administrator or authorized designee should create and maintain a classification plan to guide staff in the processing of individuals brought into the facility.

The plan should include an initial screening process, as well as a process for determining appropriate housing assignments (28 CFR 115.42). The plan should include use of an objective screening instrument, procedures for making decisions about classification and housing assignments, intake and housing forms and a process to ensure that all classification and housing records are maintained in each inmate's permanent file. The plan should include an evaluation of the following criteria (Minn. R. 2911.2500; Minn. R. 2911.2600):

- Age
- Gender
- Current charges
- Behavior during arrest and intake process
- Criminal and incarceration history
- Emotional and mental condition
- Potential risk of safety to others or self
- Special management inmate status
- Special needs assessment for vulnerable inmates
- Behavioral or physical limitations or disabilities
- Medical condition
- Level of sobriety at booking

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- Suicidal ideation
- Escape history and degree of escape risk
- Prior assaultive or violent behavior
- The need to be separated from other classifications of inmates (e.g., juvenile offenders gang affiliation, confidential informant, former law enforcement, sexual orientation)
- Prior convictions for sex offenses against an adult or child
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender non-conforming (see Prison Rape Elimination Act Policy for transgender and intersex definitions)
- Previous sexual victimization
- The inmate's own perception of his/her vulnerability
- Whether the inmate is detained solely for civil immigration purposes
- Whether the inmate is a foreign national and if so from what country (see Foreign Nationals and Diplomats Policy)
- Prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known to the Office (28 CFR 115.41)
- Any other criteria as deemed appropriate by the Sheriff or the authorized designee

The plan should include a methodology for evaluating the classification process and a periodic review for the purpose of continuous quality improvement.

Information obtained in response to screening questions shall be considered confidential and shall only be made available to those who have a legitimate need to know (28 CFR 115.41).

514.3.1 INMATE RESPONSE TO SCREENING

Inmates may not be compelled by threat of discipline to provide information or answers regarding (28 CFR 115.41):

- (a) Whether the inmate has a mental, physical or developmental disability.
- (b) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
- (c) Whether the inmate has previously experienced sexual victimization.
- (d) The inmate's own perception of vulnerability.

514.4 INITIAL CLASSIFICATION

The initial classification process is intended to identify predatory, violent and at-risk inmates. It should occur early in the intake process to allow for appropriate supervision while an inmate is being temporarily held in this facility and until a decision is made to place the individual into a more permanent housing assignment.

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Inmates should be interviewed by an intake deputy as soon as possible in the booking process. The intake deputy shall complete the initial classification form. The initial classification form should include a place for the intake deputy to make a housing recommendation. This recommendation should be based on the initial classification form, an assessment of the inmate's condition and the inmate's interview.

The initial classification form shall be placed in the inmate's file and provided to the classification deputy, who will, within the limits of available resources, determine the appropriate temporary housing location.

514.5 CLASSIFICATION UPON HOUSING

Once it has been determined that the person arrested will not be released from custody on bail or O.R., a more in-depth classification of the inmate will be conducted as soon as possible but no later than 24 hours after the inmate's arrival at the facility, after which the inmate will be moved to more permanent housing.

514.5.1 INTERVIEW

The comprehensive classification process begins with a review of any initial classification information obtained during the reception and booking process, as well as an interview by the classification deputy. The review of initial classification documents and the questions, answers and observations from the inmate's interview will be documented and numerically scored, representing the security level and housing assignment appropriate for each inmate.

Individualized determinations shall be made about how to ensure the safety of each inmate (28 CFR 115.42).

514.5.2 OVERRIDE

The classification deputy has the authority to override the scores when it appears necessary to more appropriately assign housing. The override capability exists to use the classification deputy's training and expertise in those instances when the numerical scores are not reflective of the inmate's potential security or health risk. All overrides will be reviewed and documented by a supervisor and are intended to be an exception rather than the rule.

514.6 REVIEWS AND APPEALS

Once an inmate is classified and housed, he/she may appeal the decision of the classification deputy (Minn. R. 2911.2600). The appeal process shall begin at the first-line supervisor level. The decision by the supervisor may be appealed to the Jail Administrator or the authorized designee. The decision by the Jail Administrator or the authorized designee is final.

514.6.1 PERIODIC CLASSIFICATION REVIEWS

Housing and program assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats experienced by the inmate (28 CFR 115.42).

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Inmate risk levels shall be reassessed when required due to a referral, request, incident of sexual abuse, or receipt of additional information that increases the inmate's risk of sexual victimization or abusiveness (28 CFR 115.41).

514.6.2 STAFF REQUESTED REVIEW

At any point during an inmate's incarceration, a staff member may request a review of the inmate's classification. The reason for the review, the review itself and the outcome of the review shall be documented in the inmate's permanent file. Nothing in this section shall prohibit staff from immediately moving an inmate to another location in the facility based on exigent circumstances. Under such circumstances, the staff member moving the inmate must immediately document the action and notify the classification deputy (Minn. R. 2911.2600).

514.7 HOUSING ASSIGNMENTS

Inmates should be housed based upon the following criteria (Minn. R. 2911.2500):

- Classification level
- Age
- Sex (males and females will be housed in separate units)
- Legal status (e.g., pretrial, sentenced)
- Special problems or needs
- Behavior
- Any other criteria identified by the Jail Administrator

514.8 CLASSIFICATION SPACE ALLOCATION

The classification plan depends on the ability of the facility to physically separate different classes of inmates (Minn. R. 2911.2500).

514.9 SINGLE-OCCUPANCY CELLS

Single-occupancy cells may be used to house the following categories of inmates:

- Maximum security
- Administrative segregation
- Medical condition or disabilities (upon consultation with medical staff and the availability of medical beds)
- Mental condition (upon consultation with mental health staff and the availability of mental health beds)
- Sexual predators
- Any inmate with an elevated risk of being taken advantage of, being mistreated or becoming a victim of sexual abuse or harassment

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- Any other condition or status for single-occupancy housing

The classification supervisor shall notify the Jail Administrator or the authorized designee when single-occupancy cells are not available for housing the above described inmates. In such cases, a risk assessment shall be used to identify inmates in the above categories who may be safely housed together.

514.10 PRISON RAPE ELIMINATION ACT (PREA) CONSIDERATIONS

Housing, bed, work and program assignments should be made to separate inmates at high risk of being sexually victimized from those at high risk of being sexually abusive (28 CFR 115.42). Inmates identified as being at high risk for sexually aggressive behavior will be monitored and housed in an area that will minimize the risk to other inmates and staff. All inmates identified as being at risk of victimization shall be monitored and housed in an area to minimize the risk to their safety. However, inmates at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers (28 CFR 115.43; 28 CFR 115.68).

Housing and program assignments of transgender or intersex inmates shall include individualized consideration for the inmate's health and safety and any related supervisory, management or facility security concerns. A transgender or intersex inmate's views with respect to his/her own safety shall be given serious consideration.

Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is pursuant to a consent decree, legal settlement or legal judgment (28 CFR 115.42).

514.11 EDUCATION, WORK AND OTHER RELEASE

Unless an inmate is incarcerated for an offense for which release is prohibited by law or otherwise prohibited by court order, an inmate incarcerated in the jail may be released for a period reasonable and necessary for the following reasons:

- To seek or maintain employment
- To attend education classes
- To obtain medical treatment
- Any other reasonable purpose as determined by the Jail Administrator or the authorized designee

Education and work-release inmates who leave the secure perimeter of the jail to complete programs should be housed separately from inmates in general population (Minn. R. 2911.2500).

There should be no contact between the inmates in general population and those being authorized for education, work or other release. This is to minimize the risk of introducing contraband into the jail and to maintain facility security.

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Inmate Classification

514.12 CLASS IV FACILITIES

No inmate may be detained or incarcerated in a Class IV facility without having completed a classification review by the Jail Administrator or the authorized designee of the Class IV facility's parent facility, who determines the inmate is appropriate to be classified as minimum security (Minn. R. 2911.2600).

514.13 STAFF TRAINING IN CLASSIFICATION

Classification deputies should receive training specific to inmate classification before being assigned primary classification duties. Individuals not specifically trained in inmate classification may work in classification provided that they are under the immediate supervision of a trained and qualified staff member.

Control of Inmate Movement

517.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for the safe and secure movement of inmates between areas within the facility and transportation from the facility to court, medical appointments or other jurisdictions.

517.2 POLICY

The staff should be vigilant in the control and movement of inmates between areas within the facility and when transporting inmates outside the secure confines of the facility. Control may be by direct or indirect visual observation. All staff should consider all inmate movement as a high-risk activity. The staff should be aware of their surroundings at all times and take necessary steps to prevent the possession and exchange of contraband.

517.3 MOVEMENT OF INMATES

Movement of one or more inmates in the facility should be done in an orderly manner with inmates walking in a single-file line. Staff members should have situational awareness during the movement of inmates and should consider the design of the facility, areas of poor visibility and the presence of other inmates being moved. The staff should avoid areas where inmates may have access to contraband items.

Inmates should be restrained during movement based upon individual security classification, with higher risk inmates in handcuffs, waist chains and leg irons. An exception to this procedure is when an inmate has a physical disability where restraint devices may cause serious injury. Pregnant inmates shall be moved in accordance with the Use of Restraints Policy.

Whenever a high-security inmate is not able to be restrained the staff should compensate by utilizing wheelchairs and should secure the inmate to the chair. It may also be necessary to increase the number of staff present to ensure the safe movement of high-security inmates.

The staff should be watchful in and around passageways and ensure that sallyport doors are secured to prevent escape.

Use of Restraints

520.1 PURPOSE AND SCOPE

This policy establishes guidelines for the application of, supervisory oversight of and restrictions on the use of restraints on persons incarcerated in this facility.

This policy shall apply to the use of specific types of restraints, such as four/five-point restraints, restraint chairs, ambulatory restraints and similar restraint systems, as well as all other restraints, including handcuffs, waist chains and leg irons when such restraints are used to restrain any inmate for prolonged periods.

This policy does not apply to the use of electrical restraints (see the Electronic Restraints Policy).

520.1.1 DEFINITIONS

Definitions related to this policy include:

Clinical restraints - Restraints applied when an inmate's disruptive, assaultive and/or self-injurious behavior is related to a medical or mental illness. Clinical restraints can include leather, rubber or canvas hand and leg restraints with contact points on a specialized bed (four/five-point restraints) or a portable restraint chair.

Therapeutic seclusion - Segregated confinement of an agitated, vulnerable and/or severely anxious inmate with a serious mental illness as part of his/her treatment when clinically indicated for preventive therapeutic purposes.

520.2 POLICY

It is the policy of this office that restraints shall be used only to prevent self-injury, injury to others or property damage. Restraints may also be applied according to inmate classification, such as maximum security, to control the behavior of a high-risk inmate while he/she is being moved outside the cell or housing unit.

Restraints shall never be used for retaliation or as punishment. Restraints shall not be utilized any longer than is reasonably necessary to control the inmate. Restraints are to be applied only when less restrictive methods of controlling the dangerous behavior of an inmate have failed or appear likely to fail. Each incident where restraints are used shall be documented and the documents placed in an appropriate file by the end of each staff member's shift (Minn. R. 2911.4950).

This policy does not apply to the temporary use of restraints, such as handcuffing or the use of leg irons to control an inmate during movement and transportation inside or outside the facility.

520.3 USE OF RESTRAINTS - CONTROL

Supervisors shall proactively oversee the use of restraints on any inmate. Whenever feasible, the use of restraints, other than routine use during transfer, shall require the approval of the Supervisor prior to application (Minn. R. 2911.4950). In instances where prior approval is not feasible, the Supervisor shall be apprised of the use of restraints as soon as practicable.

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Use of Restraints

Restraint devices, such as restraint chairs, shall only be used on an inmate when it reasonably appears necessary to overcome resistance, prevent escape or bring an incident under control, thereby preventing injury to the inmate or others, or eliminating the possibility of property damage. Restraints shall not be applied for more time than is reasonably necessary to achieve the above goals.

Excluding short-term use to gain immediate control, placing an inmate in a restraint chair or other restraints for extended periods requires approval from the Jail Administrator or the authorized designee prior to taking action. The medical staff shall be called to observe the application of the restraints, when feasible, prior to the application or as soon as practicable after the application, and to check the inmate for adequate circulation.

The use of restraints for purposes other than for the controlled movement or transportation of an inmate shall be documented on appropriate logs to include, at minimum, the type of restraint used, when it was applied, a detailed description of why the restraint was needed and when it was removed.

The following provisions shall be followed when utilizing restraints to control an inmate:

- (a) Restraints shall not be used as punishment, placed around a person's neck or applied in a way that is likely to cause undue physical discomfort or restrict blood flow or breathing (e.g., hog-tying).
- (b) Restrained inmates shall not be placed face down or in a position that inhibits breathing.
- (c) Restraints shall not be used to secure a person to a fixed object except as a temporary emergency measure. A person who is being transported shall not be locked in any manner to any part of the transporting vehicle, except for items installed for passenger safety, such as seat belts.
- (d) Inmates in restraints shall be housed either alone or in an area designated for restrained inmates.
- (e) Restraints shall be applied for no longer than is reasonably necessary to protect the inmate or others from harm.
- (f) Staff members shall conduct direct face-to-face observation at least twice every 30 minutes on an irregular schedule to check the inmate's physical well-being and behavior. Restraints shall be checked to verify correct application and to ensure they do not compromise circulation. All checks shall be documented, with the actual time recorded by the person doing the observation, along with a description of the inmate's behavior. Any actions taken should also be noted in the log.
- (g) The specific reasons for the continued need for restraints shall be reviewed, documented and approved by the Jail Administrator or the Supervisor at least every two hours.

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Use of Restraints

520.4 AVAILABILITY OF CPR EQUIPMENT

CPR equipment, such as barrier masks, shall be provided by the facility and located in proximity to the location where inmates in restraints are held.

520.5 RESTRAINED INMATE HOLDING

Restrained inmates should be protected from abuse by other inmates. Under no circumstances will restrained inmates be housed with inmates who are not in restraints. In most instances, restrained inmates are housed alone or in an area designated for restrained inmates.

520.6 PREGNANT INMATES

Restraints will not be used on inmates who are known to be pregnant unless based on an individualized determination that restraints are reasonably necessary to ensure the safety and security of the inmate, the staff of this or the medical facility, other inmates or the public. Should restraints be necessary, the restraints shall be the least restrictive available and the most reasonable under the circumstances (Minn. Stat. § 241.88).

Inmates who are known to be pregnant will not be handcuffed behind their backs or placed in waist restraints while being transported (Minn. Stat. § 241.88).

520.6.1 INMATES IN LABOR

No inmate who is in labor, delivering or recovering (for at least three days) from a birth shall be restrained except when all of the following exist (Minn. Stat. § 241.88):

- (a) There is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the inmate, the staff of this or the medical facility, other inmates or the public.
- (b) A supervisor has made an individualized determination that such restraints are necessary to prevent escape or injury.
- (c) There is no objection from the treating medical care provider.
- (d) The restraints used are the least restrictive type and are used in the least restrictive manner.

The supervisor should, within 10 days, make written findings specifically describing the type of restraints used, the justification and the underlying extraordinary circumstances.

520.6.2 PREGNANT INMATES TRAINING MANDATE

The Jail Administrator shall ensure that staff members who come in contact with pregnant women incarcerated in the facility are provided training on this policy and the mandates of Minn. Stat. § 241.88.

520.7 FOOD, HYDRATION AND SANITATION

Inmates who are confined in restraints shall be given food and fluids. Provisions shall be made to accommodate any toileting needs at least once every two hours. Food shall be provided during

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normal meal periods. Hydration (water or juices) will be provided no less than once every two hours or when requested by the inmate.

Offering food and hydration to inmates will be documented to include the time, the name of the person offering the food or water/juices, and the inmate's response (receptive, rejected). Inmates shall be given the opportunity to clean themselves should they soil themselves or their clothing while they are in restraints.

Searches

523.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the jail by conducting searches in balance with protecting the constitutional rights of inmates.

The introduction of contraband into the jail poses a serious risk to the safety and security of members, inmates, and the public. Any item that is not available to all inmates may be used as currency by those who possess the item and will allow those in possession of the item to have control over other inmates. Any item that may be used to disengage a lock or other electronic security device or that could compromise the physical plant jeopardizes the safety and security of this jail. Carefully restricting the flow of contraband into the jail can only be achieved by thoroughly searching inmates and their environment (Minn. R. 2911.5300).

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual.

523.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Anything unauthorized for inmates to possess, including drugs and weapons of any kind (Minn. R. 2911.0200, Subp. 20).

Excess property - Anything authorized for inmates to possess but in an unauthorized manner or quantity.

Modified strip search - A search that requires the removal or rearranging of some of a person's clothing and does not include a visual inspection of the exposed breasts, buttocks, or genitalia of the person. This search may include a thorough tactile search of an inmate's partially unclothed body. This also includes searching the inmate's clothing after it has been removed.

Pat-down search - A search used to check an individual for contraband. It involves thoroughly patting down an inmate's clothed body to locate any items that could pose a danger to the deputy, the inmate, or others.

Physical body cavity search - A search that includes a visual inspection of and may include physical intrusion into a body cavity. Body cavity means the stomach, colon, rectum, or vagina.

Strip search - A search that requires the removal or rearranging of some or all of a person's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia of the person.

523.2 POLICY

It is the policy of this office to promote the safety of members, inmates, and visitors by conducting effective and appropriate searches of inmates and areas within the jail in accordance with applicable laws. Members shall always be alert to the possible presence of contraband and shall take immediate action to seize and appropriately handle contraband when found.

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Searches shall not be used for intimidation, harassment, punishment, or retaliation.

523.3 PAT-DOWN SEARCHES

Pat-down searches will be performed on all inmates/arrestees upon entering the secure booking area of the facility. Additionally, pat-down searches shall occur frequently within the facility. At a minimum, the staff shall conduct pat-down searches in circumstances that include:

- (a) When inmates return from a professional visit or the medical unit
- (b) Any time an inmate worker returns to the housing unit
- (c) During physical plant searches of entire housing units.
- (d) Any time the staff believes the inmates may have contraband on their persons.

Except in exigent circumstances, staff may not pat down inmates of the opposite sex. Absent the availability of a same sex staff member, staff should activate their body worn camera during any pat-down search of an individual of the opposite sex. All cross-gender pat-down searches shall be documented (28 CFR 115.15).

523.4 MODIFIED STRIP SEARCHES, STRIP SEARCHES, AND PHYSICAL BODY CAVITY SEARCHES

Deputies shall consider and be able to articulate the reason for the search and the scope, manner, and location of the search, and will utilize the least invasive search method to meet the goals of the search.

523.4.1 STRIP SEARCHES PRIOR TO PLACEMENT IN A HOUSING UNIT

Strip searches prior to placement in a housing unit shall be conducted as follows:

- (a) No person held prior to placement in a housing unit shall be subjected to a modified strip search or strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person is concealing contraband. Factors to be considered in determining reasonable suspicion include but are not limited to:
 - 1. The detection of an object during a pat-down search that may be contraband and cannot be safely retrieved without a modified strip search or strip search.
 - 2. Circumstances of a current arrest that specifically indicate the person may be concealing contraband.
 - (a) A felony or controlled substance arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
 - 3. Custody history (e.g., past possession of contraband while in custody, assaults on members, escape attempts).
 - 4. The person's actions or demeanor, such as a refusal to submit to a pat-down search.
 - 5. Criminal history (e.g., level of experience in a custody setting; convictions for escape, possession of drugs or weapons, crimes of violence; being a fugitive).

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6. An alert by a metal detector or drug detection device.
 7. Other reliable information that the person possesses contraband.
- (b) Except in the case of a medical emergency, no modified strip search or strip search of an inmate shall be conducted before admittance to a housing unit without prior written authorization from the Supervisor.

523.4.2 MODIFIED STRIP SEARCHES OR STRIP SEARCHES ON ADMITTED INMATES

Modified strip searches or strip searches shall be conducted on all inmates upon admission into a housing unit.

A modified strip search or a strip search of an inmate in a housing unit should be conducted when the inmate has entered an environment where contraband may be accessed. This includes but is not limited to the following:

- (a) Upon return from contact visits
- (b) Upon leaving areas such as the kitchen, shop, or farm
- (c) Upon return to the housing unit from outside the confines of the jail (e.g., court, work-release, work detail, medical visits)

Inmates returning from court with release orders shall not be subjected to modified strip searches or strip searches unless reasonable suspicion exists based on specific and articulable facts that the person is concealing contraband. An inmate should not be returned to the housing unit, except to retrieve personal property under the direct visual supervision of a member.

Members may conduct modified strip searches and strip searches of inmates outside the above-listed circumstances only with prior written supervisor approval. In such cases, supervisors shall consider and articulate the scope, manner, justification, and location of the particular search. Less invasive searches should be used if they will accomplish the goals of the search. For example, a pat-down may be sufficient as an initial effort to locate a larger item, such as a cell phone.

523.4.3 MODIFIED STRIP SEARCH AND STRIP SEARCH PROCEDURES

All modified strip searches and strip searches shall be conducted in a professional manner under sanitary conditions and in an area where the search cannot be observed by persons not participating in the search. The search shall not be video or audio recorded.

Unless conducted by a qualified health care professional or in case of an emergency, a modified strip search or strip search shall be conducted by members of the same gender as the person being searched. Any cross-gender modified strip searches and cross-gender strip searches shall be documented (28 CFR 115.15).

Whenever possible, a second member of the same gender should be present during the search for security purposes and to witness the discovery of evidence. Except in exceptional circumstances, the number of members present during a search shall not exceed three.

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The member conducting a strip search shall not touch the breasts, buttocks, or genitalia of the person being searched except and only to the extent necessary to safely remove contraband from the exterior of the person being searched. These areas may be touched through the clothing during a modified strip search.

Generally, items protruding from body cavities should not be removed. If a body cavity search appears necessary, see the Physical Body Cavity Searches section of this policy.

- (a) The searching member will instruct the inmate to:
 - 1. Remove or rearrange their clothing.
 - 2. Raise their arms above the head and turn 360 degrees.
 - 3. Bend forward and run their hands through their hair.
 - 4. Turn their head, to the left and to the right, so the searching deputy can inspect the inmate's ear orifices.
 - 5. Open their mouth and run a finger over the upper and lower gum areas, then raise the tongue so the deputy can inspect the interior of the inmate's mouth. Remove dentures if applicable.
 - 6. Turn around and raise one foot first, then the other so the deputy can check the bottom of each foot.
 - 7. Turn around, bend forward, and spread the buttocks if necessary to view the anus.
- (b) At the completion of the search, the inmate should be instructed to dress in either street clothes or jail-supplied clothing, as appropriate.

523.4.4 PHYSICAL BODY CAVITY SEARCHES

Physical body cavity searches shall be completed as follows:

- (a) No person shall be subjected to a physical body cavity search without approval of the Jail Administrator or the authorized designee and only with the issuance of a search warrant.
- (b) Only a qualified health care professional may conduct a physical body cavity search. Except in exigent circumstances, only a qualified health care professional who is not responsible for providing ongoing care to the inmate may conduct the search.
- (c) Except for the qualified health care professional conducting the search, persons present must be of the same gender as the person being searched. Only deputies needed to maintain the safety and security of the medical personnel shall be present during the search.
- (d) Privacy requirements, including restricted touching of body parts, and sanitary condition requirements are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the inmate.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The Jail Administrator's approval.
 4. A copy of the search warrant.
 5. The time, date, and location of the search.
 6. The medical personnel present.
 7. The names, genders, and roles of any deputies present.
 8. Any contraband discovered by the search.
- (f) Completed documentation should be placed in the inmate's file. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the inmate or other authorized representative (except for those portions of the warrant ordered sealed by a court).
- (g) All contraband should be processed in accordance with the office's current evidence procedures.
- (h) If appropriate, a crime report and/or disciplinary report shall be completed.

523.5 CONTRABAND SEARCHES

The staff shall always be alert to the possible presence of contraband and shall take immediate action to seize the contraband when practicable. There are several types of searches that contribute to contraband control and to maintaining a safe and secure environment.

523.6 HOUSING UNIT SEARCHES

Housing unit searches shall occur as directed by a supervisor. These searches should include all of the living spaces occupied by inmates. Housing unit searches should be scheduled in a manner that does not create a pattern where the inmates can predict such searches. During a housing unit search:

- (a) All inmates shall vacate their living areas and be patted down by members.
- (b) Inmates should be escorted to a separate holding area, such as the recreation yard.
- (c) Members shall search the living areas of the inmates, including bedding, personal storage areas, bunks, and other areas with inmate access.
- (d) Any contraband located shall be processed in accordance with the current evidence procedures.
- (e) Members shall attempt to identify the inmate who possessed the contraband and file appropriate inmate discipline and/or crime reports.
- (f) Any excess property shall be seized, inventoried, and retained pending disposition according to jail procedures.

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At the conclusion of the housing unit search, closely supervised inmate workers should clean the unit. All authorized inmate personal property shall be respected and living areas should be returned to an orderly condition (Minn. R. 2911.5300, Subp. 1).

523.7 PHYSICAL PLANT SEARCHES

The following areas of this jail shall be periodically searched for contraband (Minn. R. 2911.5300):

- (a) Exercise yards shall be searched before and after each inmate group occupies the yard.
- (b) Holding cells shall be searched before and after each occupation.
- (c) Program areas, such as classrooms and multipurpose rooms, shall be searched after each use by an inmate or inmate group.
- (d) Laundry areas shall be searched before and after inmate use.
- (e) Kitchen areas shall be frequently searched for contraband and to account for tools, knives, and food items.
- (f) Inmate visiting and public areas shall be frequently inspected.
- (g) The jail perimeter shall be searched at least once each shift.

523.7.1 CANINE-ASSISTED SEARCHES

It is the policy of this facility to use canines to assist the staff in searching for contraband. Such searches shall occur only with the approval of a supervisor. Only canines trained in the detection of contraband, such as drugs, alcohol and weapons, will be allowed within the secure perimeter of the facility. Canines trained solely in crowd control or to assist in physically subduing individuals will not be used in the facility.

Canines will generally be used to assist the staff in general physical plant or living area searches. Contact between inmates and canines should be kept to a minimum (see the Canines Policy).

523.8 CRIMINAL EVIDENCE SEARCHES

The Jail Administrator or the authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the jail or other area controlled by jail members, and there is a need to search for evidence related to the crime. A search for evidence may be conducted by members whenever there is a need for such action.

Any evidence collected in connection with an alleged crime should be processed in accordance with the office's current evidence procedures.

523.9 TRAINING

The Training Coordinator or designee shall provide training for members on this policy, including how to conduct pat-down searches, modified strip searches, and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with jail security needs. This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex inmates (28 CFR 115.15).

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523.10 PROHIBITED SEARCHES OF TRANSGENDER AND INTERSEX INMATES

Members shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining genital status (see the Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.15).

In-Custody Deaths - Reporting, Notice, and Administrative Investigation

527.1 PURPOSE AND SCOPE

This policy provides direction on how in-custody deaths shall be reported (Minn. R. 2911.3700, Subp. 5 and Minn. Stat. § 241.021).

527.1.1 DEFINITIONS

Definitions related to this policy include:

In-custody death - The death of any person, for whatever reason, including natural, suicide, homicide, accident, who is committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care.

527.2 POLICY

It is the policy of this office to follow state and local guidelines for reporting in-custody deaths.

527.3 MANDATORY REPORTING

All in-custody deaths shall be reported as required.

If the decedent is a boarder for another agency, the Jail Administrator shall notify that agency so that agency will assume responsibility for the notification of the decedent's family.

Pursuant to Article 37 of the Vienna Convention on Consular Relations 1963, in the case of the death of a foreign national, telephonic notification to the appropriate consulate post should be made without unreasonable delay and confirmatory written notification shall be made within 72 hours of the death to the appropriate consulate post. The notification shall include the inmate's name, identification number, date and time of death, and the attending physician's name.

In the event that a juvenile dies while in custody, the Jail Administrator or the authorized designee shall notify the court of jurisdiction and ensure notification to the juvenile's parent or guardian.

A report shall be made in writing to the Minnesota Department of Corrections within 24 hours of receiving knowledge about any in-custody death. The notification shall include the name of any involved inmate and staff, date and time of death, and any actions taken (Minn. Stat. § 241.021).

527.4 PROCEDURE

Upon determining that an In-Custody death has occurred, the Supervisor is responsible for ensuring that the Sheriff and all appropriate investigative authorities, including the Medical Examiner, are notified without delay and all written reports are completed. All inmate property will be held in evidence until the investigation is completed and release of the property is authorized.

The Supervisor shall also promptly notify the Jail Administrator and make any other notifications required by policy or direction. The Jail Administrator shall observe all pertinent laws and allow appropriate investigating agencies full access to all facts surrounding the death.

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In-Custody Deaths - Reporting, Notice, and Administrative Investigation

The Office shall establish policies and procedures for the investigation of any in-custody death.

The decedent's personal belongings shall be disposed of in a responsible and legal manner. All property and records shall be retained according to established records retention schedules.

The individual designated by the decedent shall be notified of all pertinent information as required by law.

During an investigation, all inquiries regarding the death shall be referred to the Public Information Officer. Deputies shall not make a public comment.

In the event that the death involves a "vulnerable adult," notification procedures shall follow in accordance with statutory requirements (Minn. R. 2911.3700).

527.5 IN-CUSTODY DEATH REVIEW

The Sheriff is responsible for establishing a team of qualified staff to conduct an administrative review of every in-custody death (Minn. Stat. § 241.021). Minimally, the administrative review must include a medical expert, that is not associated with the medical provider contracted to provide services to the Jail, and if applicable a mental health expert. The experts shall review the circumstances of the death and conduct a clinical mortality review and a psychological autopsy if the death occurred by suicide within 30 days of death. The experts are to assess for preventable mortality and morbidity, including recommendations for policy or procedure changes. The report must include a preliminary autopsy report as well as any subsequent findings that are available. The final administrative review must be completed within 90 days of death

At a minimum, the review team should include the following:

- (a) Sheriff and/or the Jail Administrator
- (b) County Attorney
- (c) Investigative staff
- (d) Responsible Physician, qualified health care professionals, supervisors, or other staff who are relevant to the incident
- (e) Any other required persons or direction from state law, with references

The in-custody death review should be conducted no later than 72 hours after the incident.

527.6 NOTICE TO THE DEPARTMENT OF CORRECTIONS

The Jail Administrator shall, within 90 days, provide the Department of Corrections with the information required by Minn. Stat. § 241.021, including notice that the in-custody death review is complete.

Staff and Inmate Contact

529.1 PURPOSE AND SCOPE

Interaction with inmates allows for continual assessment of the safety and security of the facility and the health and welfare of the inmates. However, inappropriate interaction can undermine security and order in the facility and the integrity of the supervision process.

This policy provides guidelines for appropriate and professional interaction between members and inmates, and is intended to promote high ethical standards of honesty, integrity and impartiality as well as increase facility safety, discipline and morale.

Violation of this policy may result in disciplinary action up to and including dismissal. Members who seek information or clarification about the interpretation of this policy are encouraged to promptly contact their supervisor.

529.2 POLICY

The Jail Administrator shall ensure that inmates have adequate ways to communicate with staff and that the staff communicates and interacts with inmates in a timely and professional manner.

529.3 GENERAL CONTACT GUIDELINES

Members are encouraged to interact with the inmates under their supervision and are expected to take prompt and appropriate action to address health and safety issues that are discovered or brought to their attention.

All members should present a professional and command presence in their contact with inmates. Members shall address inmates in a civil manner. The use of profanity, and derogatory or discriminatory comments is strictly prohibited.

Written communication (e.g., request forms, inmate communication, grievances, rules infraction forms, disciplinary reports) shall be answered in a timely manner. Such communication shall be filed with the inmate's records.

Members shall not dispense legal advice or opinions, or recommend attorneys or other professional services to inmates.

While profanity and harsh language are prohibited, the Office recognizes the necessity for staff to give inmates direction in a firm, determined, and authoritative manner in order to maintain proper supervision and control. Authoritative directions to inmates are particularly instructed when activities or events pose a threat to the safety or security of this facility.

529.4 ANTI-FRATERNIZATION

Personal or other interaction not pursuant to official duties between facility staff with current inmates, inmates who have been discharged within the previous year, their family members or known associates have the potential to create conflicts of interest and security risks in the work environment.

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Members shall not knowingly maintain a personal or unofficial business relationship with any persons described in this section unless written permission is received from the Jail Administrator.

Prohibited interactions include but are not limited to:

- (a) Communications of a sexual or romantic nature.
- (b) Salacious exchanges.
- (c) Sexual abuse, sexual assault, sexual contact, or sexual harassment.
- (d) Exchanging letters, phone calls, or other similar communications, such as texting.
- (e) Exchanging money or other items.
- (f) Extending privileges, giving or accepting gifts, gratuities, or favors.
- (g) Bartering.
- (h) Any financial transactions.
- (i) Being present at the home of an inmate for reasons other than an official visit without reporting the visit.
- (j) Providing an inmate with the staff member's personal contact information, including social media accounts.

529.4.1 EXCEPTIONS

The Jail Administrator may grant a written exception to an otherwise prohibited relationship on a case-by-case basis based upon the totality of the circumstance. In determining whether to grant an exception, the Jail Administrator should give consideration to factors including, but not limited to:

- Whether a relationship existed prior to the incarceration of the inmate.
- Whether the relationship would undermine security and order in the facility and the integrity of the supervision process.
- Whether the relationship would be detrimental to the image and efficient operation of the facility.
- Whether the relationship would interfere with the proper discharge of, or impair impartiality and independence of, judgment in the performance of duty.

529.5 REPORTING

Members shall promptly report all attempts by inmates to initiate sexual acts or any salacious conversations, and forward any correspondence from an inmate or former inmate to the Jail Administrator or the authorized designee.

Members shall report all attempts by inmates to intimidate or instill feelings of fear to their supervisor.

Members shall promptly notify their immediate supervisor in writing if:

- A family member or close associate has been incarcerated or committed to the custody of the facility.

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Staff and Inmate Contact

- The member is involved in a personal or family relationship with a current inmate or with an inmate who has been discharged within the previous year.

Body Worn Camera System

530.1 PURPOSE

The purpose of this policy is to establish guidelines for the use, management, access, storage, retrieval, and retention audio-visual media recorded by BWC. The Sheriff or Sheriff's designee may supersede this policy to individual correctional staff by providing specific instructions or standard operating procedures for BWC use in other duties.

The purpose of the Body Worn Camera ("BWC") system in a correctional facility is to provide additional reliable documentation of interactions and encounters with inmates in the facility. It is understood that the BWC may be limited by position, environment or other factors and shall not be the sole source of documentation used to interpret or evaluate an incident. BWC provides another mechanism for facility security and documents correctional activity through the combined audio and visual recording of incidents as they are occurring.

The Dakota County Sheriff's Office has adopted the use of BWC in the Jail to accomplish several objectives as follows:

- Document staff-inmate interactions such as calls for assistance and use of force incidents;
- To provide a tool for self-critique and field evaluation during training and to assist with on-going training and evaluation;
- To provide documentation of criminal or other activity that include the confiscation and documentation of evidence or contraband;
- To enhance safety; and
- To assist with the defense of civil actions against staff and Dakota County.

530.2 SCOPE

This policy applies to all correctional staff of the Dakota County Sheriff's Office (DCSO). This policy does not govern the use of surreptitious recording devices used in undercover operations.

530.2.1 DEFINITIONS

Body Worn Camera ("BWC") – a device worn by correctional staff that is capable of both video and audio recording of interactions with others or collecting digital multimedia evidence. This does not include a department-issued phone.

BWC Administrator – Personnel designated by the Sheriff to carry out the duties contained in this policy.

Official duties – for purposes of this policy, official duties mean that the correctional officer is on shift performing professional duties on behalf of the Dakota County Jail.

530.3 BWC ADMINISTRATOR RESPONSIBILITIES

The BWC Administrator, or designee, is responsible for:

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- (a) Ordering, issuing, retrieving, and storing all BWC;
- (b) Deleting BWC data when required pursuant to a court order, in accordance with the Jail records retentions schedule, or as required by applicable laws;
- (c) Working with the assigned data practices liaison to coordinate the use, access, and release of information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) (Minn. Stat. Ch.13), this policy, County policies and procedures, and other applicable data retention and privacy laws (see, Records Maintenance and Release Dakota County Sheriff's Office Policy 807 and Protected Information Policy 809);
- (d) Maintaining an inventory including:
 - 1. Total number of BWC devices owned or maintained by the Jail;
 - 2. The procedures for destruction of the data;
- (e) Implementing secure storage and backup of the BWC data.

530.4 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for:

- (a) Continuing to respond to all incidents as defined in section 530.6.
- (b) Ensuring that correctional staff are properly trained and supervised in the use of BWC per this policy, written procedures and any governing law;
- (c) Determining the corrective action when a report of a malfunctioning BWC or system failure is made;
- (d) Reporting the malfunction or system failure to the BWC Administrator;
- (e) Authorizing deactivation of the BWC in situations covered under Section 449.9(e);
- (f) Ensuring that BWC recorded media is properly uploaded prior to the end of each shift; and
- (g) Randomly reviewing and documenting BWC usage and access at least once per month to ensure compliance with this policy and to identify any performance areas in which additional training or guidance is required.

530.5 CORRECTIONAL STAFF RESPONSIBILITIES AND PROCEDURES

The DCSO may provide correctional staff with access to a BWC for use during the performance of their official duties. Staff issued BWC are responsible for knowing and complying with this policy and governing written procedures and training, including, but not limited to:

- (a) Performing a function test of the BWC prior to going into service to ensure it is operating properly;
- (b) Reporting of any BWC malfunctioning or system failure to the supervisor and obtaining a functioning BWC as soon as reasonably possible;
- (c) Placement of the BWC at the location on the body as specified in training to ensure effective audio and visual recording;

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- (d) Proper activation, deactivation, termination, cessation and pausing of the BWC;
- (e) Documenting the reason for deactivating the BWC in a written report or another official record, including any instance where the BWC malfunctioned or the staff deactivated the BWC before the end of the encounter;
- (f) Documenting the existence of a recording in a written report or another official record of the contact; and
- (g) When using a spare BWC, or one that is not assigned to the correctional staff, notifying the BWC Administrator of the reason the staff member is unable to use his/her issued BWC to ensure that the evidence that was recorded on the spare device can be reassigned to the staff member in the recording database.
- (h) It is the correctional officer's responsibility to download all recorded video from their BWC. All recorded video shall be downloaded no later than the end of their shift rotation into the Evidence.com cloud storage system.

Correctional staff may be excused from wearing an issued BWC when they are functioning primarily in an administrative or support capacity, or in training where they could not be reasonably expected to interact with inmates. BWC users shall not use BWC to record other staff or professionals outside of the interactions with inmates.

530.6 GENERAL GUIDELINES

- (a) All recordings made by correctional staff on the BWC, at any time, are the property of the DCSO.
- (b) Staff have no expectation of privacy or ownership interest in the content of the BWC recordings.
- (c) Staff have no affirmative duty to inform people that a BWC is being operated or that they are being recorded. However, if the BWC is activated, staff have an affirmative duty to acknowledge that it is activated if asked, and in the event of this disclosure, the encounter must continue to be recorded until the encounter has concluded. During the encounter, staff may deactivate the BWC under those circumstances outlined in section 530.8. Staff may not inform people that the BWC is activated if it is not.
- (d) At no times is staff expected to jeopardize his/her safety or the safety of others in order to activate a BWC. However, the BWC should be activated in accordance with this policy as soon as reasonably practicable.
- (e) Prior to utilizing a Body Worn Camera (BWC), staff will view training videos on the use of the Axon BWC, the Evidence.com cloud storage system, how to properly dock and download videos, any other applicable tools utilized for the Axon system, and review Lexipol Policy for Body Worn Cameras. Upon completion of all the training, DCSO personnel will complete the Axon Users Acknowledgement form and send to the BWC Administrator for entry into the Guardian Tracking system.

530.7 ACTIVATION OF THE BWC

The BWC requires manual activation by staff. BWCs should be utilized to record the following types of incidents whenever possible:

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- (a) Calls for assistance;
- (b) Restraint chair use; restraint bed or WRAP use;
- (c) Verbal and/or physical altercation;
- (d) Use of force situations;
- (e) When entering an occupied cell in a housing unit when cell doors are secure.
- (f) When pat searching an inmate of the opposite sex or a transgender inmate (if known)
- (g) When conducting a well-being check
- (h) When conducting daily cell inspections and shakedowns
- (i) All victim, witness, and suspect statements should be captured using a digital audio recorder, but the BWC may be used in those circumstances where a digital audio recorder is not available; and/or
- (j) A situation deemed "unusual", within the user's professional judgement.

Based on the determination of the supervisor on a case-by-case basis, staff not directly involved in the incident may not need to activate their BWC. If these staff members eventually do become directly involved, they would be expected to activate their BWC as soon as practicable.

530.8 PROHIBITED USE

Staff are prohibited from:

- (a) Programming non-County sanctioned or owned devices, including but not limited to computers and mobile devices, to access or view BWC data;
- (b) Using non-County sanctioned devices for audio or video recording purposes while on-duty without the express consent of a supervisor. Any staff member who uses a personally owned recorder for DCSO-related activities, after express permission from a supervisor, must comply with the provisions of this policy, including retention and release requirements;
- (c) Using the BWC and recording media for personal use;
- (d) Making personal copies of recordings created while on-duty or while acting in their official capacity;
- (e) Using their BWC to record other staff during non-enforcement related activities, such as during pre-and-post-shift time in locker rooms, during meal breaks, or during other private conversations, unless such recording is authorized as part of an administrative or criminal investigation;
- (f) Accessing, duplicating, or distributing BWC recordings for non-business reasons including, but not limited to, uploading BWC data recorded or maintained by the DCSO to public and social media websites; and
- (g) Using the BWC for the purpose of embarrassment or ridicule.

In addition, out of respect of others, staff will try to avoid recording videos of persons who are nude or when bare human body areas are exposed. The BWC shall not be used to record non-

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work related personal activity and shall not be activated in places such as locker rooms, dressing rooms, or restrooms, unless the incident is in that location.

530.9 DEACTIVATION GUIDELINES

- (a) Staff may de-activate BWC equipment when:
 - 1. The incident, event or situation has concluded;
 - 2. The inmate contact has concluded; and
 - 3. The staff does not reasonably believe, within their professional judgement, that deactivation will result in the loss of critical documentary information.
- (b) The BWC may be deactivated if the incident or event is of such duration that the BWC is deactivated to conserve recording times and/or battery life.
- (c) Staff may temporarily pause the recording or mute the audio to exchange information with other law enforcement officers or legal counsel. Staff may obstruct the BWC lens to avoid capturing images of undercover officers, informants, or citizens when based on the training, experience, and judgment of the staff, a recording would not be appropriate or consistent with this policy. The intention to pause and resume the recording (or to mute the audio or obstruct the lens) will be noted by the staff either verbally on the BWC or in a written report.

530.10 FAILURE TO ACTIVATE BWC

If a user fails to activate the BWC, fails to record the entire contact/incident, or the recording is interrupted, the user shall document why the recording was not made, was interrupted, or was terminated in their report. Users are permitted to verbally indicate the intent to stop the recording before stopping the device, and upon reactivation, verbally state that they have restarted the device and are again recording.

530.11 DATA SECURITY AND RETENTION

- (a) All data is subject to the provisions of the Minnesota Government Data Practices Act ("MGDPA") and is classified according to the type of data it is under the MGDPA.
- (b) Dissemination outside of the Dakota County Sheriff's Office is strictly prohibited except to the extent permitted or required by law.
- (c) The DCSO will maintain backups of BWC data.
- (d) The DCSO will require audit and logging capabilities for its selected BWC system.
- (e) The DCSO will maintain logs that include, at minimum, the following information: the date and time BWC data were collected and the applicable classification of the data.
- (f) Correction's staff must not intentionally edit, alter, or erase any BWC recording unless otherwise expressly authorized by the Sheriff, the Sheriff's designee, or this policy.
- (g) The DCSO will establish procedures for accessing data and recordings. These procedures must include the process to obtain written authorization by the Sheriff or the Sheriff's designee for access to non-public data by staff and members of other governmental entities and agencies for legitimate purposes.

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- (h) All data, unless otherwise determined to be of evidentiary, investigative, or training value, will be retained for a minimum of 90 days after which time it may be destroyed pursuant to the County Retention Schedule.

530.12 DATA ACCESS

- (a) Access to BWC data by data subjects and the public. DCSO staff must refer members of the media or public seeking access to BWC data to the data practices liaison, who will process the request in accordance with the MGDPA, this policy, County policies and procedures, and other applicable laws.
- (b) Access to BWC data by DCSO staff. Staff may access and view stored BWC recordings only when there is a legitimate business need for doing so. Compliance with this paragraph satisfies the requirement for the Sheriff or designee to authorize such access in writing. For purposes of this section, a legitimate business need includes the following:
 1. For use when preparing reports or statements or providing testimony;
 2. By a supervisor investigating a specific incident;
 3. By a supervisor, including a field training officer, to assess staff performance or BWC policy compliance;
 4. To assess proper functioning of BWC systems;
 5. By DCSO investigators assigned to an official investigation, such as a personnel complaint, administrative inquiry, civil action, or a criminal investigation;
 6. For data administration purposes, including responding to a request for data under the MGDPA.
 7. For individual or group training purposes, but if an involved staff member objects to the showing of the recording, his/her objection will be submitted to a supervisor to determine if the training value outweighs the staff objection for not showing the recording. In no event shall any recording be used or shown for the purpose of ridicule or embarrassment of any staff, detainee, or other person shown on the recording;
 8. By supervisory personnel to assess possible training value;

Staff must document their reasons for accessing stored BWC data in the manner provided within the database at the time of each access. The Dakota County Sheriff's Office reserves the right to limit or restrict staff from accessing or viewing recorded data.

BWC recordings may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented at the time of the disclosure and authorized by the Sheriff or his/her designee in writing, and are in accordance with written procedures.

530.13 COMPLIANCE

Violations of this policy, including unauthorized access or disclosure of BWC data may constitute misconduct and subject staff to disciplinary action up to and including termination and criminal penalties. Any staff who access, release, or use BWC recordings not in accordance with this policy

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will be subject to disciplinary action (see, the DCSO Policy Manual 341 Standards of Conduct and 809, Protected Information policies). Supervisors and the BWC Administrator must monitor compliance with this policy.

Transportation of Inmates Outside the Secure Facility

531.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the transportation of inmates outside this facility and to ensure that the staff assigned to transportation duties is qualified and adequately trained.

531.2 POLICY

It is the policy of the Dakota County Sheriff's Office to provide safe, secure and humane transportation for all inmates and other persons as required by law.

This office shall transfer all inmates from the jail to the place of imprisonment pursuant to the sentence of the court as soon as practicable after the sentence, in accordance with all laws relating to the transfer of inmates and costs related to transfers to facilities and jurisdictions.

531.3 PROCEDURES

Only staff members who have completed office-approved training on inmate transportation should be assigned inmate transportation duty. All staff members who operate transportation vehicles shall hold a valid license for the type of vehicle being operated.

Any member who transports an inmate outside the secure confines of this facility is responsible for:

- (a) Obtaining all necessary paperwork for the inmate being transported (e.g., medical/dental records, commitment documents).
- (b) Submitting a completed transportation plan to the transportation supervisor. Items that should be addressed in the plan include:
 1. Type of restraints to be used on the inmates being transported.
 2. The routes, including alternate routes, to be taken during the transportation assignment. Routes should be selected with security for the community in mind.
 3. Emergency response procedures in the event of a collision, breakdown of a transportation vehicle, or other unforeseen event.
- (c) Ensuring that all inmates are thoroughly searched and appropriate restraints are properly applied.
 1. Inmates who are known to be pregnant will not be handcuffed behind their backs or placed in waist restraints while being transported (see the Use of Restraints Policy).
- (d) Ensuring that all vehicle security devices (e.g., window bars, inside cages, door locks) are in good repair and are operational.
- (e) Thoroughly searching the transporting vehicle for contraband before any inmate is placed inside, and again after removing the inmate from the transporting vehicle.

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Transportation of Inmates Outside the Secure Facility

531.3.1 PRISONER TRANSFER ESCORT

Prisoner transfers that exceed 100 miles shall be accomplished with a custodial escort of the same sex as the prisoner being transferred unless video and audio recording equipment is installed in the vehicle that is capable of recording the transferee for the entire duration of the transfer. Recordings of such transfers shall be maintained by the office for at least 12 months after the date of the transfer (Minn. Stat. § 631.412).

531.3.2 TRANSPORTATION LOGS

Inmate transportation logs shall be developed by the Jail Administrator or the authorized designee and used to log all inmate transportation. The logs shall include:

- Name and identification number of the inmate.
- Date and start/stop time of the transport.
- Location where the inmate was transported.
- Name and identification number of the transporting deputy.
- Circumstances of any unusual events associated with the transportation.

The logs shall be retained by the facility in accordance with established records retention schedules.

531.4 TRAINING

The Training Coordinator or designee shall ensure that all employees charged with inmate transportation duties receive training appropriate for the assignment.

Documentation of all training presented shall be retained in the employee's training file in accordance with established records retention schedules.

End of Term Release

537.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain procedures governing the end of term release of inmates to ensure that inmates are not released in error. This policy does not apply to persons released or transferred to another facility.

537.2 POLICY

It will be the policy of the Dakota County Sheriff's Office to provide for the timely, efficient and legal release of inmates (Minn. R. 2911.2550).

537.3 RELEASE PROCEDURE

Inmates who have reached the end of their sentenced term or who are ordered released by the court will be scheduled for release at staggered times on their out-dates to avoid congestion in the release area. Inmates scheduled for release shall be escorted by the staff to the transfer/release area to begin the release procedure 30 minutes prior to their scheduled release time.

The Office, to the extent reasonably practicable, shall not release an inmate in severe weather in such a manner as to endanger the inmate's health, safety, or well-being. The inmate may be offered a safe mode of transportation to the closest place of safety or the opportunity to remain in a public area of the facility until the inclement weather passes (Minn. R. 2911.2550, Subp. 3).

The Supervisor or release officer shall sign and date the release paperwork on the same day the inmate is to be released.

Inmates shall not be released or moved during inmate count, change of shift, or at any time that would pose a potential safety threat or disrupt the orderly operation of the facility.

All inmates must be positively identified by the staff prior to being released from the facility. Inmate identities should be verified using intake records bearing the inmate's name, photograph, and facility identification number (Minn. R. 2911.2550, Subp. 1).

Before any inmate may be released, the following conditions must be met:

- (a) The identity of the inmate has been verified.
- (b) All required paperwork for release is present. The staff shall review the active inmate file to verify the validity of the documents authorizing the release. The file should also be reviewed for other release-related or pending matters, including (Minn. R. 2911.2550, Subp. 1):
 - 1. Verifying calculations and release-date adjustments for good time.
 - 2. Any pending arrangements for follow-up, such as medications needed, appointments or referral to community or social resources, unresolved grievances, damage claims, or lost property.
- (c) Releasing staff must complete National Crime Information Center (NCIC) and local warrant checks to ensure that there are no outstanding warrants or detention orders.

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If any agency has outstanding charges against the inmate, the staff shall notify the agency that the inmate is available for release. Notification shall be made prior to release of the inmate and the inmate may be held subject to the requirements of the Minnesota Rules of Criminal Procedure for a court appearance or judicial determination of probable cause.

- (d) If the inmate is required to register with the Predatory Offender Registry (POR), staff shall complete and submit to the Bureau of Criminal Apprehension (BCA) the applicable Predatory Offender Prison Notification and/or Change of Information Form before releasing the inmate.
- (e) Staff shall electronically enter information on released inmates into a BCA-managed database to include finger and thumb prints, photographs, distinctive physical mark identification data, other identification data, modus operandi reports, and the time, terms, and conditions of their discharge (Minn. Stat. § 299C.14).
- (f) If an inmate has known mental health concerns, the inmate shall be evaluated by a qualified health care professional and medically authorized for release. To the extent reasonably practicable, individuals who have been determined to be severely mentally ill should be released during business hours to facilitate their ability to receive services immediately after release (Minn. Stat. § 641.15 Subd. 3a).
- (g) All personal property shall be returned to the inmate during the release process unless the property is held for an authorized investigation or litigation. The inmate must acknowledge receiving his/her property by signed receipt. Any discrepancies shall be promptly reported to the Supervisor (Minn. R. 2911.2550, Subp. 1).
- (h) All facility property must be returned by the inmate. Any missing or damaged facility property should be documented and promptly reported to the Supervisor. The inmate shall remain in custody until the Supervisor determines whether additional criminal charges should be filed against the inmate for the damages.
- (i) A forwarding address for the inmate should be on file and verified with the inmate for return of mail.
- (j) Inmates on probation or parole should be directed by the staff to report to the probation or parole office immediately upon release. The parole authorities having jurisdiction shall be notified of the inmate's release, if required.
- (k) If needed, inmates may be allowed to make a reasonable number of telephone calls prior to release to arrange for transportation (Minn. R. 2911.2550, Subp. 2).
- (l) Arrangements shall be made for completion of any pending action, such as grievances, or claims of damaged, or lost possessions (Minn. R. 2911.2550, Subp. 1).

The housing sheet, release log, and daily census log shall be updated accordingly after the inmate's release. The Supervisor shall ensure all release documents are complete and properly signed by the inmate and the staff where required.

Over-Detention and Inadvertent Releases

539.1 PURPOSE AND SCOPE

This policy is intended to provide guidance to staff and management to prevent and address over-detention or inadvertent release.

539.1.1 DEFINITIONS

Definitions related to this policy include:

Inadvertent release - Any instance of an inmate being mistakenly released.

Over-detention - Any instance of an inmate being mistakenly detained beyond his/her scheduled release date.

539.2 POLICY

It is the policy of this office to reasonably ensure that over-detention and inadvertent releases do not occur.

539.3 OVER-DETENTION

Any custody staff member who discovers or receives information of an over-detention, or a complaint from an inmate regarding over-detention (which could be discovered through a grievance), should immediately notify the Supervisor (see the Inmate Grievances Policy).

The Supervisor shall immediately conduct an investigation to determine the correct release date of the inmate.

Inmates who are found to be over-detained shall be processed for immediate release in accordance with the End of Term Release Policy. The Supervisor or designee shall ensure that the Jail Administrator is notified, an entry is made to the daily activity log and that a report is completed.

539.4 INADVERTENT RELEASE

Whenever an inadvertent release is discovered, the custody staff member making the discovery shall immediately notify the Supervisor.

539.4.1 INADVERTENT RELEASE INVESTIGATION

The Supervisor shall immediately conduct an investigation to determine the cause of the inadvertent release.

The Supervisor will coordinate a response based upon the seriousness of the threat the inmate may pose to the community. The threat assessment should be based upon the inmate's criminal history and the reason he/she is currently in custody, among other factors.

In the case of an inadvertent release, the Supervisor should immediately notify the Jail Administrator and ensure a report is completed. The Jail Administrator should notify the Sheriff.

An appropriate evaluation of the circumstances shall be made to determine whether the inadvertent release should be classified as an escape.

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539.4.2 RETURNING THE INMATE TO CUSTODY

When the inmate is located and returned to the facility, the appropriate notifications should be made as soon as possible.

Chapter 6 - Inmate Due Process

Inmate Discipline

600.1 PURPOSE AND SCOPE

This policy addresses the fair and equitable application of inmate rules and disciplinary sanctions for those who fail to comply.

600.2 POLICY

It is the policy of this office to maintain written general categories of prohibited inmate behavior that are clear, consistent and uniformly applied. Written rules and guidelines will be made available to all inmates. They will include a process for resolving minor infractions and a hearing process for a more serious breach of inmate rules. Criminal acts may be referred to the appropriate criminal agency (Minn. R. 2911.2850).

600.3 DUE PROCESS

Inmates who are subject to discipline as a result of rule violations shall be afforded the procedural due process established in the policies, procedures and practices relating to inmate discipline. All inmates will be made aware of the rules of conduct related to maintaining facility safety, security and order, as well as clearly defined penalties for rule violations. Staff will not engage in arbitrary actions against inmates. All disciplinary actions will follow clearly established procedures. All disciplinary sanctions will be fairly and consistently applied (Minn. R. 2911.2850).

The process for an inmate accused of a major rule violation includes:

- (a) A fair hearing in which the Jail Administrator or the authorized designee presents factual evidence supporting the rule violation and the disciplinary action.
- (b) Advance notice to the inmate of the disciplinary hearing, to allow the inmate time to prepare a defense.
- (c) An impartial hearing officer.
- (d) The limited right to call witnesses and/or present evidence on his/her behalf.
- (e) The appointment of an assistant or representative in cases where the inmate may be incapable of self representation.
- (f) A formal written decision that shows the evidence used by the hearing officer, the reasons for any sanctions and an explanation of the appeal process.
- (g) Reasonable sanctions for violating rules that relate to the severity of the violation.
- (h) The opportunity to appeal the finding.

600.3.1 INMATE RULES AND SANCTIONS

The Jail Administrator is responsible for ensuring that inmate rules and sanctions are developed, distributed, reviewed annually, and revised as needed.

Inmates cannot be held accountable for rules of which they are unaware. However, it is impossible to define every possible prohibited act or rule violation that might be encountered in a detention

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facility. Therefore, a current list of recognized infractions that are generally prohibited should be available in each housing unit. All inmates, regardless of their housing unit, shall have access to these rules. Inmate rules shall be translated into the languages that are understood by the inmates (see the Inmate Handbook and Orientation Policy).

Disciplinary procedures governing inmate rule violations should address rules, minor and major violations, criminal offenses, disciplinary reports, prehearing detention, and prehearing actions or investigations.

600.3.2 RULE VIOLATION REPORTS

A record of all disciplinary infractions and punishment administered will be made. This requirement may be satisfied by retaining copies of rule violation reports, including the disposition of each violation (Minn. R. 2911.2850, Subp. 7). Rule violation reports are required for major rule violations or any other violation that will require investigation or a formal resolution. The staff member who observed or detected the rule violation or who was charged with investigating a rule violation is responsible for completing the rule violation report.

The rule violation report shall include, at a minimum:

- (a) The date, time and location of the incident.
- (b) Specific rules violated.
- (c) A written description of the incident.
- (d) The identity of known participants in the incident.
- (e) Identity of any witnesses to the incident.
- (f) Description and disposition of any physical evidence.
- (g) Action taken by staff, including any response to resistance.
- (h) Name and signature of the reporting deputy.
- (i) Date and time of the report.

The supervisor investigating the violation shall ensure that documentation in the investigation or rule violation report includes:

- Date and time the explanation and the written copy of the complaint and appeal process were provided to the inmate.
- The inmate's response to the charges.
- Reasons for any sanctions.
- The identity of any staff or witnesses involved, as revealed by the inmate.
- The findings of the hearing officer.
- The inmate's appeal, if any.

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- The appeal findings, if applicable.

600.4 RULE VIOLATION PROCEDURES

Minor acts of non-conformance to the rules may be handled informally by any deputy.

A violation of rules observed by general service employees, volunteers or contractors will be reported to a deputy for further action. Deputies are authorized to recommend informal sanctions on minor violations.

Any staff member imposing informal discipline shall complete the reporting portion of the disciplinary report and provide the form to the supervisor for review prior to the imposition of the sanction.

Disciplinary sanctions that may be imposed for minor rule violations include:

- Counseling the inmate regarding expected conduct.
- Assignment to extra work detail.
- Removal from work detail (without losing work time credits).
- Loss of television, telephone and/or commissary privileges for a period not to exceed 72 hours.
- Lockdown in the inmate's assigned cell or confinement in the inmate's bunk area for a period not to exceed 24 hours.

An inmate may request that a supervisor review the imposed sanction. However, this request must be made within one hour of receiving notice of the sanction. The supervisor should respond to the request within a reasonable time (generally within two hours) and shall have final authority as to the imposition of informal discipline (Minn. R. 2911.2850).

600.4.1 MULTIPLE MINOR RULE VIOLATIONS

Staff may initiate a major rule violation report if an inmate is charged with three or more minor rule violations in a consecutive 30-day period. Copies of all minor rule violations will be attached to the major rule violation report. A staff member shall conduct a hearing according to the procedures of a major rule violation (Minn. R. 2911.2850).

600.4.2 MAJOR RULE VIOLATIONS

Major rule violations are considered a threat to the safety, security or efficiency of the facility, its staff members, inmates or visitors. Staff members witnessing or becoming aware of a major rule violation shall take immediate steps to stabilize and manage the situation, including immediate notification of a supervisor. The supervisor shall assess the situation and initiate any emergency action, if necessary, and notify the Supervisor.

The staff member who learned of the rule violation shall write and submit a disciplinary report, along with all relevant evidence, to the appropriate supervisor prior to the end of the shift.

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Reports shall be concise, explain the facts of the violation and should describe any evidence supporting that the accused inmate did or did not commit the violation. The report shall contain the elements identified in the Rule Violation Reports section of this policy (Minn. R. 2911.2850).

600.4.3 ADMINISTRATIVE SEGREGATION HOUSING

Inmates who are accused of a major rule violation may be moved to administrative segregation housing for prehearing detention, with the Supervisor's approval, if there is a threat to safety or security. Inmates placed in prehearing detention are subject to the property and privilege restrictions commensurate with segregated confinement.

The Jail Administrator or the authorized designee shall, within 72 hours including weekends and holidays, review the status of any inmate in prehearing detention to determine whether continued prehearing segregation housing is appropriate (Minn. R. 2911.2850, Subp. 3(G)).

600.5 INVESTIGATIONS

Investigations involving major rule violations should be initiated within 24 hours of the initial report and completed in sufficient time for the inmate to have a disciplinary hearing, which is required within 72 hours of the time the inmate was informed, in writing, of the charges. If additional time is needed, the investigating supervisor will request more time in writing from the Supervisor. The inmate will be notified in writing of the delay.

If upon completion of the investigation, the investigating supervisor finds insufficient evidence to support a major rule violation, he/she may discuss alternative sanctions with the Supervisor, including handling the incident as a minor violation or recommending that charges be removed. Such alternatives shall be documented in the inmate's file.

If the investigating supervisor determines that sufficient evidence exists to support a major rule violation, he/she will act as the hearing coordinator and will be responsible for:

- Reviewing all reports for accuracy and completeness.
- Overseeing or conducting any required additional investigation.
- Making a determination as to the final charges.
- Making preliminary decisions about the appointment of a staff member to act as an assistant to the inmate.
- Identifying any witnesses that may be called to the hearing.

600.6 NOTIFICATIONS

An inmate charged with a major rule violation shall be given a written description of the incident and the rules violated at least 24 hours before a disciplinary hearing.

Unless waived in writing by the inmate, hearings may not be held in less than 24 hours from the time of notification.

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600.7 HEARING OFFICER

An impartial person shall conduct disciplinary hearings on rule violations (Minn. R. 2911.2850, Subp. 3). The Jail Administrator shall appoint at least one hearing officer to preside and conduct disciplinary hearings of major rule violations. The hearing officer should be a qualified supervisor or suitably trained designee who will have the responsibility and authority to rule on charges of inmate rule violations. The hearing officer shall also have the power to impose sanctions. The hearing officer shall not investigate nor preside over any inmate disciplinary hearing on cases where he/she was a witness or was directly involved in the incident that generated the complaint.

600.8 HEARING PROCEDURE

Inmates charged with major rule violations are entitled to be present at a hearing unless waived in writing or excluded because their behavior poses a threat to facility safety, security and order. Staff shall inform the hearing officer when any inmate is excluded or removed from a scheduled hearing and shall document the reasons for the exclusion or removal. A copy of the report shall be forwarded to the Jail Administrator.

Hearings may be postponed or continued for a reasonable period of time for good cause. Reasons for postponement or continuance shall be documented and forwarded to the Jail Administrator.

The hearing officer shall disclose to the accused inmate all witnesses who will be participating in the hearing. Inmates have no right to cross-examine witnesses. However, the accused inmate may be permitted to suggest questions that the hearing officer, in his/her discretion, may ask.

600.8.1 EVIDENCE

Accused inmates shall have the right to make a statement, present evidence, and call witnesses at the hearing. Requests for witnesses shall be submitted in writing by the inmate no later than 12 hours before the scheduled start of the hearing. The written request must include a brief summary of what the witness is expected to say.

The hearing officer may deny the request when it is determined that allowing the witness to testify would be unduly hazardous to institutional safety or correctional goals or when the witness's information would not be relevant or would be unnecessarily duplicative or otherwise unnecessary. The reason for denying a witness to testify shall be documented in the hearing report. The reason for denial of any documents requested by the inmate shall also be documented in the hearing record.

A witness's signed written statement may be submitted by the inmate as an alternative to a live appearance. The hearing officer shall review and determine whether the statement is relevant to the charges and shall document the reason for exclusion when any written statement is not given consideration.

Absent a safety or security concern, all staff reports and evidence, including exculpatory evidence obtained during the disciplinary investigation, shall be made available to the accused inmate prior to the hearing.

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600.8.2 CONFIDENTIAL INFORMANTS

If information from any confidential informant is to be presented at the hearing, information establishing the reliability and credibility of the informant shall be provided to the hearing officer prior to the hearing. The hearing officer shall review such information to determine whether the informant is reliable and credible.

600.8.3 STAFF ASSISTANCE

A staff member shall be assigned to assist an inmate who is incapable of representing him/herself at a disciplinary hearing due to literacy, developmental disabilities, language barriers or mental status. The scope of the duties of the assistant shall be commensurate with the reasons for the appointment. The assistant should be allowed sufficient time to confer with the inmate to fulfill his/her obligations. In these cases the inmate does not have a right to appoint a person to assist in his/her disciplinary hearing. The final decision regarding the appointment rests with the hearing officer.

Inmate discipline is an administrative and not a judicial process. Inmates do not have a right to an attorney in any disciplinary hearing. Additionally, disciplinary matters may be referred for criminal prosecution and jail disciplinary action concurrently as there is no double jeopardy defense for an administrative process.

600.8.4 DISCIPLINARY DECISIONS

Disciplinary decisions shall be based on the preponderance of evidence presented during the disciplinary hearing.

The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to the inmate's behavior when determining what type of discipline, if any, should be imposed (28 CFR 115.78(c)).

600.8.5 REPORT OF FINDINGS

The hearing officer shall write a report regarding the decision and detailing the evidence and the reasons for the disciplinary action. A copy of the report shall be provided to the inmate. The original shall be filed with the record of the proceedings. All documentation related to the disciplinary process shall be retained and a copy should be placed in the inmate's file.

If it is determined that the inmate's charge is not sustained at the end of the disciplinary, the documentation shall be removed from the inmate's file but otherwise maintained in accordance with records retention requirements.

All disciplinary hearing reports and dispositions shall be reviewed by the Jail Administrator or the authorized designee soon after the final disposition.

600.9 DISCIPLINARY APPEALS

If an inmate disagrees with the hearing officer's decision, they may file an appeal. Appeals must be made in writing and submitted to a Jail Captain within 10 calendar days after the inmate receives written notice of the hearing officer's decision.

The responding Jail Captain will evaluate the appeal, taking into consideration whether:

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- (1) substantial evidence exists to support the hearing officer's decision;
- (2) there was substantial compliance with the Jail's policies and procedures; and
- (3) the discipline imposed is proportionate to the violation.

The Jail Captain will issue a decision within 10 calendar days of receipt of the appeal.

Upon receipt of the Jail Captain's decision, the inmate may accept the decision or appeal it. Additional appeals are directed to, in the following order: the Jail Administrator (second appeal), the Commander of Detention Services (third appeal), the Chief Deputy Sheriff (fourth appeal), and the Sheriff (fifth appeal).

All violations that constitute criminal conduct will be referred to the Dakota County Sheriff Office's Criminal Division for investigation.

600.10 LIMITATIONS ON DISCIPLINARY ACTIONS

The U.S. and Minnesota constitutions expressly prohibit all cruel or unusual punishment. Additionally, there shall be the following limitations:

- In no case shall any inmate or group of inmates be delegated the authority to punish any other inmate or group of inmates.
- In no case shall a safety cell, as specified in the Juvenile Housing Policy and the Safety and Sobering Cells Policy, be used for disciplinary purposes.
- In no case shall any restraint device be used for disciplinary purposes.
- Food shall not be withheld as a disciplinary measure (Minn. R. 2911.4400).
- Correspondence privileges shall not be withheld except in cases where the inmate has violated correspondence regulations, in which case correspondence other than legal mail may be suspended for no longer than 72 hours without the review and approval of the Jail Administrator.
- In no case shall access to the courts and/or legal counsel be suspended as a disciplinary measure.
- No inmate may be deprived of the implements necessary to maintain an acceptable level of personal hygiene.
- Discipline may be imposed for sexual activity between inmates. However, such activity shall not be considered sexual abuse for purposes of discipline unless the activity was coerced (28 CFR 115.78(g)).
- No discipline may be imposed for sexual contact with staff unless there is a finding that the staff member did not consent to such contact (28 CFR 115.78(e)).
- No inmate may be disciplined for falsely reporting sexual abuse or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation, if the report was made in good faith based upon a reasonable belief that the alleged conduct occurred (28 CFR 115.78(f)).

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600.11 GUIDELINES FOR DISCIPLINARY SANCTIONS

The sanctions imposed for rule violations can range from counseling, loss of privileges, extra work, loss of good and/or work time and restitution for damaging jail property, to implementation of the Disciplinary Segregation Policy. To the extent that there is available therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for sexual abuse, the facility shall consider whether to require an inmate being disciplined for sexual abuse to participate in such interventions as a condition of access to programming or other benefits (28 CFR 115.78(d)).

Discipline shall be commensurate with the nature and circumstances of the offense committed, the inmate's disciplinary history and the sanctions imposed for comparable offenses by other inmates with similar histories (28 CFR 115.78(b)).

Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse (28 CFR 115.78(a)).

The Sheriff or the Jail Administrator shall be responsible for developing and implementing a range of disciplinary sanctions for violations.

Disciplinary Segregation

602.1 PURPOSE AND SCOPE

This policy specifically addresses disciplinary segregation and guiding principles relating to the conditions attached to that segregation. It will provide guidance to the staff on acceptable practices with regard to management of inmates in disciplinary segregation or classified as requiring special management needs.

The Dakota County Sheriff's Office will provide secure segregated housing for inmates who require a higher degree of supervision, protection or physical control than can be provided by housing the inmate in general population (Minn. R. 2911.2800).

602.1.1 DEFINITIONS

Definitions related to this policy include:

Disciplinary segregation - A status assigned to an inmate after a disciplinary hearing in which the inmate was found to be in violation of a jail rule or state or federal law. This status results in separating the inmate from the rest of the inmate population to serve the consequence imposed.

602.2 POLICY

The Dakota County Sheriff's Office will maintain a disciplinary segregation unit to house inmates who, after an impartial due process hearing, are being sanctioned for violating one or more jail rules. Restrictions on privileges will be subject to the disciplinary process and in accordance with this policy.

602.3 DISCIPLINARY SEGREGATION

Inmates may be placed into disciplinary segregation only after an impartial hearing to determine the facts of the rule violation, in accordance with the office Inmate Discipline Policy. The hearing officer shall impose discipline in accordance with the discipline schedule established by the Jail Administrator. Maximum discipline sanctions for any one incident, regardless of the number of rules violated, shall not exceed 60 days.

Disciplinary segregation in excess of 30 days must be reviewed by the Jail Administrator before the discipline is imposed. The review shall include a consultation with health care staff. Such reviews shall continue at least every 15 days thereafter until the disciplinary status has ended. These reviews shall be documented (Minn. R. 2911.2850).

602.3.1 FACILITYMANAGER VISITS

As part of the review process, the Jail Administrator or his/her authorized designee shall visit inmates in disciplinary segregation at least once every seven days (Minn. R. 2911.2850). Such visits shall be documented.

602.4 INMATE ACCESS TO SERVICES

The ability to discipline inmates for conduct violations is not absolute. Absent legitimate government reason, inmates continue to have a right to receive certain services. However,

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inmates in disciplinary segregation, in accordance with the Inmate Discipline Policy, or special management inmates who are disciplined for one or more rule violations, may be subject to loss of privileges or credit for good time and work.

Services to provide for basic human needs must continue to be made available. There are minimum service requirements that must be maintained to ensure the facility continues to operate in a constitutional manner. All custody staff will adhere to the following policy sections to guide them in the supervision of inmates held in disciplinary segregation or classified as requiring special management needs.

602.4.1 MEDICATION, CLOTHING AND PERSONAL ITEMS

Inmates placed in disciplinary segregation are considered special management inmates and shall not be denied prescribed medication.

Special management inmates will be provided with clothing that identifies their status, but in no case will this clothing be used to intentionally disgrace the inmate.

Absent unusual circumstances, special management inmates will continue to have the same access to personal items in their cells as general population inmates have, including the following:

- Clean laundry
- Barbering and hair care services
- Clothing exchanges
- Bedding and linen exchanges

Inmates in disciplinary segregation shall not be deprived of bedding or clothing except in cases where the inmate destroys such articles or uses them to attempt suicide. The decision to continue to deprive the inmate of these articles must be made by the Jail Administrator or the authorized designee and reviewed every eight hours (Minn. R. 2911.2850).

602.4.2 MAIL AND CORRESPONDENCE

Inmates in disciplinary segregation shall have the same privileges to write and receive correspondence as inmates in general population, except in cases where inmates violated correspondence regulations. In such cases, mail privilege may be suspended. The Jail Administrator or the authorized designee shall approve all mail privilege suspensions that exceed 72 hours. Legal mail shall not be suspended from access or delivery to the inmate.

602.4.5 READING AND LEGAL MATERIALS

Inmates in disciplinary segregation shall have the same access to reading materials and legal materials as the general population inmates, unless the restriction is directed by a court of law or there is a reasonable basis to believe the materials will be used for illegal purposes or pose a direct threat to the security and safety of the facility. In such cases the basis for the action shall be documented in the inmate's file and unit log. Access to courts and legal counsel shall not be suspended as a disciplinary measure.

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602.4.4 EXERCISE

Inmates in disciplinary segregation shall be given a minimum of one hour a day, seven days a week, of exercise outside of their cell (Minn. R. 2911.3100, Subp. 7F). Exceptions to this may occur if there are legitimate security or safety considerations. The circumstances relating to the limitation of exercise shall be documented in an incident report. The report shall be reviewed and the restriction shall be approved by a supervisor.

602.4.5 LIMITED TELEPHONE PRIVILEGES

Inmates in disciplinary segregation may have their telephone privilege restricted or denied. Exceptions include the following:

- (a) Making calls to attorneys
- (b) Responding to verified family emergencies, when approved by a supervisor

All telephone access based on the above exceptions shall be documented on the unit log.

Inmate Access to Courts and Counsel

606.1 PURPOSE AND SCOPE

The purpose of this policy is to protect the constitutional rights of inmates to access the courts and legal counsel, while holding inmates accountable to the rules and regulations that govern conduct in this facility.

606.2 POLICY

It is the policy of this office that all inmates will have access to the courts and the ability to consult with legal counsel.

606.3 INMATE ACCESS

Staff should not unreasonably interfere with inmates' attempts to seek counsel and where appropriate should assist inmates with making confidential contact with attorneys and authorized representatives.

Access to courts and legal counsel may occur through court-appointed counsel, attorney or legal assistant visits, telephone conversations or written communication. To facilitate access, this facility will minimally provide:

- Confidential attorney visiting areas that include the means by which the attorney and the inmate can share legal documents.
- Telephones that enable confidential attorney-client calls.
- Reasonable access to legal materials.
- A means of providing assistance through the court process by individuals trained in the law. This assistance will be available to illiterate inmates and those who cannot speak or read English or who have disabilities that would impair their ability to access.
- Writing materials, envelopes and postage for indigent inmates for legal communications and correspondence.

606.4 CONFIDENTIALITY

All communication between inmates and their attorneys is confidential, including telephone conversations, written communication, and video conferencing. The content of written attorney-client communication will not be reviewed or censored but the documents may be inspected for contraband.

Outgoing and incoming legal correspondence shall be routed through staff, who have received special training in inspecting confidential documents and who are accountable for maintaining confidentiality. Incoming legal correspondence shall be opened in the presence of the recipient inmate. All inspections shall be completed in the presence of the inmate. Legal correspondence should not be digitally scanned, stored, or delivered electronically.

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Inmate Access to Courts and Counsel

Inmates may seek the assistance of other inmates in writing writs and other legal correspondence to the courts when needed, subject to the security and safety needs of the inmates, staff and the facility.

606.5 VISITATION RELATED TO LEGAL DEFENSE

Visits with inmates that are related to legal defense, including attorneys, paralegals and investigators, will be permitted only in the areas designated for legal visitation or by way of video visitation to assure confidentiality. Contact visits may be approved by the Jail Administrator for special circumstances (Minn. R. 2911.3200 (A)).

- (a) Visits shall be of a reasonable length of time to discourage any allegation that the defense of the inmate was hindered due to the length of time allowed for the legally authorized visit. These visits shall be of such a length of time that they do not interfere with the security, order and discipline of this facility. The permissible time for visitation should be flexible but shall not substantially interfere with other facility schedules, such as medical examinations, meal service or other required activities.
- (b) Only materials brought to this facility by an approved legal assistant shall be allowed.
- (c) All materials shall be subject to security inspections by the staff and shall be routed through the Supervisor or designee for logging and distribution.

Foreign Nationals and Diplomats

608.1 PURPOSE AND SCOPE

This policy addresses the privileges and immunities afforded to members of foreign diplomatic missions and consular posts.

This policy also addresses the legal requirements related to consular notifications that should occur when a foreign national is in custody.

Inmate access to a consular officer is addressed in the Inmate Telephone Access and Inmate Visitation policies.

608.2 POLICY

The Dakota County Sheriff's Office Jail will treat foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Office will investigate all claims of immunity and accept custody of the person when appropriate.

The Dakota County Sheriff's Office Jail will also honor the laws related to foreign nationals in custody by making proper consular notifications and by assisting those who wish to contact their consular representative.

608.3 DIPLOMATIC AND CONSULAR IMMUNITY

608.3.1 AVAILABILITY OF RESOURCES

The Supervisor will ensure that current contact information for the U.S. Department of State and the U.S. Mission to the United Nations is readily available for office members who need to verify a claim of diplomatic or consular immunity. Relevant material for law enforcement published by the U.S. Department of State Bureau of Diplomatic Security should be readily available as well.

608.3.2 ADDRESSING CLAIMS OF DIPLOMATIC OR CONSULAR IMMUNITY

When an arrestee who claims diplomatic or consular immunity is brought to the Dakota County Sheriff's Office Jail, the receiving deputy shall first inform the Supervisor and then generally proceed as follows:

- (a) Do not accept custody of the person from the transporting officer. The person should not be brought inside the Dakota County Sheriff's Office Jail unless doing so would facilitate the investigation of their claim of immunity.
- (b) Do not handcuff the person or, if handcuffs have been applied, remove them unless there is an articulable threat that would justify their use.
- (c) If the person has already been accepted into custody, inform the person that they will be detained until their identity and immunity can be confirmed. Attempt to obtain a U.S. Department of State-issued identification card or other identification or documents that may relate to the claimed immunity.
- (d) In all cases, verify the status and level of immunity by contacting the U.S. Department of State or the U.S. Mission to the United Nations, as appropriate.

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It will be the responsibility of the Supervisor to communicate the claim of immunity to the on-duty supervisor of the arresting agency (if not the Dakota County Sheriff's Office). The Supervisor may assist another agency in determining the person's immunity status.

The Supervisor is responsible for ensuring appropriate action is taken based upon information received regarding the person's immunity status.

608.3.3 REPORTING

If the person's immunity status has been verified, the Supervisor should ensure a report is prepared describing the details and circumstances of any detention or custody. A copy of the report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington, D.C. or to the U.S. Mission to the United Nations in New York in cases involving a member of the United Nations community.

608.4 CONSULAR NOTIFICATIONS

608.4.1 CONSULAR NOTIFICATION LIST AND CONTACTS

The Jail Administrator will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be faxed and then retained for the record. Prominently displayed placards informing inmates of rights related to consular notification should also be posted.

608.4.2 CONSULAR NOTIFICATION ON BOOKING

Office members assigned to book inmates shall:

- (a) Inform the foreign national, without delay, that the foreign national may have their consular officers notified of the arrest or detention and may communicate with them. Members shall ensure this notification is acknowledged and documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
- (c) If the foreign national's country is not on the list for mandatory notification but the foreign national requests that their consular officers be notified, then:
 1. Notify the nearest embassy or consulate of the foreign national's country of the person's arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
 2. Forward any communication from the foreign national to their consular officers without delay.
- (d) If the foreign national's country is on the list for mandatory notification, then:
 1. Notify the nearest embassy or consulate of the foreign national's country, without delay, of the person's arrest or detention by faxing the appropriate notification

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- form. If no fax confirmation is received, a telephonic notification should be made and documented.
2. Tell the foreign national that this notification has been made and inform the foreign national without delay that they may communicate with their consular officers.
 3. Forward any communication from the foreign national to the consular officers without delay.
 4. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the inmate's file.

Members should never discuss anything with consulate personnel beyond the required notifications, such as whether the inmate is requesting asylum. Requests for asylum should be forwarded to the Supervisor.

Grooming

614.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure inmate grooming standards are based upon legitimate governmental interests.

614.2 POLICY

It is the policy of this facility to allow inmates choice in personal grooming, except when a legitimate government interest justifies that grooming standards be established. The Jail Administrator or the authorized designee shall establish inmate grooming standards specific to inmate classification, work status, facility safety and security, or inmate health and hygiene. Any established standards should not unreasonably interfere with religious observances. Grooming standards should be identified in the inmate handbook.

614.3 LICENSING REQUIREMENTS

Barbering and cosmetology services provided by individuals for compensation will be subject to licensing and inspection requirements established by the Minnesota Board of Cosmetologist Examiners (Minn. Stat. § 155A.29; Minn. Stat. § 155A.31).

Barbering and cosmetology services provided in the jail where no direct or indirect compensation is received for grooming services are considered unregulated services and exempt from licensing (Minn. R. 2105.0010).

614.4 SHAVING

Inmates may shave daily. Facial hair shall be clean and well groomed. Long beards may allow inmates to conceal weapons or contraband. Inmates may be required to trim facial hair if it poses a security or safety risk. Inmates may be required to submit to new booking photographs if their appearance is significantly altered due to facial hair. Inmates with facial hair who work around food shall wear appropriate facial coverings.

An inmate may be denied access to razors if he/she appears to be a danger to him/herself or others, or if such access may jeopardize the safety and security of the facility.

Inmates may be restricted from significantly altering their appearance for reasons of identification in court.

614.5 NAILS

Nail clippers will be kept at the control station and will be issued to inmates upon request. Inmate workers are required to keep their nails clean and trimmed. Inmates with long nails may be required to trim their nails if there is a security concern and the inmate is admitted to general population.

614.6 GROOMING EQUIPMENT

Grooming equipment is to be inventoried and inspected by the staff at the beginning of each shift and prior to being issued to inmates. The staff shall ensure that all equipment is returned by the end of the shift and is not damaged or missing parts.

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Grooming equipment will be disinfected before and after each use by the methods approved by the Minnesota Board of Cosmetologist Examiners. Cleaning methods include:

- Removing foreign matter.
- Cleaning tools with soap or detergent and water.
- Immersing non-electrical equipment in disinfectant.
- Spraying electrical equipment with disinfectant.
- Storing cleaned equipment in clear, covered containers that are labeled as such.

Disinfectant solution shall be changed at least once per week or whenever the solution is cloudy or dirty. Solution will be stored in covered containers with labeled instructions for its use and the Environmental Protection Agency registration number.

614.7 PERSONAL CARE ITEMS

Inmates are expected to maintain their hygiene using approved personal care items.

No inmate will be denied the necessary personal care items. For sanitation and security reasons, personal care items shall not be shared.

Inmate Nondiscrimination

616.1 PURPOSE AND SCOPE

The constitutional rights of inmates regarding discrimination are protected during incarceration. These protections extend to administrative decisions (e.g., classification, access to programs, availability of services). This policy is intended to guide the staff toward nondiscriminatory administrative decisions and to detail an inmate complaint and discrimination investigation process.

616.2 POLICY

All decisions concerning inmates housed at this facility shall be based on reasonable criteria that support the health, safety, security, and good order of the facility.

616.3 INMATES REPORTING DISCRIMINATION

Inmates who wish to report an allegation of discrimination may communicate with facility management in any way, including:

- (a) Confidential correspondence addressed to the Jail Administrator or the Sheriff or other government official, including the courts or legal representatives.
- (b) Verbally to any supervisor or other staff member of this facility.

616.3.1 HANDLING COMPLAINTS OF DISCRIMINATION

Staff shall promptly forward all written allegations of discrimination by inmates to the Supervisor. If the allegation is presented verbally, the receiving staff member shall prepare an incident report identifying the circumstances prompting the allegation, the individuals involved, and any other pertinent information that would be useful to investigating the allegation.

Unless the complaint submitted by the inmate is clearly identified as private and addressed to the Jail Administrator, Sheriff, or other official, the Supervisor shall review the complaint and attempt to resolve the issue. In any case, the Supervisor shall document the circumstances of the allegation and what actions, if any, were taken to investigate or resolve the complaint. All reports of alleged discrimination shall be forwarded to the Jail Administrator for review and further investigation or administrative action as needed.

Administrative evaluations and response to allegations of discrimination shall be based upon objective criteria:

- (a) The inmate's classification
- (b) The inmate's criminal history
- (c) Current and past behavior and disciplinary history
- (d) Housing availability
- (e) The availability of programs
- (f) The ability to safely provide the requested services

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Inmate Nondiscrimination

616.4 DISCRIMINATION PROHIBITED

Discriminating against an inmate based upon actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law is prohibited.

Reasonable and comparable opportunities for participation in services and programs including vocational, educational, and religious programs shall be made available to inmates in a nondiscriminatory manner. Neither sex shall be denied opportunities on the basis of its smaller representation in the total population (Minn. R. 2911.3100, Subp. 1(E)).

The Jail Administrator should periodically conduct interviews with inmates and staff members to identify and resolve potential problem areas related to discrimination before they occur.

Inmate Grievances

618.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which inmates may file grievances and receive a formal review regarding the conditions of their confinement.

618.2 POLICY

It is the policy of this office that any inmate may file a grievance relating to conditions of confinement, which includes release date, housing, medical care, food services, hygiene and sanitation needs, recreation opportunities, classification actions, disciplinary actions, program participation, telephone and mail use procedures, visiting procedures, and allegations of sexual abuse.

Grievances will not be accepted if they are challenging the rules and policies, state or local laws, court decisions, and probation/parole actions.

Retaliation for use of the grievance system is prohibited.

618.3 INMATE GRIEVANCE PROCEDURES

Staff shall attempt to informally resolve all grievances at the lowest level. All attempts to resolve a grievance shall be documented in the inmate's file. If there is no resolution at this level, the inmate may request a grievance form.

The inmate should be advised to complete the form on the Kiosk. A grievance should be filed by an inmate within 10 days of the complaint or issue.

Inmates cannot file a grievance on behalf of another inmate but an inmate may assist another inmate in the preparation of a grievance. Custody staff may take reasonable steps to assist the inmate in the preparation of a grievance if requested.

Upon receiving a completed inmate grievance form, the staff member will respond within 10 days and respond electronically.

618.3.1 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed inmate grievance form, the supervisor shall ensure that the grievance is investigated and resolved or denied in a timely manner, as established by the Jail Administrator. The supervisor shall assign the investigation of the grievance to the manager in charge of the department the inmate is grieving.

618.3.2 APPEALS TO GRIEVANCE FINDINGS

If an inmate is not satisfied with the Jail supervisor's decision, that inmate may appeal the result by submitting a written electronic appeal through the kiosk by adding the word "APPEAL" and to whom the appeal is being sent at the top of a grievance form. In the event that the kiosk is not working, inmates can request paper forms from the housing unit deputy. The appeal must be submitted within 3 calendar days of receiving the initial decision, and must be submitted in the same manner as the original grievance. The appeal must be directed to a Jail Captain.

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If the inmate is still not satisfied with the Jail Captain's decision, the inmate may file a second appeal to the Jail Administrator following the steps described above.

If the inmate is not satisfied with Jail Administrator's decision, the inmate may file a final appeal to the Commander of Detention Services following the steps described above.

The grievance procedure is considered exhausted after the final appeal.

618.3.3 RECORDING GRIEVANCES

The Jail Administrator should maintain a grievance log in a central location accessible to all supervisors. The supervisor who originally receives a grievance shall record the grievance along with its finding on the grievance log. Periodic reviews of the log should be made by the Jail Administrator or the authorized designee to ensure that grievances are being handled properly and in a timely manner. A copy of each grievance should be filed in the inmate's official record and maintained throughout the inmate's period of incarceration.

The original grievance should be retained in a file maintained by the Jail Administrator or the authorized designee, and shall be retained in accordance with established records retention schedules.

618.3.4 FRIVOLOUS GRIEVANCES

Inmates shall use the grievance process only for legitimate problems or complaints. If there is concern that an inmate is abusing the grievance process, he/she shall be informed that continued behavior may result in disciplinary action.

618.4 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.52):

- (a) Inmates may submit a grievance regarding an allegation of sexual abuse at any time.
- (b) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, are permitted to assist inmates in filing such grievances and to file such grievances on behalf of inmates if the inmate agrees to have the grievance filed on his/her behalf. Staff members who receive a grievance filed by a third party on behalf of an inmate shall inquire whether the inmate wishes to have the grievance processed and shall document the inmate's decision.
- (c) Grievances may be submitted to any staff member and need not be submitted to the member who is the subject of the complaint.
- (d) Staff receiving a grievance shall forward the grievance to a supervisor. Grievances shall not be forwarded to any supervisor who is the subject of the complaint. The supervisor receiving the grievance shall refer the grievance to the Supervisor for investigation. Inmates and staff are not required to attempt to informally resolve grievances related to sexual abuse.
- (e) The Supervisor shall ensure that grievances related to sexual abuse are investigated and resolved within 90 days of the initial filing. The Supervisor may grant an extension of up to 70 days if reasonable to make an appropriate decision. If an extension is

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granted, the inmate shall be notified and provided a date by which a decision will be made.

- (f) At any level of the process, including the appeal, if the inmate does not receive a response within the allotted time, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- (g) Inmates may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the inmate filed the grievance in bad faith.

618.4.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE

Any inmate who believes he/she or any other inmate is in substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The supervisor shall determine whether immediate action is reasonably necessary to protect the inmate and shall provide an initial response within 48 hours.

The supervisor shall refer the grievance to the Supervisor, who will investigate and issue a final decision within five calendar days.

The initial response and final decision shall be documented and shall include a determination whether the inmate is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance (28 CFR 115.52).

618.5 ACCESS TO THE GRIEVANCE SYSTEM

All inmates shall be provided with a grievance process for resolving complaints arising from jail matters with at least one level of appeal (Minn. R. 2911.2900).

Inmates will receive information concerning the grievance procedure during the orientation process. Information will also be contained in the inmate handbook. Information regarding the grievance process will be provided to inmates in the language they understand.

The information will include:

- A grievance form or instructions for registering a grievance.
- Instructions for the resolution of the grievance at the lowest appropriate staff level.
- The appeal process to the next level of review.
- Written reasons for denial of a grievance at each level of review.
- A provision of required timeframes for responses.
- A provision for resolving questions of jurisdiction within the jail.
- Consequences for abusing the grievance system.

Inmate Voting

620.1 PURPOSE AND SCOPE

This policy establishes the requirement for providing eligible inmates the opportunity to vote during elections, pursuant to election statutes.

620.2 POLICY

The Office will assist inmates who wish to vote in an election.

620.3 VOTING REQUIREMENTS

Inmates maintain their right to vote while incarcerated if they (Minn. Stat. § 201.014):

- (a) Are citizens of the United States.
- (b) Maintain residence in Minnesota for 20 days immediately preceding the election.
- (c) Are at least 18 years of age at the time of the election.
- (d) Have not been declared legally incompetent by a court.
- (e) Have had their civil rights restored after conviction of treason or a felony offense.

620.4 PROCEDURES

Prior to each election, the Jail Administrator will designate a deputy to be a liaison between the Office and the local election official. The designated deputy will be responsible for assisting inmates who have requested to vote. Postage shall be provided to inmates who cannot afford to mail an absentee ballot.

Inmates should be advised of voting methods during the inmate orientation.

Eligible inmates shall retain their right to vote in elections provided they are properly registered upon admission to the facility and request to vote through the jail programs staff.

Inmates with Disabilities

621.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Dakota County Sheriff's Office services, programs, and activities for inmates with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with inmates with disabilities.

621.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA Coordinator - The member designated by the Jail Administrator to coordinate the jail's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by inmates with disabilities to facilitate their participation in services, programs, and activities offered by the Dakota County Sheriff's Office and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; a qualified interpreter; wheelchairs and other devices that facilitate mobility; audio books and large-print material; visible alarm signals; special diets; and lifts, trapeze bars, and shower chairs.

Disability - A physical or mental impairment that substantially limits a major life activity, including hearing, seeing, speaking, or performing manual tasks, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders the Dakota County Sheriff's Office service, program, or activity suitable for use, enjoyment, or participation by an inmate with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows an inmate with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

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621.2 POLICY

It is the policy of the Dakota County Sheriff's Office that inmates with disabilities have equal access to services, programs, and activities of the Dakota County Sheriff's Office.

The Dakota County Sheriff's Office will not discriminate against or deny any inmate access to services, programs, or activities based upon the presence or suspected presence of disabilities.

621.3 ADA COORDINATOR RESPONSIBILITIES

The ADA Coordinator will work with the Jail Administrator and the Responsible Physician as appropriate to (28 CFR 35.130):

- (a) Establish procedures to determine at admission if modifications are necessary for participation in the jail's services, programs, and activities, to document an inmate's disability and preferred assistive devices, auxiliary aids, or services as applicable, and to regularly reassess in consultation with the inmate whether alternative or additional modifications are necessary.
- (b) Provide notice to inmates regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, and orientation materials describing jail services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- (c) Establish classification criteria to make housing assignments for inmates with disabilities.
 - 1. Absent unusual circumstances, inmates with disabilities should not be (28 CFR 35.152):
 - (a) Housed in a medical area unless they are receiving medical care or treatment.
 - (b) Classified as special management inmates unless they meet the criteria provided in the Special Management Inmates Policy.
- (d) Establish housing areas that are equipped to meet the physical needs of inmates with disabilities, including areas that allow for personal care and hygiene in a reasonably private setting, and that allow inmates with disabilities to be integrated into the larger inmate population as appropriate to the inmate's needs.
- (e) Establish procedures for reviewing and processing requests for modifications that will help members provide inmates with disabilities access to the jail's services, programs, and activities, as appropriate.
- (f) Make reasonable modifications to policies, practices, and procedures as necessary to allow inmates with disabilities to participate in the jail's services, programs, and activities.
- (g) Enlist or contract with trained service personnel who have experience working with inmates with disabilities, and assign individuals with adequate training to assist inmates with disabilities with basic life functions as needed.
- (h) Establish procedures for restraining, transporting, and moving inmates with disabilities.

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- (i) Establish procedures that give inmates with disabilities equal opportunities to participate in or benefit from all aspects of the jail's efforts to prevent, detect, and respond to sexual abuse and sexual harassment (28 CFR 115.16).
- (j) Establish procedures for responding to commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.
- (k) Develop, implement, and publish procedures to provide for prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- (l) Establish procedures for provision, maintenance, and cleaning of assistive devices and auxiliary aids used by inmates.
- (m) Act as a liaison with local disability advocacy groups or other disability-focused groups regarding access to the jail's services, programs, and activities.
- (n) Facilitate a process of periodic self-evaluation. The process should include:
 - 1. Inspection of current facilities to identify access issues.
 - 2. Review of current jail services, activities, and programs for access issues.
 - 3. Assessment and update, if necessary, of current compliance measures.
 - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 - 5. Review of the jail's emergency programs, services, and activities as they apply to inmates with disabilities.
 - 6. Recommendation of a schedule to implement needed improvements.
- (o) Develop and implement procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (p) Verify that third parties providing services, programs, or activities to inmates through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to inmates with disabilities (28 CFR 35.152).
- (q) Recommend amendments to this policy, as needed.

621.4 REQUESTS

The goal of any modification should be to allow an inmate with a disability to participate in the service, program, or activity the same as an inmate who does not have a disability. The Dakota County Sheriff's Office will not require inmates with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to Dakota County Sheriff's Office services, programs, and activities (28 CFR 35.160).

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based upon the preference of the inmate with the disability by providing

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a reasonable modification consistent with any procedures related to the inmate's disability. Members should not ask about the nature and extent of an inmate's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If there are no current procedures in place, members receiving an inmate request for a modification should direct the inmate to provide the request in writing or assist the inmate in doing so, as needed. The written request should be brought to the on-duty supervisor as soon as practicable and during the member's current shift. The supervisor should review the request within 24 hours of receipt. The reviewing supervisor should evaluate the request and, if approved, notify the Jail Administrator, ADA Coordinator, and any other members as necessary to implement the modification.

A supervisor who does not grant the modification, either in part or in full, should forward the request to the Jail Administrator and the ADA Coordinator for processing as soon as reasonably practicable.

Requests that are minor and do not reasonably appear related to a significant or ongoing need may be addressed informally, such as rearranging chairs to make room for a wheelchair. Such requests need not be made in writing.

621.4.1 DENIAL OF A REQUEST

Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

- (a) A substantial alteration of the service, program, or activity.
- (b) An undue financial or administrative burden on the Dakota County Sheriff's Office. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
- (c) A threat to or the destruction of the historic significance of a historic property.
- (d) A direct threat to the health or safety of others (28 CFR 35.139).
- (e) A threat to the orderly operation or function of the jail.

If any of these circumstances are present, the ADA Coordinator should work with Dakota County Sheriff's Office members and the inmate requesting the modification to determine if an alternative modification is available. If no alternative modification is appropriate, the ADA Coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA Coordinator should work with Dakota County Sheriff's Office members and the inmate requesting the modification to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

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- (a) Reassigning services, programs, or activities to accessible buildings or facilities.
- (b) Utilizing technology, equipment, and vehicles or other conveyances.
- (c) Any other means or methods that would make services, programs, or activities readily accessible.

621.4.2 SURCHARGES

Surcharges shall not be imposed upon inmates with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

621.5 ASSISTIVE DEVICES AND AUXILIARY AIDS

An inmate should be permitted to retain assistive devices and auxiliary aids prescribed or recommended by a qualified health care professional. An inmate may be required to provide documentation from a qualified health care professional describing the medical necessity for the device or aid. Any devices and aids brought to the jail by the inmate or by others after the inmate has been admitted shall be subject to a security check. The jail accepts no responsibility for loss or damage to any device or aid provided by the inmate.

Any assistive device or auxiliary aid that is determined to present an imminent risk of bodily harm or an imminent risk to the security of the jail may be temporarily removed from use and stored with the inmate's property. The ADA Coordinator or the Supervisor should work with the inmate to make alternate modifications pending review by a qualified health care professional. The removal of a device or aid and any alternate accommodations made shall be noted in the daily log and the inmate's health care records.

Within 24 hours of any removal of an assistive device or auxiliary aid, a qualified health care professional will consult with the inmate and review relevant records to determine whether the permanent removal may be injurious to the inmate's health or safety. If the qualified health professional finds that the device or aid is medically necessary and the Jail Administrator determines after investigation of the specific facts presented that it should not be returned because of verified security concerns, options include, as applicable:

- (a) Reclassifying the inmate to an accessible housing unit or cell.
- (b) With qualified health care professional approval, modifying the device or aid to meet the needs of the inmate and the security needs of the jail.
- (c) Supplying the inmate with an alternate device or aid.
- (d) Providing the inmate with an opportunity to petition the court for the return of the device, in accordance with local, state, and federal law.

621.6 COMMUNICATIONS

Members should remain alert to the possibility of communication problems when engaging with inmates with disabilities. When a member knows or suspects an inmate requires assistance to effectively communicate, the member should identify the inmate's choice of assistive devices, auxiliary aids, and services. The inmate's choice should be honored unless another effective

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means of communication exists. Notice of an inmate's disability and preferred method of communication should be provided to members who have contact with the inmate so that effective communication may be achieved. Members should consider all information reasonably available to them when determining how to communicate with an inmate with a disability, including (28 CFR § 35.160):

- (a) The methods of communication usually used by the inmate.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the inmate who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the member should inquire as to the individual's preference and give primary consideration to that preference.

621.6.1 INTERVIEWS AND INTERROGATIONS

In an effort to ensure that the rights of inmates with disabilities are protected during any formal interview or interrogation that takes place in the jail, the Dakota County Sheriff's Office will provide reasonable modifications before beginning an interview or interrogation, unless exigent circumstances exist or the inmate has made a clear indication that the inmate understands the process and desires to proceed without receiving a modification. If *Miranda* warnings are required under the circumstances, these should be provided to the inmate via the inmate's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable.

621.6.2 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., the admissions process, health care consultations, classification interviews, disciplinary hearings) for inmates who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services in the person's primary language.
- (c) Familiar with the use of text- and video-based communications products and systems.
- (d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

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- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use jail-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Inmates with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use another inmate or a member who has not been hired or contracted specifically to serve as a qualified interpreter as an interpreter.

621.7 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

- (a) The type of modification, assistive device, auxiliary aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the jail or another identified source, if applicable.
- (c) Whether the individual's express preference for the modification was not honored and the reason an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records and Data Practices Policy.

621.8 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or an inmate's inability to access a jail service, program, or activity should document the complaint and promptly refer the matter to the ADA Coordinator (28 CFR 35.107). The Dakota County Sheriff's Office shall assist inmates with disabilities who require assistance to file a complaint regarding members of the Dakota County Sheriff's Office (see the Inmate Grievances Policy).

621.9 TRAINING

Members should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy, related procedures and forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting inmates, accepting calls placed through alternative

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systems, and identifying alternate ways to provide access to services, programs, and activities as appropriate.

Management staff, even if they do not interact regularly with inmates with disabilities, should receive training as appropriate to understand and reinforce this policy.

Training records should be maintained in accordance with the established records retention schedule.

Chapter 7 - Medical-Mental Health

Health Care

700.1 PURPOSE AND SCOPE

The Office recognizes that the delivery of effective health care requires open and frequent communication between the contracted medical providers and the Jail Administrator or designee. This policy provides guidelines for the continuous monitoring, planning and problem resolution in providing health care that addresses the medical needs of the inmate population and prevents potential outbreaks of communicable and contagious illness.

700.1.1 2911 MEDICAL RULES

2911.5800 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.

Subpart 1. Availability of resources, general.

Under the direction of a health authority, a facility shall develop a written policy and procedure that provides for the delivery of health care services, including medical, dental, and mental health services.

Subp. 2. Health care.

Medical, dental, and mental health matters involving clinical judgments are the sole province of the responsible physician, dentist, and psychiatrist or qualified psychologist respectively; however, security regulations applicable to facility personnel also apply to health personnel.

Subp. 3. Health care policy review.

Facility policy shall ensure that each policy, procedure, and program in the health care delivery system is reviewed and documented at least annually under the direction of the health authority and revised as necessary.

Subp. 4. Emergency health care.

A facility shall develop a written policy and procedure that requires that the facility provide 24-hour emergency care availability as outlined in a written plan, which includes provisions for the following arrangements:

- A. emergency evacuation of the inmate from within the facility;
- B. use of an emergency medical vehicle, available on a 24-hour basis;
- C. use of one or more designated hospital emergency rooms or other appropriate health facilities;
- D. emergency on-call physician and dental services when the emergency health facility is not located in a nearby community; and
- E. security procedures that provide for the immediate transfer of inmates when appropriate.

Subp. 5. Health care liaison.

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In a facility without full-time qualified health care personnel, a designated health-trained staff member may act as liaison to coordinate the health care delivery in the facility under the direction of the health authority.

Subp. 6. Medical screening.

A facility shall have a written policy and procedure that requires medical screening is performed and recorded by trained staff on all inmates on admission to the facility. The findings are to be recorded in a manner approved by the health authority. The screening process shall include procedures relating to:

A. Inquiry into:

- (1) current illness and health problems, including dental emergencies, and other infectious diseases;
- (2) medication taken and special health requirements;
- (3) use of alcohol and other drugs that include types of drugs used, mode of use, amounts used, frequency used, date or time of last use, and history of problems that may have occurred after ceasing use, for example, convulsions;
- (4) past and present treatment or hospitalization for mental illness or attempted suicide;
- (5) other health problems designated by the health authority; and
- (6) signs and symptoms of active tuberculosis to include weight loss, night sweats, persistent cough lasting three weeks or longer, coughing up blood, low grade fever, fatigue, chest pain, prior history of active tuberculosis disease, and results of previous tuberculin skin or blood testing.

B. Observations of:

- (1) behavior that includes state of consciousness, mental status, appearance, conduct, tremor, and sweating; and
- (2) body deformities, trauma markings, body piercings, bruises, lesions, and jaundice.

C. Disposition to:

- (1) general population;
- (2) general population and referral to appropriate health care service;
- (3) referral to appropriate health care service on an emergency basis; and
- (4) other.

Subp. 7. Health care follow-up.

A facility shall develop written policy and procedures that require that an inmate who presents with a chronic or persistent medical condition be provided with a health care follow-up.

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Subp. 8. Health complaints.

A facility shall develop a written policy and procedure that requires that inmates' health complaints are acted upon daily by health-trained staff, followed by triage and treatment by health care personnel if indicated.

Subp. 9. Sick call.

A facility shall develop a written policy and procedure that requires a continuous response to health care requests and that sick call, conducted by a physician or other health care personnel, is available to each inmate as follows:

- A. in small facilities of less than 60 inmates, sick call is held once per week at a minimum;
- B. in medium sized facilities of 60 to 200 inmates, sick call is held at least three days per week;
- C. in facilities of over 200 inmates, sick call is held a minimum of five days per week; and
- D. if an inmate's custody status precludes attendance at sick call, arrangements are made to provide sick call services in the place of the inmate's detention.

Subp. 10. Infirmary.

Operation of an infirmary within a facility: male and female inmates may be housed in separate rooms in a common infirmary area. Direct staff supervision of the infirmary must be provided at all times when male and female inmates reside in the infirmary.

Subp. 11. Examinations.

Examinations, treatments, and procedures affected by informed consent standards governed by state or federal law shall be observed for inmate care.

The informed consent of the parent, guardian, or legal custodian must be obtained when required by law.

Where health care treatment must be provided against an inmate's will, it must be provided according to law.

Subp. 12. Ambulance services.

Ambulance services shall be available on a 24-hour-a-day basis.

2911.5900 POSTING OF AVAILABLE RESOURCES.

A listing of telephone numbers of the medical, dental, mental health, and ambulance services available shall be posted at the facility's primary staff control station along with a schedule of availability.

2911.6000 FIRST AID.

Subp. 2. First aid equipment.

Facility policy shall require that first aid kits are available in designated areas of the facility.

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2911.6200 MEDICAL AND DENTAL RECORDS.

Subpart 1.

[Renumbered subp 1b]

Subp. 1a.

Medical and dental records.

A facility shall record complaints of illness or injury and actions taken. Medical or dental records are maintained on inmates under medical or dental care. Records shall include:

- A. the limitations and disabilities of the inmate;
- B. instructions for inmate care;
- C. orders for medication including stop date;
- D. any special treatment or diet;
- E. activity restriction; and
- F. times and dates when the inmate was seen by medical personnel.

Medical and dental records shall be available to staff for consultation in case of illness and for recording administration of medications.

Subp. 1b. Release of information consent forms.

Release of information consent forms must comply with applicable federal and state regulations.

Subp. 2. Data practices.

The medical record file shall be maintained separately and according to the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

Subp. 2a. Sharing information.

The responsible physician or health care personnel shall share with the facility administrator information regarding an inmate's medical management, security, and ability to participate in programs.

Subp. 3. Available information.

Medical record file information available to health-trained staff and custody personnel shall minimally include summary medical information provided by the health authority or health care personnel that ensures sufficient detail to allow health-trained staff persons or other custody personnel to ensure medical care of inmates in their custody in a manner consistent with that prescribed by the responsible physician or health care personnel.

Subp. 6. Transfer of records.

A facility shall have a written policy and procedure regarding the transfer of health records and information that establishes the following requirements:

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A. summaries or copies of the health record are sent to the facility to which the inmate is transferred. Upon the request and written authorization of the inmate, physicians or medical facilities in the community shall be provided health record information; and

B. The facility administrator or designee, which may include the responsible physician, health care personnel, or health-trained staff of the facility from which the inmate is being transferred, shall minimally share with the facility administrator of the facility designated to receive the inmate information regarding the inmate's medical management, security, and ability to participate in programs. In the absence of informed consent forms signed by the inmate involved, the information may be provided in summary manner to ensure a level of medical care consistent with the inmate's needs.

2911.6400 DELIVERY, SUPERVISION, AND CONTROL OF MEDICATION.

In consultation with the health authority, a facility administrator shall have a written policy and procedure for the secure storage, delivery, administration, and control of medication according to parts 2911.6500 to 2911.6800.

2911.6500 STORAGE.

Subpart 1.

Locked area.

Medication shall be stored in a locked area. The storage area shall be kept locked when not in use by authorized staff.

Subp. 2.

Refrigeration.

Medication requiring refrigeration shall be refrigerated and secured and the temperature checked daily. There must be separate refrigeration for medications only.

Subp. 3.

Access.

Inmates shall not be permitted access to medication storage. Only health-trained staff or health care personnel shall have access to keys for the medication storage area.

Subp. 4.

Medication.

Stock supplies of prescription medications may be maintained at the discretion and upon the approval of the facility's health authority. Prescription medication shall be kept in its original container, bearing the original label. Poisons and medication intended for external use shall be clearly marked. A limited quantity of life-saving prescription medications as approved by the medical authority may be maintained in emergency kits.

Subp. 5.

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Controlled substances.

There shall be a procedure for maximum security storage of and accountability for controlled substances.

Subp. 6.

Needles and other medical sharps.

There shall be a written policy and procedure for the control and disposal of medical sharps and supplies. Medical sharps and supplies when used or stored in inmate housing areas shall be accounted for and secured in a locked area.

2911.6600 DELIVERY.

Subpart 1.

Delivering medication.

A person delivering medication to an inmate must do so under the direction of the responsible health authority or health care personnel.

Subp. 2.

Training.

Only persons who have received training appropriate to this assignment may deliver medication.

Subp. 3.

Refresher training.

A nonmedical staff person delivering medication shall receive refresher training a minimum of once every three years.

Subp. 4.

Documentation.

Initial and refresher training must be documented.

Subp. 5.

Recording deliveries. A person responsible for delivering medications shall do so according to orders, and record the delivery of medications in a manner approved by the health care authority.

Subp. 6. Deliveries by health-trained staff.

Medication shall be delivered to an inmate by health-trained staff. An inmate shall administer the inmate's medication under staff supervision.

Subp. 7. Identification procedures.

There shall be a written procedure for the identification of the recipient of the medication.

Subp. 8. Oral ingestion procedures.

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There shall be procedures for confirming that medication delivered for oral ingestion has been ingested.

Subp. 9. Adverse reaction reports.

There shall be procedures for health-trained staff to report any adverse reaction incidents to health care personnel. The adverse reaction to a drug shall be documented.

Subp. 10. Refusal of prescribed medications.

There shall be procedures for health-trained staff to report an inmate's refusal of prescribed medication to the attending physician, responsible physician, or health care personnel. The refusal and directives by the health care personnel shall be documented.

Subp. 11. No medication deprivation punishment.

An inmate shall not be deprived of medication as a means of punishment.

Subp. 12. Inmate medication delivery prohibited.

Delivery of medication by inmates is prohibited.

Subp. 13. [Repealed, 38 SR 523]

Subp. 14. Expiration of medication order.

Health care personnel shall be notified of impending expiration of a medication order so that it can be determined whether the medication should be continued or altered.

Subp. 15. Nonprescription medication.

Over-the-counter nonprescription medication available to inmates shall be approved by health care personnel. Delivery of nonprescription medication by custody staff shall be documented.

Subp. 16. Keep-on-person medications. There shall be a policy and procedure for keep-on-person medications that provides for:

- A. medications identified and approved by the health authority as appropriate for self-administration and storage in an inmate's cell;
- B. procedures for an inmate's overdose of the medication;
- C. consequences if too much medication is found in the inmate's possession;
- D. how the distribution of medications under this subpart is going to be documented; and
- E. nonprescription medications, if any, that are available to inmates through vending machines or commissary.

Keep-on-person medications shall be documented for each inmate.

2911.6700 ADMINISTRATION.

Subpart 1. Injection. Medication administered by injection shall be given by a physician or health care personnel.

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Subp. 2. Insulin. Insulin-dependent diabetic inmates shall be permitted to self-administer insulin under direct health-trained staff supervision.

Subp. 3. Topical medication.

Topical medications and eye or ear drops may be permitted for inmate self-administration as directed and observed by health care personnel.

2911.6800 CONTROL.

Subpart 1. Records. Records of receipt, the quantity of the drugs, and the disposition of all prescription medications shall be maintained in detail to enable an accurate accounting.

Subp. 2. Verifying prescription medications. An inmate's own supply of prescription medications brought into the facility shall be verified prior to dispensing.

Subp. 3. Prescribed medication upon transfer or release. Prescribed medication shall be given to an inmate or to the appropriate authority upon transfer or release, unless the attending physician decides that in the medical interest of the inmate the medications should not be released with the inmate. The action taken shall be documented.

Subp. 4. Destruction of medication. The destruction of medication on expiration dates or when retention is no longer necessary or suitable must be consistent with requirements of the Minnesota Pollution Control Agency.

2911.6900 MEDICAL RESEARCH.

The use of inmates for medical, pharmaceutical, or cosmetic experiments is prohibited.

2911.7000 TUBERCULOSIS SCREENING; SEPARATION OF INMATES WITH INFECTIOUS DISEASE.

Subpart 1. Policy. A facility shall have a written policy and procedure that addresses the management of serious and infectious diseases. This policy and procedure shall be updated as new information becomes available.

Subp. 2. Screening. Employees and inmates shall be screened for tuberculosis according to Minnesota Statutes, section 144.445. The Department of Corrections adopts by reference Minnesota Department of Health requirements for tuberculosis screening of employees and inmates in facilities governed by this chapter.

First Aid

701.1 FIRST AID

The Responsible Physician or the authorized designee is responsible for determining the contents, number, location and procedures for monthly inspections of all first-aid kits in the facility. At least one first-aid kit will be located at the control center or primary staff station. The Responsible Physician shall also ensure that (Minn. R. 2911.6000):

- a. The contents of each first-aid kit are:
 1. Approved by the Responsible Physician.
 2. Appropriate for its location.
 3. Arranged for quick use.
 4. Documented on the outside cover.
 5. Inventoried every month.
 6. Secured with a plastic tamper-proof seal.
 - a. Once the seal has been broken, the kit should be taken to the medical unit so the contents can be inventoried and restocked.
 - b. Written protocols and training materials are developed for the use of medical supplies and equipment by health-trained custody staff.
 - c. Inspections and testing of supplies and equipment are documented and maintained in accordance with established records retention schedules.
 - d. A limited quantity of life-saving prescription medications, as approved by the health authority, may be maintained in emergency kits.

Access to Health Care

702.1 POLICY

It is the policy of this office that all inmates, regardless of custody status or housing location, will have timely access to a qualified health care professional and receive a timely professional clinical judgment and appropriate treatment.

The Dakota County Sheriff's Office facility will provide medical, dental and mental health services as necessary to maintain the health and well-being of inmates to a reasonable and socially acceptable standard (Minn. R. 2911.5800). The Dakota County Jail contracts with many medical, dental, and mental health providers to ensure compliance.

702.2 POSTING AVAILABLE RESOURCES

A listing of telephone numbers for medical, dental, mental health and ambulance services shall be posted at the facility's medical area and in the primary staff control station, along with a schedule of availability (Minn. R. 2911.5900).

Health Care for Pregnant Inmates

710.1 PURPOSE AND SCOPE

The purpose of this policy is to establish prenatal and postpartum health care services for inmates who are pregnant. Services may include assistance recovering from the effects of potentially unhealthy lifestyles, which could include tobacco use, alcohol and drug abuse or addiction, and a lack of previous adequate medical care. Because of unhealthy lifestyle choices prior to incarceration, many inmate pregnancies are classified as high-risk. This policy is intended to protect the health of the pregnant inmate and her fetus.

710.2 POLICY

It is the policy of this office that a qualified health care professional should provide comprehensive prenatal and postpartum care for all pregnant inmates during their incarceration, which includes, but is not limited to the following:

- Pregnancy testing
- Prenatal care, both routine and high-risk if needed
- Management of drug- or alcohol-addicted pregnant inmates
- Comprehensive counseling and assistance services
- Nutrition modification for term of pregnancy and lactation
- Birthing in an appropriate setting
- Postpartum care
- Family planning education and services
- Access to privately funded pregnancy alternative options

A qualified health care professional shall provide counseling and information to pregnant inmates regarding planning for their unborn child.

710.3 BOOKING - PREGNANCY SCREENING

When booking a female inmate, the following steps shall be taken:

- (a) All females shall be asked if they are pregnant. If the inmate states she is pregnant, a confirming urine test should be performed within 48 hours and documented in the medical record.
- (b) Pregnant inmates who are under the influence of or withdrawing from alcohol or other substances should be referred to a nurse, if available, or other available resource.
- (c) The Responsible Physician, in collaboration with facility staff, shall ensure the appropriate clinic visits are scheduled.
- (d) A medical record should be opened with a notation indicating pregnancy.

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- (e) The inmate should be interviewed by a qualified health care professional for the following information, which should be written in the medical record:
 - 1. Last menstrual period (LMP)
 - 2. Estimated date of conception (EDC)
 - 3. Estimated due date (40 weeks from EDC)
 - 4. Number of pregnancies (Gravidity)
 - 5. Number of live births (Parity)
 - 6. Therapeutic abortions (TAB)
 - 7. Spontaneous abortions (SAB), aka miscarriages
 - 8. Prenatal care history
 - 9. Current medications
 - 10. Any current adverse symptoms: vaginal bleeding or discharge, abdominal cramping or pain (if yes, notify on-site or on-call physician)
 - 11. High-risk factors if known: drug or alcohol use/abuse, smoking, previous pregnancy problems, other medical problems (cardiac, seizures, diabetes/DM, hypertension/HTN)
 - 12. If recent heroin or methadone use is identified, notify the on-site or on-call physician for orders.
- (f) Each pregnant inmate should have:
 - 1. A completed medical recommendation form for a low bunk assignment, in a lower tier, with no waist chains, as appropriate.
 - 2. A completed special diet form ordering a pregnant diet.
 - 3. Prenatal vitamins prescribed at one per day for the duration of the pregnancy.
 - 4. An appointment at the next available obstetric clinic if the inmate is 10 or more weeks gestation.

710.4 HOUSING

Inmates who are known to be pregnant may be housed in any unit appropriate for their classification, with the following exceptions:

- (a) All pregnant inmates identified at intake or the obstetric clinic to be high-risk or who are in their last trimester of pregnancy shall be housed in the medical unit.
- (b) Housing in the medical unit shall be by order of an obstetric specialist or the Responsible Physician.

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Health Care for Pregnant Inmates

710.5 COUNSELING AND TREATMENT

The Office should provide all necessary counseling and treatment to pregnant inmates to ensure they are receiving the proper care. To accomplish this, the following shall occur:

- (a) The directions of the obstetric specialist shall be followed throughout the pregnancy and postnatal period. No non-medical staff has the unilateral authority to change or overrule an order or care recommendation made by the Responsible Physician. The Jail Administrator and Responsible Physician shall develop a process by which perceived conflicts between medical orders/recommendations and safety and security interests of the jail can be discussed and resolved. Ultimately, the jail must provide adequate treatment for an inmate's medical needs.
- (b) The Responsible Physician shall be consulted immediately if a patient is under 10 weeks gestation and has medical concerns.
- (c) Any pregnant inmate with medical problems that occur between scheduled obstetric appointments shall be seen by a qualified health care professional. If the qualified health care professional assesses the problem as urgent and a physician is not available on-site, the inmate shall be sent to the hospital for evaluation.
- (d) The inmate shall be advised to notify health-trained staff immediately of the following:
 1. Vaginal bleeding
 2. Acute, persistent abdominal or pelvic pain and/or severe cramping
 3. Leaking fluid
 4. Decreased or no fetal movement
 5. Headache or blurred vision
 6. Rapid weight gain with swelling (edema)
 7. Abnormal vaginal discharge
 8. Symptoms of a urinary tract infection (UTI)
 9. Fever
- (e) Postpartum examinations and additional appointments shall be scheduled by the obstetric clinic as needed.

710.6 RESTRAINTS

Inmates who are known to be pregnant or who are in labor shall not be placed in restraints except as provided in the Use of Restraints Policy.

710.7 ABORTIONS

Inmates who wish to terminate their pregnancy shall be referred to outside counseling services for further information regarding available options. The Office shall not impede the woman's access to abortion counseling or services and shall provide necessary transportation and supervision to

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such services. Any financial obligations will be the responsibility of the inmate. These rights will be posted in all areas that house female inmates.

710.7.1 STAFF INVOLVEMENT

Staff members who object to facilitating an inmate's elective abortion (including arranging, transporting, security) should not be required to perform such duties.

Chapter 8 - Environmental Health

Sanitation Inspections

800.1 PURPOSE AND SCOPE

The Dakota County Sheriff's Office has established a plan to promote and inspect the environmental safety and sanitation requirements established by applicable laws, ordinances and regulations. This policy establishes a plan of housekeeping tasks and inspections required to identify and correct unsanitary or unsafe conditions or work practices in this facility.

800.2 POLICY

It is the policy of the Office to maintain a safe and sanitary facility. To accomplish this goal the Office will maintain a written plan that contains schedules and procedures for conducting and documenting weekly and monthly sanitation inspections of the facility. The Jail Administrator will ensure that the plan addresses, at minimum (Minn. R. 2911.7200):

- (a) Schedules of functions (e.g., daily, weekly, monthly or seasonal cleaning, maintenance, pest control and safety surveys).
- (b) Self-inspection check lists to identify problems and to ensure cleanliness of the facility.
- (c) Procedures, schedules and responsibilities for coordinating annual inspections by the county health department, including how deficiencies on the inspection report are to be corrected in a timely manner.
- (d) A list of approved equipment, cleaning compounds, chemicals and related materials used in the facility, and instructions on how to operate, dilute or apply the material in a safe manner.
- (e) Record-keeping of self-inspection procedures, forms and actions taken to correct deficiencies.
- (f) Training requirements for custody staff and inmate workers on accident prevention and avoidance of hazards with regard to facility maintenance.
- (g) Documenting deficiencies from weekly inspections.

Consideration should be given to general job descriptions and/or limitations relating to personnel or inmates assigned to carrying out the plan. Specialized tasks, such as changing air filters and cleaning ducts or facility pest control, are more appropriately handled by the Office or by contract with private firms.

Inmates engaged in sanitation duties shall do so only under the direct supervision of qualified custody staff.

All staff shall report any unsanitary or unsafe conditions to a supervisor. Staff shall report repairs needed to the physical plant and equipment by submitting a work order.. The Housing Unit Deputy will conduct cleaning inspections on a daily basis. The Jail Administrator or the authorized designee will conduct weekly safety and sanitation inspections of the facility.

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Sanitation Inspections

800.3 WORK ORDERS

Reports of unsafe or unsanitary conditions as well as repairs needed to the physical plant and equipment should be documented in a work order. The Jail Administrator will designate a staff person to receive these work orders and take appropriate action to ensure the repairs or action taken. All work and action taken will also be documented. Reports for budget resources above and beyond already budgeted maintenance items shall be reported to the Jail Administrator (Minn. R. 2911.7400).

800.4 MATERIAL SAFETY DATA SHEETS (MSDS)

Please reference County Policy 5410

<dcworks/policies/risk/Documents/Policy5410.pdf>

Hazardous Waste and Sewage Disposal

802.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system for disposing of hazardous waste. The Office recognizes that the effectiveness of a disposal system depends not only on the written policies, procedures and precautions, but on adequate supervision and the responsible behavior of the staff and inmates. It is the responsibility of everyone in the facility to follow hazardous waste disposal instructions, utilizing prescribed precautions and using safety equipment properly.

802.1.1 DEFINITION

Definitions related to this policy include:

Hazardous waste - Material that poses a threat or risk to public health or safety or is harmful to the environment (e.g., batteries, paints, solvents, engine oils and fluids, cleaning products).

802.2 POLICY

It is the policy of this office that any sewage and hazardous waste generated at the facility shall be handled, stored and disposed of safely and in accordance with all applicable federal and state regulations and in consultation with the local public health entity (Minn. R. 7045.0208). The Jail Administrator or the authorized designee shall be responsible for:

- Determining the waste generation size of the facility (Minn. R. 7045.0206).
- Developing and implementing a storage and disposal plan for hazardous waste management that complies with Minn. R. 7045.0208 and has been reviewed and approved by a regulatory agency.
- Contracting with a hazardous waste disposal service.
- Including hazardous waste issues on internal health and sanitation inspection checklists.
- Including hazardous waste issues in the inmate handbook and ensuring that inmates receive instruction on proper handling and disposal during inmate orientation.
- Developing and implementing procedures for the safe handling and storage of hazardous materials until such time as the contractor removes the items from the facility.
- Ensuring the staff is trained in the proper identification of hazardous waste and the appropriate handling, storage and disposal of such items.

802.3 DISPOSAL PROCEDURE

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Hazardous Waste and Sewage Disposal

802.3.1 SEWAGE DISPOSAL

All sewage and liquid waste matter must be disposed of into a public system of sewerage or, if public sewerage is not available, into a private system of sewage disposal in accordance with the requirements of the local public health entity.

The institution's use of the private system must be discontinued and the private system must be properly abandoned when public sewerage becomes available.

802.3.2 HAZARDOUS WASTE

Hazardous waste generated in the facility shall be properly disposed in designated containers and stored until removed by the contractor. Staff shall use universal standard precautions when in contact with hazardous materials, at a minimum, unless directed otherwise.

802.4 SAFETY EQUIPMENT

The Jail Administrator and the county emergency manager shall ensure that appropriate safety equipment is available. All supervisors shall be knowledgeable in how to access the safety equipment at all times. The county may coordinate with local fire departments or contracted vendors to obtain the necessary safety equipment.

802.5 TRAINING

The Training Coordinator or designee shall be responsible for ensuring that all facility personnel receive appropriate training in the use of appropriate safety equipment and the identification, handling and disposal of hazardous waste. Training records shall be maintained, including the course roster, curriculum, instructor name and credentials, and testing instruments.

802.6 SUPERVISOR RESPONSIBILITY

Supervisors are responsible for monitoring any hazardous waste containment issue, ensuring that employees have the appropriate safety equipment, that any exposed persons receive immediate medical treatment, and that the appropriate measures are taken to lessen the exposure of others. Supervisors shall ensure that incident reports are completed and forwarded to the Jail Administrator in the event of an exposure to staff, inmates or visitors.

Housekeeping and Maintenance

804.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that the facility is kept clean and in good repair in accordance with accepted federal, state and county standards.

804.2 POLICY

The Jail Administrator shall establish housekeeping and maintenance plans that address all areas of the facility. The plan should include, but is not limited to (Minn. R. 2911.7200):

- Schedules that determine the frequency of cleaning activities on a daily, weekly or monthly timetable, by area of the facility.
- Supervision of the staff and inmates to ensure proper implementation of the procedures and to ensure that no inmate supervises or assigns work to another inmate.
- Development and implementation of an overall sanitation plan (e.g., cleaning, maintenance, inspection, staff training, inmate supervision).
- Development of inspection forms.
- All inmate responsibilities, which should be included in the inmate handbook.
- A process to ensure that deficiencies identified during inspections are satisfactorily corrected and documented.
- A process for the preventive maintenance of equipment and systems throughout the facility.
- Staff supervision of the provision and use of cleaning tools and supplies.

To the extent possible, cleaning and janitorial supplies shall be nontoxic to humans. Any poisonous, caustic or otherwise harmful substances used for cleaning shall be clearly labeled and kept in a locked storage area.

Physical Plant Compliance with Codes

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the timeline, process and responsibilities for facility maintenance, inspections and equipment testing in compliance with all applicable federal, state and local building codes.

806.2 POLICY

It is the policy of this office that all construction of the physical plant (renovations, additions, new construction) will be reviewed and inspected in compliance with all applicable federal, state and local building codes. All equipment and mechanical systems will be routinely inspected, tested and maintained in accordance with applicable laws and regulations.

806.3 COMPLIANCE WITH CODES AND STATUTES

Plumbing, sewage disposal, solid waste disposal and plant maintenance conditions will comply with rules required by the Minnesota State Building Code, the Minnesota Fire Marshal's Office, the Minnesota Department of Health, the Minnesota Department of Labor and Industry and local government (Minn. R. 2911.7200).

Vermin and Pest Control

809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish inspection, identification and eradication processes designed to keep vermin and pests controlled in accordance with the requirements established by all applicable laws, ordinances and regulations of the local public health entity.

809.2 POLICY

It is the policy of this office that vermin and pests be controlled within the facility (Minn. R. 2911.7500). The Jail Administrator or the authorized designee shall be responsible for developing and implementing this policy, in cooperation with the Responsible Physician and the local public health entity, for the sanitation and control of vermin and pests and to establish medical protocols for treating inmate clothing, personal effects and living areas, with specific guidelines for treating an infested inmate (Minn. R. 2911.2750, Subp.2). Any inmate in need of delousing materials or procedures will be referred to the jail health services provider for treatment.

Inmate Safety

811.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a safety program to reduce inmate injuries by analyzing causes of injuries and identifying and implementing corrective measures.

811.2 POLICY

The Dakota County Sheriff's Office will provide a safe environment for individuals confined at this facility, in accordance with all applicable laws, by establishing an effective safety program, investigating inmate injuries and taking corrective actions as necessary to reduce accidents and injury (Minn. R. 2911.7400).

811.3 INVESTIGATION OF REPORTED INMATE INJURY

Whenever there is a report of an injury to an inmate that is the result of accidental or intentional acts, other than an authorized use of force by custody staff, the Sheriff or the authorized designee will initiate an investigation to determine the cause of the injury and develop a plan of action whenever a deficiency is identified. Injuries resulting from use of force incidents will be investigated and reported in accordance with the Use of Force Policy.

811.4 INVESTIGATION REPORTS

The Supervisor shall ensure that reports relating to an inmate's injury are completed and should include the following:

- Incident reports
- Health record entries
- Any other relevant documents

Inmate Hygiene

813.1 PURPOSE AND SCOPE

This policy outlines the procedures that will be taken to ensure the personal hygiene of every inmate in the Dakota County Sheriff's Office jail is maintained. The Dakota County Sheriff's Office recognizes the importance of each inmate maintaining acceptable personal hygiene practices by providing adequate bathing facilities, hair care services, and the issuance and exchange of clothing, bedding, linens, towels and other necessary personal hygiene items.

813.2 POLICY

It is the policy of the Dakota County Sheriff's Office to maintain a high standard of hygiene in compliance with the requirements established by all state laws, ordinances, and regulations. Compliance with laws and regulations relating to good inmate hygiene practice is closely linked with good sanitation practices. Therefore, the need to maintain a high level of hygiene is not only for the protection of all inmates, but for the safety of the correctional staff, volunteers, contractors, and visitors.

813.3 STORAGE SPACE

There should be adequate and appropriate storage space for inmates' bedding, linen or clothing. The inventory of clothing, bedding, linen and towels should exceed the maximum inmate population so that a reserve is always available.

The facility should have clothing, bedding, personal hygiene items, cleaning supplies and any other items required for the daily operation of the facility, including the exchange or disposal of soiled or depleted items. The assigned staff shall ensure that the storage areas are properly maintained and stocked. The Jail Administrator should be notified if additional storage space is needed.

813.3.1 BEDDING ISSUE

Upon entering a living area of the Dakota County Sheriff's Office jail, every inmate who is expected to remain in the facility for more than eight hours shall be issued bedding and linens including, but not limited to (Minn. R. 2911.3650):

- (a) Sufficient freshly laundered blankets to provide comfort under existing temperature conditions. Blankets shall be exchanged and laundered in accordance with facility operational laundry rules.
- (b) One clean, firm, nontoxic, fire-retardant mattress. (16 CFR 1633.1 et seq.).
 1. Mattresses will be serviceable, and enclosed in an easily cleanable, non-absorbable material and conform to the size of the bunk. Mattresses will be cleaned and disinfected when an inmate is released or upon reissue.
- (c) Two sheets or one sheet and a clean mattress cover.
- (d) One clean washcloth, hand towel, and bath towel.
- (e) One pillow and pillowcase.

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Linen exchange, including towels, shall occur at least weekly and there should be a posted schedule for it (Minn. R. 2911.3675). The linen exchange shall be documented in the daily activity log. The Supervisor shall review the daily activity log at least once per shift.

The Jail Administrator or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that bedding issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

813.3.2 CLOTHING ISSUE

An inmate admitted to a facility for 72 hours or more and assigned to a living unit shall be issued a set of facility clothing. The issue of clothing appropriate to the climate for inmates shall include but is not limited to the following (Minn. R. 2911.3650):

- Clean socks
- Suitable outer and undergarments
- Footwear

An inmate who is issued a change of clothing upon admission to the facility may have his/her personal clothing returned after laundering, at the discretion of the Jail Administrator.

Clothing shall be exchanged twice each week, at a minimum. Clothing exchange times shall be made available to inmates (Minn. R. 2911.3675). All exchanges shall be documented on the daily activity log. The Supervisor or unit supervisor shall review the daily activity log at least once per shift.

Additional clothing may be issued as necessary for changing weather conditions or as seasonally appropriate. An inmate's personal undergarments and footwear may be substituted for the institutional undergarments and footwear, provided there is a legitimate medical necessity for the items and they are approved by the medical staff.

Each inmate assigned to a special work area, such as food services, medical, farm, sanitation, mechanical, and other specified work, shall be clothed in accordance with the requirements of the job, including any appropriate protective clothing and equipment, which shall be exchanged as frequently as the work assignment requires.

The Jail Administrator or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that clothing issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

The Jail Administrator or the authorized designee shall ensure that the facility maintains a sufficient inventory of extra clothing to ensure each inmate shall have neat and clean clothing appropriate to the season.

An inmate's excess personal clothing shall be mailed, picked up by, or transported to a designated family member or stored in containers designed for such purpose. All inmate personal property shall be properly identified, inventoried, and secured. Inmates shall sign and receive a copy of the inventory record.

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813.4 PERSONAL HYGIENE OF INMATES

Personal hygiene items, hair care services and facilities for showers will be provided in accordance with applicable laws and regulations. This is to maintain a standard of hygiene among inmates in compliance with the requirements established by state laws as part of a healthy living environment (Minn. R. 2911.2750).

Each inmate held more than 24 hours shall be issued, at a minimum, the following items:

- One bar of bath soap or equivalent
- One unbreakable comb or brush
- Toothpaste or powder
- Toothbrush
- Shaving equipment, upon request
- Toilet paper
- Materials as appropriate to the special hygiene needs of women

The Jail Administrator or the authorized designee may modify this list to accommodate the use of liquid soap and shampoo dispensers. Personal hygiene items should be appropriate for the inmate's gender. Additional hygiene items shall be provided to inmates upon request, as needed.

Inmates shall not be required to share personal care items or disposable razors. Used razors are to be disposed into approved sharps containers. Other barbering equipment capable of breaking the skin must be disinfected between individual uses, as prescribed by the Minnesota Board of Barber Examiners (Minn. R. 2100.8100).

Inmates, except those who may not shave for reasons of identification in court, shall be allowed to shave daily. The Jail Administrator or the authorized designee may suspend this requirement for any inmate who is considered a danger to him/herself or others.

813.5 BARBER AND COSMETOLOGY SERVICES

The Jail Administrator or the authorized designee shall be responsible for developing and maintaining a schedule for hair care services provided to the inmate population and will have written policies and procedures for accessing these services (see the Grooming Policy). The Jail Administrator shall ensure that the rules are included in the inmate handbook.

Any barber and cosmetology services provided must comply with state laws (Minn. Stat. § 154.01; Minn. Stat. § 155A.27; Minn. Stat. § 155A.29).

813.5.1 SCHEDULE FOR HAIR CARE SERVICES

Inmates shall have the ability to receive hair care services once per month. Records of hair care services shall be documented in the daily activity log.

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813.5.2 HAIR CARE SPACE

Due to sanitation concerns, the hair care services should be located in a room that is designated for that purpose. The floors, walls, cabinets, countertops, and ceilings should be smooth, nonabsorbent, and easily cleanable. The room should be supplied with a hand washing sink with hot and cold water under pressure. The minimum hot water temperature must comply with local building and health department standards.

Each barbering room should have all the equipment necessary for maintaining sanitary procedures for hair care, including approved, covered metal containers for waste, disinfectants, laundered towels, and a means of separating sanitized equipment from soiled equipment.

After each haircut, all tools that came into contact with the inmate shall be thoroughly cleaned and sanitized according to established guidelines and regulations.

Regulations with detailed hair care cleaning and sanitation requirements shall be posted in a conspicuous place for use by all hair care personnel and inmates. Single-use items, such as cotton pads and neck strips, shall be properly disposed of immediately after a single use.

Barbers or beauticians shall not provide hair care service to any inmate when the skin of the face, neck, or scalp is inflamed, or when there is scaling, pus, or other evidence of skin eruptions, unless it is performed in accordance with the specific written authorization of the Responsible Physician. Any person infested with head lice shall not be given hair care service until cleared by the medical staff.

The hair care services area shall be maintained and kept clean according to the requirements of the state or local board of barbering and cosmetology and the health department standards.

813.6 AVAILABILITY OF PLUMBING FIXTURES

Inmates confined to cells or sleeping areas shall have access to toilets and washbasins with hot and cold running water that is temperature controlled. This access shall be available at all hours of the day and night without staff assistance.

The minimum number of plumbing fixtures provided for inmates in housing units is:

- One sink/washbasin for every 12 inmates.
- One toilet to every 12 male inmates (urinals may be provided for up to half the toilets).
- One toilet to every eight female inmates.

813.7 INMATE SHOWERS

Inmates will be allowed to shower upon assignment to a housing unit and every day thereafter (Minn. R. 2911.2750). There should be one shower for every 12 inmates unless federal, state, or local building or health codes differ. Showering facilities for inmates housed at this facility shall be clean and properly maintained. Water temperature shall be periodically measured to ensure a range of 100 to 120 degrees for the safety of inmates and staff, and shall be recorded and maintained.

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Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates (28 CFR 115.42).

813.8 DELOUSING MATERIALS

Delousing materials and procedures shall be approved through consultation with the Responsible Physician or qualified health care professionals (Minn. R. 2911.2750).

813.9 ADDITIONAL PRIVACY REQUIREMENTS

Inmates shall be permitted to shower, perform bodily functions, and change clothing without non-medical staff of the opposite sex viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite sex shall announce their presence when entering an inmate housing unit (28 CFR 115.15).

813.10 RESPONSIBILITIES

The Jail Administrator shall ensure the basic necessities related to personal care are provided to each inmate upon entry into the general population. Appropriate additional personal care items may be available for purchase from the inmate commissary (Minn. R. 2911.2750).

Chapter 9 - Food Services

Food Services

900.1 PURPOSE AND SCOPE

The Office recognizes the importance of providing nutritious food and services to inmates to promote good health, to reduce tension in the jail, and ultimately to support the safety and security of the jail. This policy provides guidelines on the preparation of food services items and dietary considerations for inmates housed in the facility.

900.2 POLICY

It is the policy of this office that food services shall provide inmates with a nutritionally balanced diet in accordance with federal, state and local laws, and with regulations for daily nutritional requirements.

The food services operation shall be sanitary and shall meet the acceptable standards of food procurement, planning, preparation, service, storage and sanitation in compliance with Food and Drug Administration (FDA) and United States Department of Agriculture (USDA) requirements and standards set forth in the Minnesota Department of Health Food Code (Minn. R. 2911.3800).

900.3 FOOD SERVICES MANAGER

The food services manager shall be responsible for oversight of the day-to-day management and operation of the food services area, including:

- Developing, implementing, and managing a budget for food services.
- Ensuring sufficient staff is assigned and scheduled to efficiently and safely carry out all functions of food services operations.
- Establishing, developing, and coordinating appropriate training for staff and inmate workers.
- Developing a menu plan that meets all nutrition and portion requirements and can be produced within the available budget.
- Other duties and activities as determined by the Jail Administrator.

900.4 MENU PLANNING

All menus shall be planned, dated, and available for review at least one week in advance of their use. Records of menus and of foods purchased shall be kept on file for one year. Menus shall provide a variety of foods and should consider appearance, dietary allowances, flavor, nutrition, palatability, temperature, and texture. Menus shall be approved by a registered dietitian or nutritionist before being served to ensure the recommended dietary allowance for basic nutrition meets the needs of the appropriate age group (Minn. R. 2911.4600).

Any changes to the meal schedule, menu, or practices should be carefully evaluated by the food services manager in consultation with the Jail Administrator, dietitian, medical staff, and other professionals, and shall be recorded. All substitutions will be of equal or better nutritional value. If

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any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production sheet.

Menus as planned, including changes, shall be evaluated by a registered dietitian at least annually. Facility menus shall be evaluated at least quarterly by the food services supervisory staff to ensure adherence to established daily servings (Minn. R. 2911.4000).

Copies of menus, foods purchased, annual reviews, and quarterly evaluations should be maintained by the food services manager in accordance with established records retention schedules.

900.5 FOOD SAFETY

Temperatures in all food storage areas should be checked and recorded at the beginning of each shift, but shall be checked and recorded at least once daily. Holding temperatures for cold and hot foods shall be checked and recorded every two hours. Hot food shall be reheated to 165 degrees if it falls below 135 degrees at any time.

All reach-in or walk-in refrigerators and cold storage must maintain food temperature as outlined in the Food Storage Policy.

One sample for each meal served shall be dated and maintained under refrigeration for testing in the event of a food-borne illness outbreak. Sample meals shall be discarded at the end of three days if no food-borne illness is reported.

Food production shall be stopped immediately if there is any sewage backup in the preparation area or if there is no warm water available for washing hands. Food production shall not resume until these conditions have been corrected.

900.6 THERAPEUTIC DIETS

The food services manager shall be responsible for ensuring that all inmates who have been prescribed therapeutic diets by qualified health care professionals are provided with compliant meals. A therapeutic diet manual, which includes samples of medical diets, shall be maintained in the health services and food services areas for reference and information.

- (a) The facility shall provide a food-allergy diet, as necessary.
- (b) The facility may provide reasonable animal protein substitutions at meals for inmates requesting vegetarian or vegan diets.
- (c) The facility shall provide a diet that meets the increased calcium and calorie requirements of pregnant inmates. Pregnant inmates shall be provided a substitution or supplements as ordered by a qualified health care professional (Minn. R. 2911.3900).

More complete information may be found in the Prescribed Therapeutic Diets Policy.

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900.7 RELIGIOUS DIETS

The food services manager, to the extent reasonably practicable, will provide special diets or meal accommodations for inmates in compliance with the parameters of the Religious Programs Policy and the Religious Land Use and Institutionalized Persons Act (RLUIPA).

When religious diets are provided, they shall involve a dietitian and conform to the nutritional and caloric requirements for non-religious diets (Minn. R. 2911.4300).

900.8 FOOD SERVICES REQUIREMENTS

All reasonable efforts shall be made to protect inmates from food-borne illness. Food services staff shall adhere to sanitation and food storage practices and there shall be proper medical screening and clearance of all food handlers in accordance with the Food Services Workers' Health, Safety and Supervision Policy.

Food production and services will be under staff supervision. Food production, storage and food-handling practices will follow the appropriate federal, state or local sanitation laws.

900.9 MEAL SERVICE PROCEDURE

Inmate meals that are served in a dining room or dayroom should be provided in a space that allows groups of inmates to dine together, with a minimum of 15 square feet of space per inmate. A dining area shall not contain toilets or showers in the same room without appropriate visual barriers.

Meals shall be served at least three times during each 24-hour period. At least one meal must include hot food (Minn. R. 2911.4800). Any deviation from this requirement shall be subject to the review and approval of a registered dietitian to ensure that inmates receive meals that meet nutritional guidelines.

Inmates must be provided a minimum of 15 minutes dining time for each meal. There must be no more than 14 hours between a substantial evening meal and breakfast. A substantial evening meal is classified as a serving of three or more menu items at one time, including a high-quality protein, such as meat, fish, eggs, or cheese. The meal shall represent no less than 20 percent of the day's total nutrition requirements. If more than 14 hours pass between meals, approved snacks should be provided. If a nourishing snack is provided at bedtime, up to 16 hours may elapse between the substantial evening meal and breakfast. A nourishing snack is classified as a combination of two or more food items from two of the four food groups, such as cheese and crackers or fresh fruit and cottage cheese (Minn. R. 2911.4100).

Inmates who miss, or may miss, a regularly scheduled meal must be provided with a beverage and a sandwich or substitute meal. Approved snacks should be served to inmates on medical diets in less than the 14-hour period if prescribed by the Responsible Physician or registered dietitian. Inmates on medical or therapeutic meals who miss their regularly scheduled meal will be provided with their prescribed meal.

As the mealtime approaches, facility staff should direct the inmates to get dressed and be ready for meals. Inmates should be assembled and a head count taken, to verify all inmates in the housing

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location are present. Staff should be alert to signs of injury or indications of altercations, and should investigate any such signs accordingly. Staff should remain alert to the potential for altercation during inmate movement and meals. Meals shall be served under the direct supervision of staff (Minn. R. 2911.4500).

Staff should direct an orderly filing of inmates to the dining room or assigned seating in the dayroom. Staff should identify inmates who have prescribed therapeutic or authorized religious diets so those inmates receive their meals accordingly.

It shall be the responsibility of the deputies to maintain order and enforce rules prohibiting excessive noise and intimidation of other inmates to relinquish food during mealtime.

The dining room shall have an area designated for inmates who have been prescribed a longer time to eat by a qualified health care professional or a dietitian, or as deemed appropriate by a supervisor.

To the extent reasonably practical, an adequate number of food services staff and correctional personnel should supervise meal services in central dining areas. If reasonably possible, the supervisor should be present.

The Supervisor should make every attempt to be present during meal services in central dining areas to assess the meal service process, the quality of food, and any health or security issues.

In the interest of security, sanitation, and vermin control, inmates shall not be allowed to take food from the dining area to their housing areas.

900.10 EMERGENCY MEAL SERVICE PLAN

The food services manager shall establish and maintain an emergency meal service plan for the facility.

Such a plan should ensure that there is at least a seven-day supply of food maintained in storage for inmates. In the event of an emergency that precludes the preparation of at least one hot meal per day, the Jail Administrator may declare an emergency suspension of standards for the period of time the emergency exists (Minn. R. 2911.0400).

During an emergency suspension, the food services manager shall assign a registered dietitian to ensure that minimum nutritional and caloric requirements are met.

In the event that the inmate food supply drops below that which is needed to provide meals for two days, the Jail Administrator or the authorized designee shall purchase food from wholesale or retail outlets to maintain at least a four-day supply during the emergency.

Depending on the severity and length of the emergency, the Sheriff should consider requesting assistance from allied agencies through mutual aid or the National Guard.

Food Services Training

902.1 PURPOSE AND SCOPE

The purpose of this policy is to reduce the risk of potential injury to staff, contractors and inmate workers in the food services areas by developing and implementing a comprehensive training program in the use of equipment and safety procedures.

902.2 POLICY

The Dakota County Sheriff's Office ensures a safe and sanitary environment is maintained for the storage and preparation of meals through the appropriate training of food services staff and inmate workers.

902.3 TRAINING

The food services manager, under the direction of the Jail Administrator, is responsible for ensuring that a training curriculum is developed and implemented in the use of equipment and safety procedures for all food services personnel, including staff, contractors and inmate workers.

The training shall include, at minimum:

- (a) Work safety practices and use of safety equipment.
- (b) Sanitation in the facility's food services areas.
- (c) Reducing risks associated with operating machinery.
- (d) Proper use of chemicals in food services areas.
- (e) Employing safe practices.
- (f) Facility emergency procedures.

A statement describing the duties and proper time schedule should be developed for each job function in the facility's kitchen and food services operation. The food services manager, at the direction of the Jail Administrator, should establish an employee/kitchen worker training course, and all staff or inmate workers shall be trained on how to assemble, operate, clean and sanitize kitchen equipment.

Information about the operation, cleaning and care of equipment, including manufacturer's literature, that is suitable for use as reference material shall be kept in the food services operation area. The reference material should be used in developing training on the use of the equipment and the maintenance and cleaning procedures.

Safety and sanitation shall be the primary consideration in equipment purchase and replacement. Placement and installation of equipment must be carefully planned to facilitate cleaning, sanitizing, service and repairs. The equipment must also meet any applicable government codes.

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902.4 BRIEFING TRAINING

The food services manager should consider daily briefing training as a method of staff development. Regular and repetitive trainings of short duration (8 to 10 minutes) at the beginning of each shift are an effective and cost efficient way to maintain the competency of staff.

Dietary Guidelines

904.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the nutritional needs of the inmates are met and that overall health is promoted through the use of balanced nutritious diets.

904.2 POLICY

It is the policy of this office that diets provided by this facility will meet or exceed the guidelines established in the current publication of the U.S. Department of Agriculture's Dietary Guidelines for Americans (DGA) and to meet administrative rules promulgated by the Minnesota Department of Corrections (Minn. R. 2911.3900).

904.3 REVIEW OF DIETARY ALLOWANCES

The food services manager is responsible for developing the facility's menus and shall ensure that all menus served by food services comply with the DGA guidelines . Any deviation from the DGA guidelines shall be reviewed by the Sheriff and/or Jail Administrator and the Responsible Physician.

The food services manager or the authorized designee shall ensure that the facility's menus, dietary allowances and cycle are evaluated at least once annually by a registered dietician or nutritionist, and that any changes meet the DGA guidelines. A registered dietitian must approve menus before they are used. The review and findings shall be documented and on file (Minn. R. 2911.4000).

Menus should be evaluated at least quarterly by food services supervisory staff to verify adherence to the established daily serving requirements.

904.4 MENU CYCLE PLANNING

The food services manager or the authorized designee should plan the menus no less than one week in advance of their use (Minn. R. 2911.4600).

Any changes to the menu must be recorded and kept on file until the next annual inspection. Any menu substitutions must use better or similar items. The planning and preparation of all meals should consider the overall palatability of the planned meal including the appearance and temperature of the food, and the flavor and texture of food combinations (Minn. R. 2911.3900).

The nutritional needs of inmates shall be met in accordance with their needs or a medical professional's orders and shall meet the dietary allowances required by Minn. R. 2911.3900. Menu planning shall provide each inmate with the specified food servings per day and shall include the following minimum food group allowances:

- (a) Meat or Protein Group: Two or more servings per day of meat or protein. A serving of meat or protein is:
 - 1. 2-3 ounces cooked (equivalent to 3-4 ounces raw) of any meat without bone (e.g., beef, veal, pork, lamb, poultry and variety meats such as giblets)

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2. Two slices prepared luncheon meat equal to 2-3 ounces by weight
 3. Two eggs
 4. 2-3 ounces (cooked weight) of fresh or frozen fish, or shellfish, or one-half cup of canned fish
 5. 1/2 cup cooked dry beans plus peas or lentils
 6. 3 ounces of natural or processed cheese or 3/4 cup of cottage cheese, not to exceed 6 ounces per week as a meat alternate
 7. 1 ounce of nuts and seeds or 2 tablespoons of peanut butter
 8. 2 ounces of equivalent meat alternative, such as textured vegetable protein
- (b) Dairy Group: Two or more servings per day of dairy for adults, with four servings required for juveniles and pregnant females. This includes milk that is pasteurized and fortified with vitamins A and D (fluid, evaporated, dry), cheese, yogurt and ice cream. One serving per day may be from foods other than fluid milk. A serving is equivalent to 8 ounces (1 cup) of fluid milk and provides at least 250 mg of calcium such as:
1. 1.25 ounces of American cheese
 2. 8 ounces of yogurt
 3. 2 cups of ice cream
 4. 8 ounces of milk alternative beverage, fortified with a minimum of 250 mg calcium and vitamins A and D.
- (c) Vegetable and Fruit Group: Five or more servings per day of vegetables and fruits. A serving is 4 ounces of 100 percent juice, one medium apple, orange, banana or potato, 1/2 grapefruit, one cup raw leafy greens, 1/4 cup dried fruit or 1/2 cup vegetable or fruit. Potatoes may be included once daily as a vegetable. One serving of a rich vitamin C source must be provided daily and one serving of a rich vitamin A source must be provided four times per week. Vitamin C sources include mostly fresh or raw produce, such as: citrus fruits, tomatoes, strawberries, leafy green vegetables, melon, bell peppers, and the broccoli and cabbage families. Vitamin A sources include: apricots, cantaloupe, carrots, mixed vegetables with carrots, winter or yellow squash, pumpkin, sweet potatoes or yams, spinach, greens (collard, kale, chard, mustard, beet or turnip), liver (counted under meat) or broccoli.
- (d) Bread or Cereal Group: Six or more servings per day of whole grain or enriched cereal and bread products. Whole grains are encouraged on a daily basis with the following sources suggested: oatmeal, grits, whole grain ready-to-eat cereal, whole wheat bread, corn tortillas, corn bread, plain popcorn, brown rice, and barley sour and rye crackers. A serving is:

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1. One slice of bread or one ounce of bread product, such as sliced bread, buns, biscuits, muffins, pancakes, waffles, sweet rolls, stuffing, crackers or bagels
 2. 1/2 cup cooked cereal, pasta, rice or egg noodles
 3. 3/4 cup dry cereal
 4. One 6-inch tortilla
 5. 3 cups of popped popcorn
- (e) Fat Group: Servings of butter, fortified margarine, gravy, salad dressing or salad oil in minimal amounts shall be used to make food palatable. Facilities are encouraged to reduce sources of saturated and trans fats.
- (f) Additional servings from the meat or protein, vegetables and fruit, and dairy groups or the following foods: soups, desserts, may be added to meet caloric requirements. Added sugars should be limited to reasonable amounts recommended for a healthy diet.
- (g) Substitutes: Substitutes to accommodate religious diets may include, but are not limited to, beef, turkey, cheese, tuna or peanut butter.

Food Services Workers' Health, Safety and Supervision

906.1 PURPOSE AND SCOPE

The purpose of this policy is to establish basic personal health, hygiene, sanitation and safety requirements to be followed by all food services workers and to ensure the proper supervision of food services staff and inmate workers.

906.2 POLICY

The Dakota County Sheriff's Office will ensure that meals are nutritionally balanced, safe and prepared and served in accordance with applicable health and safety laws. All inmate food services workers will be properly supervised by custody staff to ensure safety and security at all times.

906.3 FOOD SERVICES MANAGER RESPONSIBILITIES

The food services manager is responsible for developing and implementing procedures to ensure that all meals are prepared, delivered and served only under direct supervision by staff (Minn R. 2911.4500).

Work assignments shall be developed to ensure that sufficient food services staff is available to supervise inmate food services workers. The food services manager should coordinate with the corrections supervisor to ensure that sufficient correctional staff is available to supervise inmate meal service.

The food preparation area must remain clean and sanitary at all times. The food services manager or the authorized designee shall post daily, weekly and monthly cleaning schedules for the equipment and food preparation area.

906.4 MEDICAL SCREENING

The food services manager shall work cooperatively with the Responsible Physician to develop procedures to minimize the potential for spreading contagious disease and food-borne illness. In an effort to prevent the spread of illness, the following shall be strictly observed:

- (a) A supervisor shall inspect and monitor all persons working in any food services area on a daily basis for health and cleanliness, and shall remove anyone exhibiting any signs of food-transmissible disease from any food services area.
- (b) Any person working in any food services area who is diagnosed by a qualified health care professional with a contagious illness should be excluded from the food services areas until medically cleared to return to work.
- (c) All food handlers shall wash their hands when reporting for duty and after using toilet facilities. Aprons shall be removed and secured in a clean storage area before entering the toilet facility.

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- (d) Food services workers shall wear disposable plastic gloves and a protective hair covering, such as a hat or hairnet, when handling or serving food. Gloves shall be changed after each task is completed.
- (e) Any outside vendor must submit evidence of compliance with state and local regulations regarding food safety practices.
- (f) Smoking at any time is prohibited in any food services area.
- (g) Documentation of compliance with all of the above and with any other risk-minimizing efforts implemented to reduce food transmissible disease shall be maintained in accordance with established retention schedules.
- (h) All food services workers shall report to a supervisor any information about their health and activities in accordance with health and safety codes as they relate to diseases that are transmittable through food, (e.g., open sores, runny nose, sore throat, cough, vomiting, diarrhea, fever, recent exposure to contagious diseases such as Hepatitis A or tuberculosis)

Any food services worker is prohibited from handling food or working in any food services area if he/she reports symptoms such as vomiting, diarrhea, jaundice, sore throat with fever or has a lesion containing pus, such as a boil or infected wound that is open or draining. Food service workers shall only return to work in food service areas when cleared by a qualified health care professional.

906.5 TRAINING REQUIREMENTS FOR FOOD SERVICES WORKERS

The food services manager is responsible for developing and implementing a training program for inmate food services that includes food safety, proper food-handling techniques and personal hygiene. Each inmate food services worker shall satisfactorily complete the initial training prior to being assigned to prepare, deliver or serve food. Food services workers should receive periodic supplemental training as determined by the food services manager.

The training curriculum for inmate food services workers should include, at minimum, the following topics:

- Proper hand-washing techniques and personal hygiene as it applies to food services work
- Proper application and rotation of gloves when handling food
- Proper use of protective hair coverings, such as hats or hairnets
- Wearing clean aprons and removing aprons prior to entering toilet facilities
- Maintaining proper cooking and holding temperatures for food
- Proper portioning and serving of food
- Covering coughs and sneezes to reduce the risk of food-borne illness transmission

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- Reporting illness, cuts or sores to the custody staff in charge

906.6 SUPERVISION OF INMATE WORKERS

Only personnel authorized to work in the food preparation area will be allowed inside. Inmate food handlers working in the kitchen must be under the supervision of a staff member). The Jail Administrator will appoint at least one qualified staff member, who will be responsible for the oversight of daily activities and ensuring food safety. The appointed staff member must be certified by passing the American National Standards Institute food safety manager certification examination.

Food Service staff shall be assigned to supervise and closely monitor inmate food services workers. Staff shall ensure that inmate food services workers do not misuse or misappropriate tools or utensils, and that all workers adhere to the following:

- Correct ingredients are used in the proper proportions.
- Food is maintained at proper temperatures.
- Food is washed and handled properly.
- Food is served using the right utensils and in the proper portion sizes.
- Utensils such as knives, cutting boards, pots, pans, trays and food carts used in the preparation, serving or consumption of food are properly washed and sanitized after use. Disposable utensils and dishes will not be reused.
- All utensils are securely stored under sanitary conditions when finished.

Food Preparation Areas

908.1 PURPOSE AND SCOPE

This policy is intended to ensure the proper design and maintenance of the food preparation area.

908.2 POLICY

It is the policy of this office to comply with all federal, state and local laws and regulations concerning the institutional preparation of food.

908.3 COMPLIANCE WITH CODES

The Jail Administrator is responsible for ensuring that food preparation and service areas are in compliance with all applicable laws and regulations and that food preparation areas are sanitary, well lit, ventilated and have adequate temperature-controlled storage for food supplies (Minn R. 2911.3800).

Any physical changes in the food preparation area, such as changing equipment or making major menu changes (from cold production to hot food), must be approved by the local public health entity to ensure adequate food protection.

Living or sleeping quarters are prohibited in the food preparation and food services areas.

The food preparation area must avoid cross contamination and remain free from vermin infestation (Minn. R. 2911.7500).

908.4 CONSTRUCTION REQUIREMENTS

All remodeling and new construction of food preparation areas shall comply with federal, state and local building codes, comply with food and agricultural laws and standards and include any required approvals from any local regulatory authority.

The food preparation area shall be sized to include space and equipment for adequate food preparation for the facility's population size, type of food preparation and methods of meal service.

Floors, floor coverings, walls, wall coverings and ceilings should be designed, constructed and installed so they are smooth, non-absorbent and attached so that they are easily cleanable.

Except in the area used only for dry storage, porous concrete blocks or bricks used for interior walls shall be finished and sealed for a smooth, non-absorbent, easily cleanable surface.

Food storage areas shall be appropriately clean, sized, typed and temperature-controlled for the food being stored.

Lighting throughout the kitchen and storage areas shall be sufficient for staff and inmates to perform necessary tasks.

Mechanical ventilation of sufficient capacity to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes shall be provided, if necessary.

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All equipment used in the food preparation area shall be commercial grade and certified by the American National Standards Institute or approved by a registered environmental health professional/sanitarian.

Dishwashing machines will operate in accordance with the manufacturer recommendations and hot water temperatures will comply with federal, state and local health requirements.

Equipment must be smooth, easy to clean and easy to disassemble for frequent cleaning.

Equipment should be corrosion resistant and free of pits, crevices or sharp corners.

Dry food storage must have sufficient space to store a minimum of 15 days of supplies. All food must be stored in sealed containers and a minimum of 6 inches off the floor.

908.5 TOILETS AND WASHBASINS

Adequate toilet and washbasin facilities shall be located in the vicinity of the food preparation area for convenient sanitation and proper hygiene. Toilet facilities shall be completely enclosed and shall have tight-fitting, solid doors, which shall be closed except during cleaning and maintenance.

Signs shall be conspicuously posted throughout the food preparation area and in each restroom informing all food services staff and inmate workers to wash their hands after using the restroom. Signs shall be printed in English and in other languages as may be dictated by the demographic of the inmate population.

To reduce the potential for contaminants being brought into the food preparation area, toilet facilities in the vicinity of the food preparation area should be limited to use by the food services staff and inmate workers only. Anyone working in the food services area must store their aprons in a designated clean area before entering the toilet facilities.

The food services manager shall be responsible for procedures to ensure:

- (a) All fixtures in the toilet facilities are clean and in good operating condition.
- (b) A supply of toilet tissue is maintained at each toilet at all times. Toilet facilities used by women shall have at least one covered waste receptacle.
- (c) The hand-washing station located adjacent to the toilet facility has warm water available and is kept clean and in good operating condition. Single-dispensing soap and a method for drying hands shall be provided at all times.

If the toilet facility is outside of the kitchen area, food services workers must wash their hands after using the toilet facility and again upon returning to the kitchen area before preparing or serving food.

Food Budgeting and Accounting

910.1 PURPOSE AND SCOPE

The purpose of this policy is to establish processes that will enable the facility's food services to operate within its allocated budget, and for the development of specifications for purchasing food, equipment and supplies for the delivery of food services.

910.2 POLICY

The Dakota County Sheriff's Office food services facilities shall serve nutritious meals in an efficient and cost-effective manner in accordance with applicable laws and standards.

910.3 FOOD SERVICES MANAGER RESPONSIBILITIES

The food services manager is responsible for establishing a per meal, per inmate budget for food, equipment and supplies that are needed for the effective operation of the facility food services. This includes monitoring purchases according to the budgeted weekly and monthly spending plans.

The volume for purchasing should be based upon the food services needs and storage availability. The food services manager is responsible for establishing and maintaining detailed and proper accounting procedures, and should be prepared to justify all expenditures and establish future budget requirements.

910.4 PROCEDURE

The food services manager is responsible for ensuring that food services are delivered in an efficient and cost-effective manner by employing the following procedures, including, but not limited to:

- (a) Developing an annual budget that is realistically calculated according to previous spending data and available revenue, and lists all anticipated costs for the food services operation for the coming year.
- (b) Establishing a per meal, per inmate cost using an inventory of existing supplies and planned purchases, minus the anticipated ending inventory.
- (c) Ensuring that accurate meal record data is collected and maintained. Meal should include, but not be limited to, the date and time of service and the number of:
 1. Meals prepared and served for each meal period.
 2. Meals served per location.
 3. Prescribed therapeutic diet meals served.
 4. Authorized religious diet meals served.
 5. Authorized disciplinary detention diet meals served.
- (d) Ensuring that food is purchased from an approved wholesale/institutional vendor to ensure food safety.

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- (e) Bulk-purchasing nonperishable items to maximize the budget dollars.
- (f) Continuous monitoring and improvement to minimize poor food management and/or accounting, including, but not limited to:
 - 1. Following planned menus.
 - 2. Inspection of food deliveries to ensure the right quantity is delivered and the condition of the food is acceptable.
 - 3. Purchasing food that is in season.
 - 4. Purchasing the grade of product best suited to the recipe.
 - 5. Following standard recipes.
 - 6. Producing and portioning only what is needed.
 - 7. Minimizing food production waste and establishing appropriate food storage and rotation practices, including proper refrigeration.
 - 8. When reasonably practicable, responding to the inmate's food preferences.
 - 9. Establishing minimum staffing requirements based on the layout and security requirements of the facility.
 - 10. Budgeting adequately for equipment repair and replacement, factoring in any labor cost savings, the need for heavy-duty equipment with corrections packages for safety and inmate abuse.
- (g) Establishing purchasing specifications, which are statements of minimum quality standards and other factors, such as quantity and packaging. A basic specification should contain:
 - 1. The common name of the product.
 - 2. The amount to be purchased.
 - 3. The trade, federal or other grade or brand required.
 - 4. The container size and either an exact, or a range of the number of pieces in a shipping container.
 - 5. The unit on which prices are to be quoted (e.g., 6/#10 cans, 10/gallons).
- (h) Establishing accounting procedures for financial statements and inventory control.
- (i) Maintaining of invoices, purchase orders, meal count sheets, food production , therapeutic and religious diet , inventory of food, supplies and equipment for the required period of time, as mandated by the governing body of the facility.

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910.5 MONTHLY REPORTING

In addition to (i) above, MN statute requires the food services manager to collect and maintain accurate meal record data (Minn. R. 2911.4600). Meals should include, but not be limited to, the number of:

- (a) Meals prepared and served for each meal period.
- (b) Meals served per location.
- (c) Prescribed therapeutic diet meals served.
- (d) Authorized religious diet meals served.
- (e) Authorized disciplinary diet meals served.

A monthly report summarizing all data should be provided to the Jail Administrator.

All meals shall be retained in accordance with office retention schedules and state statutory regulations.

Inspection of Food Products

912.1 PURPOSE AND SCOPE

The purpose of this policy is to establish methods by which the Food and Drug Administration (FDA) and/or the United States Department of Agriculture (USDA) inspections and/or approvals are conducted on any food products grown or produced within the jail system.

912.2 POLICY

The Dakota County Sheriff's Office will ensure the safety and quality of all food products grown or produced at this facility through routine inspections and approvals, as required by law.

912.2.1 FOOD INSPECTION PROCEDURES

The food services manager is responsible for developing procedures for ensuring that all food used in the food services operation has been inspected and/or approved to standards established by statute and that the delivery of all foodstuffs to the jail kitchens and to the inmates occurs promptly to reduce the risk of any food-borne illness or contamination.

The food services manager shall establish inspection procedures in accordance with established standards and statutes. Such procedures shall include, but are not limited to:

- (a) The FDA or USDA inspection and/or approval of all food products grown or produced by this facility prior to distribution.
- (b) A system of periodic audits and inspections of the facility and of all raw material suppliers, either by custody staff or by a third-party vendor.
- (c) A system of thorough documentation of all inspection and approval processes, training activities, raw material handling procedures, activities, cleaning and sanitation activities, cleanliness testing, correction efforts, record-keeping practices and the proper use of sign-off logs shall be developed and implemented.
- (d) Processes of evaluating the effectiveness of training, and validating cleanliness through testing (e.g., swabs, bioluminescence and visual, taste and odor evaluations) shall be created and implemented. Records of all such activities shall be documented.
- (e) Documentation of any recommendations for continuous quality improvement and their implementation, with the intent of eliminating deficiencies. Documentation should include a post-deployment verification of the correction.
- (f) The food services manager is responsible for ensuring adherence to the following practices, including, but not limited to:
 1. The scope of food products being grown or processed internally is well-defined.
 2. All critical processes are validated to ensure consistency and compliance with specifications.
 3. Any changes to the process are evaluated for effectiveness.

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4. There are clearly written instructions and procedures for the staff and inmates to follow.
5. The staff and inmates are trained to perform all established tasks and document all necessary procedures.
6. Physical barriers for separating raw and cooked food-processing areas are established and maintained.
7. The traffic flow of workers is designed to minimize the risk of any cross-contamination.
8. All drains are used and cleaned properly, within industry standards.
9. Proper equipment and/or tools are provided and designated for specific use.
10. All persons working in the food services areas are wearing proper clothing and protective devices at all times.
11. All persons working in the food services areas wash their hands properly and frequently.
12. Only authorized personnel are allowed in the food processing areas.
13. Only potable water is used for growing or washing produce.
14. The distribution of all prepared food is done in a manner that reduces the risk of food-borne illness or contamination.

Food Services Facilities Inspection

914.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for inspecting food services area and facilities to ensure a safe and sanitary environment for staff and inmates.

914.2 POLICY

It is the policy of the Dakota County Sheriff's Office that the food services area be maintained in a safe, sanitary condition by conducting regularly scheduled inspections, both by facility staff and by an outside independent inspection authority as may be required by law.

914.3 CLEANING AND INSPECTIONS BY STAFF

The food services manager shall ensure the dining and food preparation areas and all equipment in the food services area are inspected weekly. Adequate hot and cold water should be available in the kitchen. Water temperature of all fixtures, including washing equipment, should be checked and recorded weekly to ensure compliance with the required temperature range. Deficiencies noted by inspections shall be promptly addressed.

A cleaning schedule for each food services area shall be developed and posted for easy reference by staff, and shall include areas such as floors, walls, windows and vent hoods. Equipment, such as chairs, tables, fryers and ovens, should be grouped by frequency of cleaning as follows:

- After each use
- Each shift
- Daily
- Weekly
- Monthly
- Semi-annually
- Annually

The food services manager is responsible for establishing and maintaining a record-keeping system to document the periodic testing of sanitary conditions and safety measures, in accordance with established retention schedules. At the direction of the Jail Administrator or the authorized designee, the food services manager shall take prompt action to correct any identified problems.

914.3.1 SAFETY INSPECTION CHECKLIST

The following items should be part of the weekly inspection:

- Lighting is adequate and functioning properly.
- Ample working space is available.
- Equipment is securely anchored.

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- There are suitable storage facilities, minimizing the risk of falling objects.
- Floors are clean, dry, even and uncluttered.
- Machines have proper enclosures and guards.
- A clear fire safety passageway is established and maintained.
- Fire extinguishers and sprinkler systems are available, not expired and are tested regularly.
- The food preparation area has good ventilation.
- Furniture and fixtures are free from sharp corners, exposed metal and splintered wood.
- All electrical equipment is in compliance with codes and regulations.
- All workers wear safe clothing, hair coverings, gloves and protective devices while working.
- All workers are in good health, with no symptoms of illness or injury that would pose a risk to food safety.
- All ranges, ovens and hot holding equipment are clean and in good operating condition.
- Mixers and attachments are clean and in good operating condition.
- Dishwashing machines are clean and in good operating condition, and proper chemicals are in use.
- Water temperatures for hand sinks, ware washing sinks and dishwashing machines meet minimum acceptable temperatures.
- All hand-washing stations have free access, soap, nail brushes, hot and cold running water under pressure and a method to dry hands.
- Toilet facilities are in good repair and have a sufficient supply of toilet paper.
- All temperature charts and testing documents are current, accurate and periodically reviewed and verified by the food services manager.
- Only authorized personnel are allowed in the kitchen area.
- Foods are labeled and stored properly using the first-in first-out system.
- The refrigerators and freezers are in good operating condition and maintain proper temperature.
- There is no evidence of cross-connection or cross-contamination of the potable water system.

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914.4 CONTRACTING FOR INSPECTION

The food services manager is responsible for ensuring that the food services operation works in accordance with all state and local laws and regulations.

The Jail Administrator shall contract with an independent, outside source for periodic inspection of the food services facilities and equipment, to ensure that established state and local health and safety codes have been met.

Documentation of the inspections, findings, deficiencies, recommended corrective actions and verification that the corrective standards were implemented will be maintained by the facility in accordance with established retention schedules.

A contract for services from an independent and qualified inspector should include, but is not limited to, the following components:

- (a) The inspector should conduct a pre-inspection briefing with the Jail Administrator and other appropriate personnel, including the food services manager, to identify the applicable government health and safety codes and the areas to be inspected. The inspector should provide the necessary equipment to conduct the inspection.
- (b) The inspector should audit the policies and procedures of the food services operation.
- (c) During the course of the inspection, the inspector should study and report on whether the following meet acceptable standards:
 1. Walls, ceilings and floors are in good condition, smooth and easily cleanable.
 2. The kitchen layout is properly designed to avoid cross-contamination.
 3. The kitchen is properly lighted and ventilated.
 4. The temperature controlled storage areas are in good operating condition and proper temperatures are being maintained.
 5. Dry foods are properly stored off the floor, away from the walls and ceilings.
 6. There is no sign of vermin infestation.
 7. All equipment is properly maintained, in a sanitary condition and is certified by one of the American National Standards Institute certification agencies (e.g., Underwriters Laboratories, Extract, Transform and Load, or the National Science Foundation product certification mark).
 8. The dishwashing equipment is clean, in good operating condition and maintains proper washing and rinsing temperatures.
 9. There is no evidence of cross-contamination between the potable and contaminated water systems.
 10. The ware washing area is clean and supplied with proper chemicals and Material Safety Data Sheets.

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11. The food is properly stored, labeled and rotated according to first-in first-out procedures.
12. The food services staff and inmate workers are wearing clean uniforms and practice proper personal hygiene.
13. All food services workers are trained for proper food handling and there is a person in charge who is responsible for the food safety of the facility.
14. There are ample hand-washing stations supplied with warm water under pressure, soap, nail brushes, a method to dry hands, a waste container and employee hand-washing signs.

Any deficiencies should be noted by the inspector in his/her inspection report and recommendations made for corrective action.

At the exit interview the inspector should cite any violations according to the government health and safety codes.

The inspector should conduct a follow-up inspection to verify the deficiencies have been corrected as recommended.

The food services manager should provide the Jail Administrator with a plan to implement the recommended corrections in a timely manner and schedule a post-correction inspection with the original independent inspector.

Food Storage

916.1 PURPOSE AND SCOPE

The purpose of this policy is to establish food storage methods that are designed to meet manufacturer's recommendations, health and safety codes, state laws and local ordinances, and to safely preserve food, extend storage life and reduce food waste.

916.2 POLICY

Food and food supplies will be stored in sanitary and temperature-controlled areas in compliance with state and local health laws and standards.

916.3 PROCEDURES

The food services manager shall be responsible for establishing procedures to ensure the safe preservation and storage of food in the most cost-effective manner, beginning with the receipt of the raw materials through the delivery of prepared meals.

When receiving food deliveries, food services staff shall inspect the order for quality and freshness and shall ensure that the order is correct by checking the order received against the order form. All delivery vehicles shall be inspected by food services staff to make certain that the vehicles are clean, free from vermin infestations and are maintained at the appropriate temperature for the type of food being carried.

If food quality and freshness do not meet commonly accepted standards or if it is determined that proper storage temperatures have not been maintained, the employee checking the order in will refuse the item and note the refusal on the invoice.

Any food destined for return to the vendor should be stored separately from any food destined for consumption. The food services manager will contact the vendor and arrange for replacement of the unacceptable food items.

Storage temperatures in all food storage areas should be checked and logged on a daily basis. Records of the temperature readings should be maintained in accordance with established retention schedules.

An evaluation system should be established for food stored in any area with temperature readings outside the normal range and should include contingency plans for menu changes, food storage relocation or food destruction, as indicated. All actions taken to ensure the safety of the food served should be documented and retained in accordance with established retention schedules.

916.4 DRY FOOD STORAGE

Canned items and dry food that does not need refrigeration should be stored in a clean, dry, secure storage area where temperatures are maintained between 45 and 80 degrees. Temperatures shall be monitored and recorded once each day on a checklist.

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All dry items shall be stored at least 6 inches off the floor and at least 6 inches away from any wall. Only full unopened cans and containers shall be stored in the storerooms. Open containers and packages shall be appropriately stored in the working or holding areas.

All storage areas will be kept locked when they are not in actual use. New food shipments shall be placed behind existing like items and rotated using a first-in first-out rotation method.

Personal clothing and personal items shall not be stored in food storage areas.

916.4.1 MAINTENANCE OF DRY FOOD STORAGE AREAS

Inmate workers or staff should clean the storage areas at least once each day by sweeping and mopping all floors and wiping down shelves and walls. Any damaged items should be inspected for spoilage and repackaged or discarded as appropriate. Food services staff should inspect the storage areas to ensure they are clean and orderly. Staff will document the inspection and record the daily temperature on the storage area checklist.

916.5 REFRIGERATED AND FROZEN STORAGE

Unless health codes dictate otherwise refrigerators must be kept between 32 and 41 degrees. Deep chill refrigerators will be set between 28 and 32 degrees for cook-chill products, dairy and meat items, to extend shelf life. Freezers shall be maintained at 32 degrees or below.

All freezer and refrigerator storage areas should have at least two thermometers to monitor temperatures. One thermometer should have a display visible to the outside. The second thermometer shall be placed in the warmest place inside the storage area. Daily temperature readings shall be recorded on the storage area checklist. Any variance outside of acceptable temperature range shall be immediately addressed.

All food must be covered and dated when stored. Cooked items shall not be stored beneath raw meats. Cleaned vegetables shall be stored separately from unwashed vegetables. Storage practices shall use a first-in first-out rotation method.

916.5.1 MAINTENANCE OF REFRIGERATED AND FREEZER AREAS

Refrigeration storage units should be cleaned daily, including mopping floors and wiping down walls. A more thorough cleaning should occur weekly to include dismantling and cleaning shelves. Food services staff should inspect the contents of freezers and storage units daily to ensure all items are properly sealed and labeled.

916.5.2 STORAGE OF CLEANING SUPPLIES AND MATERIALS

The storage of soaps, detergents, waxes, cleaning compounds, insect spray and any other toxic or poisonous materials are kept in a separate, locked storage area to prevent cross contamination with food and other kitchen supplies.

916.6 WASTE MANAGEMENT

The food services manager shall develop and maintain a waste management plan that ensures the garbage is removed daily. This plan also should include methods to minimize the waste of

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edible food and to dispose of non-edible or waste food material without utilizing a landfill (Minn. R. 2911.7600).

Prescribed Therapeutic Diets

918.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that inmates who require prescribed therapeutic diets as a result of a diagnosed medical condition are provided with nutritionally balanced therapeutic meals that are medically approved and meet nutritional and safety standards.

918.2 POLICY

The Responsible Physician, in consultation with the food services manager, shall:

- (a) Develop written procedures that identify individuals who are authorized to prescribe a therapeutic diet.
- (b) The therapeutic diets utilized by this facility shall be planned, prepared and served with consultation from a registered dietitian.
- (c) The Jail Administrator shall comply with any therapeutic diet prescribed for an inmate.
- (d) The Jail Administrator and the Responsible Physician shall ensure that the therapeutic diet manual, which includes sample menus of therapeutic diets, shall be available in both the health services and food services work areas for reference and information. A registered dietitian shall review, and the Responsible Physician shall approve, the therapeutic diet manual on an annual basis.

All therapeutic diet prescriptions should be reviewed and rewritten, if appropriate, on a quarterly basis. This is to reduce the risk of an inmate developing an adverse medical condition or nutritional effect as the result of a diet that is inconsistent with the inmate's current medical needs. A diet request form should be made available to inmates.

Pregnant or lactating women shall be provided a balanced, nutritious diet approved for pregnant women by a physician (Minn. R. 2911.4200).

918.3 STAFF COMMUNICATION/COORDINATION

It is the responsibility of the health authority to compile a daily list of all inmates who are prescribed therapeutic diets. The list should contain the following information:

- (a) Inmate's name
- (b) Inmate's identification number
- (c) Housing location or dining location where the meals will be delivered
- (d) Inmate's therapeutic diet type
- (e) Special remarks or instructions

Any time inmates are assigned to a different housing area, correctional staff must notify the food services personnel immediately.

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918.4 PREPARATION AND DELIVERY OF MEALS

The food services manager or the authorized designee is responsible for reviewing the therapeutic diet lists prepared by the Responsible Physician, counting the number and type of therapeutic meals to be served and preparing the food according to the therapeutic menu designed by the registered dietitian.

Therapeutic diets may include snacks and oral supplements. Snacks and supplements should be distributed with regularly scheduled meal service or may be distributed with inmate medications. Individual labels or written documents containing the following information should be prepared by the kitchen, clearly identifying each meal and any included snacks:

- (a) Inmate's name
- (b) Inmate's identification number
- (c) Housing location or dining location where the meals will be delivered
- (d) Inmate's therapeutic diet type
- (e) A list of items provided for the meal

The custody staff responsible for meal distribution shall ensure that any inmate who has been prescribed a therapeutic meal by the Responsible Physician or the authorized designee receives the prescribed therapeutic meal. Inmates who receive a therapeutic meal should sign for receipt of the meal. Therapeutic meal receipts should be retained in the inmate's medical record for an amount of time necessary to resolve any dispute about the receipt or composition of a prescribed meal.

Unless a therapeutic diet was prescribed with a specific end date, only the Responsible Physician or the authorized designee may order that a therapeutic diet be discontinued.

Inmates who are receiving therapeutic diets must receive clearance from the Responsible Physician before he/she may receive a religious or disciplinary diet.

If prescribed by the Responsible Physician, supplemental food shall be served to inmates more frequently than the regularly scheduled meals. An inmate who misses a regularly scheduled meal shall receive his/her prescribed meal.

918.5 THERAPEUTIC AND RELIGIOUS MEAL RECORDS

Inmates receiving prescribed therapeutic diet meals and/or authorized religious diet meals shall have documentary evidence that the diets are provided as ordered by the physician indicating:

- (a) The dates and times of service
- (b) The inmate's name and booking or identification number
- (c) Inmate's housing location or dining location where the meals will be delivered
- (d) Inmate's therapeutic diet type
- (e) A list of items provided for the meal

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All information regarding a therapeutic diet is part of an inmate's medical record and is therefore subject to state and federal privacy laws concerning medical .

All meal shall be retained in accordance with established retention schedules and applicable statutory regulations (Minn. R. 2911.4200 and Minn. R. 2911.4300).

Chapter 10 - Inmate Programs

Inmate Programs and Services

1000.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the programs and services that are available to inmates. The programs and services exist to motivate offenders toward positive behavior while they are in custody. The policy identifies the role and responsibilities of the Inmate Services Coordinator, who manages a range of programs and services.

1000.2 POLICY

The Dakota County Sheriff's Office will make available to inmates a variety of programs and services subject to resources and security concerns. Programs and services offered for the benefit of inmates may include social services, faith-based services, recreational activities, library access, educational/vocational training, alcohol and drug abuse recovery programs, and leisure time activities (Minn. R. 2911.3100).

1000.3 INMATE PROGRAMS COORDINATOR RESPONSIBILITIES

The Inmate Services Coordinator is selected by the Jail Administrator and is responsible for managing the inmate programs and services, including the following:

- (a) Research, plan, budget, schedule and coordinate security requirements for all inmate programs and services.
- (b) Develop or procure programs and services as authorized by the Jail Administrator.
- (c) Act as a liaison with other service providers in the community that may offer social or educational programs, (e.g., school districts, department of social services, health educators and substance abuse counselors).
- (d) Develop, maintain and make available to inmates the schedule of programs and services.
- (e) Develop policies and procedures and establish rules for the participation of inmates in the programs and services.
- (f) Develop and maintain records on the number and type of programs and services offered, as well as inmate attendance at each offering.
- (g) Establish controls to verify that the content and delivery of programs and services are appropriate for the circumstances.
- (h) Accumulate data and prepare monthly and annual reports as directed by the Jail Administrator.

1000.4 SECURITY

All programs and services offered to benefit inmates shall adhere to the security and classification requirements of this facility. To the extent practicable, the Inmate Services Coordinator will develop

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individualized programs and services for inmates who are housed in high-security or administrative segregation.

1000.5 DISCLAIMER

Inmate programs are provided at the sole discretion of the Dakota County Sheriff's Office in keeping with security interests, available resources, and best practices.

Nothing in this policy is intended to confer a legal right for inmates to participate in any program offered other than what is required by law or that which is medically required.

Inmate Accounts

1003.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures for managing, handling and accounting of all money belonging to inmates that is held for their personal use while they are incarcerated in this facility.

1003.2 INMATE ACCOUNTS

The Office will establish an inmate account for the purpose of receiving funds from authorized sources for inmate use. An inmate account will be established for each inmate when he/she is booked into this facility.

When an inmate is admitted to the jail, itemized inventory of the money in the inmate's possession shall be completed. Any subsequent deposits to the inmate's fund shall be inventoried and documented. An inmate shall be issued a receipt for all money held until his/her release (Minn. R. 2911.2525, Subp. 4).

An inmate may use money in his/her inmate account to purchase items from the inmate commissary, to post bail and to pay established jail fees. Jail staff will deduct all legally prescribed fees (e.g., booking fee, pay for stay) from funds in an inmate's account (Minn. Stat. § 641.12). Funds will be made available to inmates for their use in accordance with the rules and regulations established by the Jail Administrator.

Counseling Services

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for providing counseling and crisis intervention services to inmates.

1005.2 POLICY

This office will provide counseling and crisis intervention services to any inmate who either requests services or is determined by a health provider to be in need of counseling or crisis intervention services. These services may be provided by:

- (a) Medical/mental health staff assigned to the facility.
- (b) Faith-based counseling by the chaplain or religious volunteers (see the Religious Programs Policy) (Minn. R. 2911.3100, Subp. 2).

The Jail Administrator or designee shall coordinate with the Responsible Physician to develop and maintain privacy of the records of counseling and crisis intervention services provided to inmates and to ensure that those records are retained in accordance with the established records retention schedule.

The Jail Administrator or designee shall ensure that request forms are available and provided to inmates who request counseling services. All inmate requests for counseling shall be forwarded to the Inmate Jail Counselor. If an inmate displays behavior indicating a need for counseling or crisis intervention services, the facility employee shall notify the Supervisor. The Supervisor shall assess the need and area of counseling and make a reasonable effort to provide the inmate with the requested counseling as soon as reasonably practicable with consideration given to facility security, scheduling and available resources.

1005.3 NON-CRISIS COUNSELING

The Office shall, when reasonably practicable, make counseling services available to assist inmates who are being released into the community.

Inmate Exercise and Recreation

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures ensuring that the Dakota County Sheriff's Office facility will have sufficiently scheduled exercise and recreation periods, and sufficient space for these activities, as required by law.

1009.1.1 DEFINITIONS

Definitions related to this policy include:

Exercise - The physical exertion of large muscle groups.

Recreation - Activities that may include table games, watching television or socializing with other individuals.

1009.2 RESPONSIBILITIES

The Jail Administrator or the authorized designee shall be responsible for ensuring there is sufficient secure space allocated for physical exercise and recreation outside the cell and adjacent dayroom areas and that a schedule is developed to ensure accessibility for all inmates (Minn. R. 2911.3100).

1009.3 ACCESS TO EXERCISE

Inmates shall have access to exercise opportunities and equipment, including access to physical exercise outside the cell and adjacent dayroom areas, and the opportunity to exercise outdoors when weather permits (Minn. R. 2911.3100).

1009.4 ACCESS TO RECREATION

Inmates shall have access to recreation activities outside their cells and adjacent dayroom areas a minimum of seven hours per week, over a minimum of five days per week. The length of time will be determined by the inmate's classification status, security concerns, and operational schedules that preclude recreation during a period of time (e.g., meal times, searches, lockdown, court). The staff should ensure that the maximum time possible is provided to the inmates for this purpose.

Televisions, newspapers, table games, and other items may also be made available to enhance recreation time. Consideration will be given to the activity needs of older inmates and inmates with disabilities (Minn. R. 2911.3100).

Inmates in segregation shall receive a minimum of one hour a day, seven days a week, of exercise outside their cells, unless security or safety considerations dictate otherwise (Minn. R. 2911.3100).

1009.5 POLICY

It is the policy of this office to provide inmates with access to exercise opportunities, exercise equipment, and recreation activities in accordance with state laws or requirements.

Inmate Educational, Vocational and Rehabilitation Programs

1011.1 PURPOSE AND SCOPE

This office provides educational and vocational programs that are designed to help inmates improve personal skills, assist in their social development and improve inmate employability after release. The ability of the office to offer educational programs is dictated by available funding, inmate classification and other required inmate programs and routines.

1011.2 POLICY

The educational and vocational programs offered by the Office are available to all eligible inmates and are subject to schedule, space, personnel and other resource constraints.

Designated space for inmate education and vocational programs will, whenever practicable, be designed in consultation with the appropriate school authorities or educational/vocational service providers.

Adequate funding is required. If the funding source reduces or eliminates funding in these areas, educational and/or vocational programs may be reduced or eliminated.

While the housing classification of an inmate has the potential to pose security issues, every effort, to the extent reasonably practicable, will be made to provide individualized educational opportunities (Minn. R. 2911.3100, Subp. 1, Subp. 4 and Subp. 5).

1011.3 INMATE SERVICES COORDINATOR

The Sheriff or the authorized designee shall appoint an Inmate Services Coordinator, who shall be responsible for managing all aspects of the inmate educational and vocational program. Those duties include, but are not limited to:

- (a) Conducting an annual needs assessment to determine the type of programs needed to serve the inmate population.
- (b) Developing the program plans.
- (c) Developing or directing the curricula for each educational, vocational and testing component.
- (d) Coordinating with corrections staff regarding the security issues associated with these programs.
- (e) Developing and maintaining records of all needs assessments, all training offered, all inmate attendees, testing records and class evaluations.
- (f) Forecasting the annual cost of the program and coordinating with the budget office to secure funding.

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1011.4 INMATE REQUESTS

Inmates may request participation in the inmate programs. Inmate requests will be forwarded to the Inmate Services Coordinator..

Inmates have the right to refuse to participate in programs other than work assignments or programs that are required by statute or court order.

1011.5 DISCLAIMER

Nothing in this policy is meant to confer a legal right for inmates to participate in any educational offering. Educational programming is provided at the sole discretion of the Sheriff and Jail Administrator.

Commissary Services

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a commissary program that will give inmates the opportunity to purchase personal items that are not provided by the facility.

1013.2 POLICY

It is the policy of this office to provide space for an inmate commissary, or to provide for a commissary service, so that inmates who are not on disciplinary restriction and who have funds posted to their inmate accounts may purchase approved items that are not furnished by the facility (Minn. R. 2911.4800).

To the extent reasonably practicable, the prices for items offered to the inmates in the commissary shall correspond to local retail store prices.

Any commissary inventory or sales issues related to religious diets shall be addressed in the Religious Programs Policy.

1013.3 INMATE HYGIENE KIT

The Jail Administrator or the authorized designee shall monitor the provision of hygiene kits to indigent inmates. Hygiene kits shall include, but not be limited to:

Personal hygiene items, including toothbrush, toothpaste, soap, deodorant and other supplies deemed to be appropriate for indigent inmates.

Library Services

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for funding of library services and for providing inmates access to leisure and legal reading materials.

1015.2 RESPONSIBILITIES

The Jail Administrator or the authorized designee is responsible for the administration of the library services and should appoint a capable member to serve as librarian to run the daily library operations. The library services shall include access to legal reference materials, current information on community services and resources, and religious, educational, and recreational reading material (Minn. R. 2911.3100, Subp. 3).

The librarian shall ensure that reading materials are provided to the general housing units and that any member assigned to assist with the delivery of library services has received the appropriate training in facility safety and security practices.

1015.3 LIBRARY FUNDING AND MAINTENANCE

The librarian may enlist the assistance of the local public library and other community organizations in order to maintain and update the library. Donated books and materials should be screened by the librarian for allowable content and safety prior to being distributed to inmates.

The Office may reject library materials that may compromise the safety, security and discipline in the operation of this facility (see the Inmate Mail Policy for examples of materials that may be rejected).

The library shall be operated within the physical, budgetary and security limits of the existing facility.

Books and other reading material should be provided in languages that reflect the population of the facility. The inmate services staff is responsible for the distribution of reading material.

1015.4 LEISURE LIBRARY MATERIALS

Each inmate is allowed to have no more than three books at any given time. Existing selections must be returned before new books may be selected by an inmate. Inmates who destroy or misuse books and library materials will be subject to disciplinary action and may be required to pay for the material. If staff believes the destruction was intentional, the matter may be referred for criminal prosecution.

1015.5 ACCESS TO LEGAL PUBLICATIONS/LAW LIBRARY

All inmates shall have reasonable access to the legal system, which may include access to legal reference materials. Pro se inmates shall have priority regarding access to legal publications.

Legal information that may be provided through the library includes, but is not limited to:

- Criminal code sections.

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- Copies of criminal and/or civil cases.
- Copies of judicial forms for criminal cases, civil cases and general litigation.

Inmates desiring access to the library or legal publications shall submit a completed legal information request to the housing officer. Only one request per inmate per week is allowed unless the inmate is a court ordered pro se. The housing deputy will collect completed request forms and deliver them to the librarian. Upon receipt the librarian will time stamp, log and number the request and arrange for the inmate to have access to the library or to legal research services if they are available and do not conflict with scheduling and security concerns. Records of access to legal references and whether the requests were fulfilled or denied should be documented each day and maintained in the inmate's file in accordance with established records retention schedules.

Pro se inmates may keep minimal supplies for their case in their cells (e.g., paper, letters, reference materials), provided it does not create a fire hazard.

1015.6 ALTERNATE MEANS OF ACCESS TO LEGAL RESOURCES

Nothing in this policy shall confer a right to access a law library. Unless it is specified by court order, the Sheriff may provide access to legal resources by a variety of means that may include public or private legal research services (e.g., web-based legal resources).

Inmate Telephone Access

1019.1 PURPOSE AND SCOPE

This policy establishes guidelines for permitting inmates to access and use telephones.

1019.2 POLICY

The Jail will provide access to telephones for use by inmates consistent with federal and state law. The Jail Administrator or the authorized designee shall develop written procedures establishing the guidelines for access and usage. All inmates will be provided a copy of the telephone usage rules as part of their inmate orientation during the booking process.

1019.3 PROCEDURE

Inmates housed in general population will be permitted reasonable access to public telephones at scheduled times in the dayrooms for collect calls unless such access may cause an unsafe situation for the jail, members, or other inmates. The Jail Administrator shall ensure a notice is conspicuously posted near the phones, informing the inmates that non-attorney calls may be monitored and recorded (Minn. R. 2911.3400).

Inmates are not permitted to receive telephone calls. Messages will only be delivered in the event of a verified emergency.

In the event of a facility emergency, or as directed by the supervisor, or the Jail Administrator, all telephones will be turned off.

For security reasons, inmates who are awaiting transport to another facility or release to another agency are not permitted to use the telephones.

Teletypewriter/telecommunications device for the deaf (TTY/TDD) or equally effective telecommunications devices will be made available to inmates who are deaf, are hard of hearing, or have speech impairments to allow these inmates to have equivalent telephone access as those inmates without these disabilities.

The minimum time allowed per call should be 10 minutes, except where there are substantial reasons to justify such limitations. Reasons for denial of telephone access shall be documented and a copy placed into the inmate's file. The rules governing the use of the telephone will be provided to inmates during orientation and posted near the telephones.

The member should monitor the use of public telephones to ensure inmates have reasonable and equitable access and that the rules of use are observed. Any inmate refusing to cooperate with the telephone rules may have their call terminated, telephone privileges suspended, and/or incur disciplinary action (Minn. R. 2911.3400).

Requirements relating to the use of telephones during booking and reception are contained in the Reception Policy.

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1019.4 USE OF TELEPHONES IN HIGH-SECURITY OR ADMINISTRATIVE SEGREGATION HOUSING

Inmates who are housed in high-security or administrative segregation may use the public telephones in the dayroom during the time allocated for that classification of inmate to utilize that space. If portable telephones are available in the facility, inmates who are housed in high-security or administrative segregation units may have reasonable access to the portable telephones.

1019.5 COURT-ORDERED TELEPHONE CALLS

If a court order specifying free telephone calls is received by the jail, or a supervisor determines there is a legitimate need for a free telephone call for a specific inmate, the supervisor may direct that an inmate use a jail telephone at no charge. Calls placed from a jail telephone should be dialed by a member. The member shall be responsible for ensuring that the inmate is not calling a number that has been restricted by a court order or by request of the recipient. Such a call shall be recorded to the same extent authorized for calls that are not court ordered.

1019.6 ATTORNEY-CLIENT TELEPHONE CONSULTATION

At all times through the period of custody, whether the inmate has been charged, tried, convicted, or sentenced, reasonable and non-recorded telephone access to an attorney shall be provided to the inmate at no charge to either the attorney or to the inmate, in accordance with the Inmate Access to Courts and Counsel Policy (Minn. Stat. § 481.10).

1019.7 TELEPHONE CONTRACTS AND CHARGES

The Jail Administrator or the authorized designee is responsible for ensuring that rates charged to inmates are similar to those charged in the general public and that inmates are afforded a range of feasible calling options.

1019.8 MENTAL HEALTH SERVICES

Inmates may make free telephone calls to access certain mental health services as provided in Minn. Stat. § 641.15.

1019.9 FOREIGN NATIONALS

A foreign national who has been detained may contact their consulate via the public phones provided for inmates. If the consulate does not accept collect calls, the foreign national shall be allowed to make a reasonable number of direct calls to establish communication with the consulate.

Consular officers who contact the jail to speak with a foreign national to provide consular services should be given reasonable telephone access to the inmate.

1019.10 COMMUNICATION SERVICES REPORTING

The Jail Administrator or the authorized designee shall report information related to the facility communication contracts for inmate use each year to the commissioner of corrections as required by Minn. Stat. § 241.253.

Inmate Visitation

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to establish rules for visitation and to provide a process for inmate visits and visitors. Visitation is a privilege and is based on space availability, schedules and on-duty staffing.

1021.2 POLICY

It is the policy of the Dakota County Sheriff's Office to allow inmate visitation, including video visitation when applicable, as required by law.

1021.3 PROCEDURES

The Office shall provide adequate facilities for visiting that include appropriate space for the screening and searching of inmates and visitors and storage of visitors' personal belongings that are not allowed in the visiting area.

The Jail Administrator shall develop written procedures for inmate visiting, which shall provide for as many visits and visitors as facility schedules, space and number of personnel will reasonably allow, with no fewer visits allowed than specified by Minn. R. 2911.3200 per week, by type of facility. The procedures are subject to safety and security requirements and should consider:

- The facility's schedule.
- The space available to accommodate visitors.
- Whether an emergency or other conditions justify a limitation in visiting privileges.

The visiting area shall accommodate inmates and visitors with disabilities. Visitors with disabilities who request special accommodations shall be referred to a supervisor. Reasonable accommodations will be granted to inmates and disabled visitors to facilitate a visitation period.

Visitor logs and records shall be developed and maintained in accordance with established records retention schedules.

Court orders granting a special inmate visitation are subject to township legal review and interpretation.

1021.3.1 VISITOR REGISTRATION AND IDENTIFICATION

All visitors must register and produce a valid state, military, tribal or other government identification. Identification will be considered valid for 90 days after expiration, provided the visitor has renewed the ID and has proof of the renewal.

- (a) The registration form must include the visitor's name, address and the relationship to the inmate.
- (b) A valid identification shall include the following:
 1. A photograph of the person

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2. A physical description of the person
 - (c) An official visitor shall present proof of professional capacity. For example, attorney license/Supreme Court card, law enforcement identification or a business card/letterhead of business with the visitor's name.

Failure or refusal to provide a valid identification is reason to deny a visit (Minn. R. 2911.3200).

1021.4 AUTHORIZATION TO SEARCH VISITORS

Individuals who enter the secure perimeter of this facility are subject to search if there is reasonable cause to believe the visitor has violated the law, is wanted by a law enforcement agency, or is attempting to bring contraband onto the facility property or into the facility. Individuals who refuse to submit to a search will be refused entrance into the facility. All searches shall be made in accordance with current legal statutes and case law (Minn. R. 2911.5300).

1021.5 VISITING SCHEDULE

The Jail Administrator shall designate a person to develop a schedule for inmate visitation (Minn. R. 2911.3200). The facility will schedule at least three separate and distinct visiting times with a minimum total of eight hours per week, including the normal business day, evenings and weekends. The visitation schedule will be provided to each inmate in the inmate handbook and at orientation. The visiting hours will also be posted in the public visitation area.

<https://www.co.dakota.mn.us/LawJustice/Jail/Visitation/Pages/default.aspx>

1021.6 DENIAL OR TERMINATION OF VISITING PRIVILEGES

The Jail Administrator or the authorized designee is responsible for defining, in writing, the conditions under which visits may be denied.

Visitation may be denied or terminated by a supervisor if the visitor poses a danger to the security of the jail or there is other good cause, including but not limited to:

- (a) The visitor appears to be under the influence of drugs and/or alcoholic beverages.
- (b) The visitor refuses to submit to being searched.
- (c) The visitor or inmate violates jail rules or posted visiting rules.
- (d) The visitor fails to supervise and maintain control of any minors accompanying the visitor into the jail.
- (e) Visitors attempting to enter this jail with contraband will be denied a visit and may face criminal charges.

Any visitation that is denied or terminated early, on the reasonable grounds that the visit may endanger the security of the jail shall have the actions and reasons documented. A copy of the documentation will be placed into the inmate's file and another copy will be forwarded to the Jail Administrator (Minn. R. 2911.3200).

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1021.7 GENERAL VISITATION RULES

All visitors and inmates will be required to observe the following general rules during visitation.

- (a) A maximum of two adults and two children will be permitted to visit an inmate at any one time. Juveniles visiting inmates must be deemed age appropriate by the parent or guardian accompanying the child. Where a dispute over children visiting occurs between the inmate and the parent or legal guardian, the inmate will be advised to use the court for resolution. Adults must control minors while they are waiting to visit and during the visit (Minn. R. 2911.3200(L)).
- (b) An inmate may refuse to visit with a particular individual.
- (c) Those inmates who are named as the restrained person in any restraining or other valid court order shall not be allowed visits from persons who are protected by the order.
- (d) Visitors must be appropriately attired prior to entry into the visitor's area of the jail.
- (e) Inappropriate clothing, such as transparent clothing, halter tops, excessively tight or revealing clothing, hats and bandannas, or any other clothes associated with a criminal gang or otherwise deemed by the staff to be unacceptable, will not be permitted.
- (f) All visitors must have footwear.
- (g) Visitors will leave all personal items, with the exception of car keys and identification, outside of the secure area. Visitors who enter the jail with handbags, packages, or other personal items will be instructed to lock the items in a vehicle or locker or return at another time without the items. The jail is not responsible for lost or stolen items.
- (h) Food or drink is not permitted in the visiting area.
- (i) Inmates will be permitted to sign legal documents, vehicle release forms, or any other items authorized by the Supervisor. Transactions of this nature will not constitute a regular visit.
- (j) Any area used for inmate visiting may be subject to audio monitoring, recording, or both. Inmates must be advised of monitoring and recording by signs and the inmate handbook. Professional visits shall not be recorded unless a court order has been issued (Minn. R. 2911.3200(I)).

1021.8 SPECIAL VISITS

The Supervisor may authorize special visitation privileges, taking into consideration the following factors:

- The purpose of the visit
- The relationship of the visitor to the inmate
- The circumstances of the visit
- Distance traveled by the visitor

Whenever a special visit is denied, an entry into the duty log will be made. The entry will include the requesting visitor's name and the reason why the visit was denied.

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1021.9 ATTORNEY VISITS

Inmates shall have access to any attorney retained by or on behalf of the inmate, or to an attorney the inmate desires to consult, in a private interview room. Staff shall not interfere with, suspend or cancel official visits except in circumstances where the safety, security or good order of the facility is compromised (see the Inmate Access to Courts and Counsel Policy) (Minn. R. 2911.3200).

1021.10 JUVENILE INMATE VISITATION

Juveniles who are incarcerated or detained in the facility will be allowed initial visits at any time by the parents, guardians and/or attorneys. Subsequent visits shall be as unrestrictive as reasonably practicable (Minn. R. 2911.3200).

1021.11 CONSULAR VISITS

The Jail Administrator or the authorized designee should facilitate visitor access between a detained foreign national and a consular officer when requested by the detainee or consular officer. Additionally, access should also be facilitated when a consular officer requests to visit with a detained foreign national in cases where the detainee does not want a visit.

A foreign national should be allowed to visit with a consular officer in a private interview room. Members should not interfere with, suspend, or cancel official consular visits except in circumstances where the safety, security, or good order of the jail is compromised.

Resources for Released Inmates

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process of providing community resource information to any inmate who is due for release after serving at least 30 days, in order to assist with the transition back into the community.

1023.2 POLICY

It is the policy of this office that all inmates who have served at least 30 days may be provided with an information packet containing community resources prior to their release. The packet should contain, at a minimum, the contact information for the following organizations and resources:

- Community health centers
- Employment centers
- Registry office to obtain an identification card
- Substance abuse and mental health providers
- Housing agencies
- Education agencies

Subject to the approval of the Sheriff or the Jail Administrator, the staff or community providers may offer classes within the facility that are related to these community services.

Therapeutic Community Treatment Program

1025.1 PURPOSE AND SCOPE

It is the policy of this office to provide treatment services for inmates with substance abuse problems, including the provision of services for post-release continuity of care and support in the community.

1025.1.1 PHILOSOPHY

The Office seeks to provide services in cooperation with a therapeutic community treatment program, which supports the mission of public safety and community reintegration through evidence-based assessment, treatment and aftercare services.

1025.2 POLICY

The Sheriff should designate a supervisory member of the facility as the director of the therapeutic community treatment program, which includes substance abuse programs. The director, in cooperation with all custody personnel, the local alcohol and drug treatment centers, mental health authorities, schools, probation departments and courts, will identify and monitor those inmates who have been placed into, or are eligible to be placed into, a therapeutic community treatment program.

Eligibility for participation will be based upon the following:

- (a) Substance abuse use or history
- (b) Positive drug screen on commitment
- (c) Willingness to voluntarily commit to the program
- (d) A mental health diagnosis that indicates suitability for participation

Each program applicant will be screened for mental health concerns and must be cleared for participation by the mental health staff.

1025.2.1 REFERRAL TO THE THERAPEUTIC COMMUNITY TREATMENT PROGRAM

Inmates may be referred to the therapeutic community treatment program through the program director, in consultation with qualified health care professionals, or by a recommendation of the courts.

1025.2.2 SCREENING PROCESS

Initial screening with the applicant will include:

- (a) A description of the program and its rules and procedures, such as assessments and alcohol and drug testing, and the responsibilities of the applicant.
- (b) A review of the applicant's history, which may include a standardized diagnostic needs assessment administered to determine the extent of the inmate's substance abuse or dependency, and of his/her mental health needs.

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- (c) Program objectives and goals as identified in an individualized treatment plan developed and implemented by a multidisciplinary clinical team that includes medical, mental health and substance abuse professionals.
- (d) Other assessments as determined by the program director.

1025.3 PROGRAM OBJECTIVES

The expected results of this program are:

- (a) To provide diagnosis and treatment plans, establish goals and objectives for the inmate, provide education and counseling, relapse prevention and discharge planning and transition services.
- (b) To provide a structured program to identify physical, social, medical, mental health, community and spiritual needs.
- (c) To provide linkage to community-based programs upon the inmate's return to the community.

1025.4 RESPONSIBILITIES OF THE DIRECTOR

The director of the program shall institute a procedure to assist in the treatment of inmates and will provide information related to the following:

- (a) A diagnosis of the inmate and his/her problem areas
- (b) Individual treatment and counseling plans with clearly defined treatment goals and objectives
- (c) Substance abuse education plan
- (d) Activities and education designed to prevent relapse after release
- (e) Treatment objectives that are sensitive to the various cultures represented in the inmate population
- (f) The utilization of selfhelp groups in support of treatment plans
- (g) Services offered to inmates before their release and transitional services to support continued care after release
- (h) Connections with community support and treatment services for continued care and sobriety after release

1025.5 PROGRAM PARTICIPATION

The therapeutic community treatment program is voluntary; participants must consent to program treatment services in advance of receiving the service. This program is focused on providing participants with the necessary knowledge, insight and skill for successful reentry into the community.

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1025.6 DRUG AND ALCOHOL TESTING

Program participants are expected to submit to random urinalysis. Failure to submit or a positive reading will result in termination from the program and possible disciplinary action.

1025.7 PROGRAM INCENTIVES

The director will develop program incentives designed to support and encourage success on the part of program participants. Incentives can include, but are not limited to:

- (a) Certificates of completion for satisfactory completion of the program.
- (b) Separate housing for program participants.
- (c) Early release from custody, if authorized by the sentencing court.

1025.8 TERMINATION FROM THE PROGRAM

Termination from the program may occur for the following reasons:

- (a) A participant's failure to comply with the responsibilities of the program is grounds for dismissal by the director at any point during the course of the program.
- (b) A participant may withdraw from the program by notifying any staff person verbally or in writing.
- (c) A participant may be terminated for any major institutional disciplinary violation if it is determined that the inmate is no longer suitable for participation in the program.

Work Release Program

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines and requirements for the Work Release Program. The Work Release Program allows inmates to maintain employment, support families and facilitate a successful return to the community.

1028.2 POLICY

It is the policy of this office in conjunction with Community Corrections, to operate a voluntary Work Release Program to provide inmates with opportunities to secure or maintain employment, support families, assist in the payment of fines and penalties to the court and promote a successful return to the community.

Release programs shall be conducted in accordance with state and local guidelines. In cases of pretrial release, the courts may have jurisdiction over release decisions.

1028.3 WORK RELEASE PROGRAM

Any inmate who has met the eligibility requirements and received approval may be granted permission to leave the facility to work at his/her place of employment in accordance with state and local guidelines, court orders and the provisions of this policy.

The Jail Administrator or the authorized designee has sole authority to approve participation in the program for each inmate, and is responsible for the overall conduct and administration of the Work Release Program.

The Work Release Program participants are limited to geographic restrictions of the facility and must remain within state boundary lines unless otherwise ordered by the sentencing court.

1028.3.1 ELIGIBILITY

In order to be eligible for the Work Release Program, an inmate must meet the following requirements:

- Sentenced directly to work release programs by the court
- No documented disciplinary incidents
- No outstanding warrants, wants or detainers

Inmates who do not adhere to the rules of the program will be subject to removal from the program and to disciplinary and criminal action in accordance with the rules of the facility and applicable laws.

1028.3.2 STAFF RESPONSIBILITY

The Work Release Program staff is responsible for contacting the employer prior to authorizing the work assignment. The staff should inform the employer and the inmate of the rules and expectations for program participants.

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The program staff shall provide each employer with the facility's contact information, including the contact person and telephone number, and should be instructed to notify the contact person immediately if an inmate does not report to work, leaves prior to the scheduled departure time or if any concerns arise during the work shift. The facility should provide a contact person who is available 24 hours a day, seven days a week, as some inmates will work evening or overnight shifts.

1028.3.3 HOUSING

Inmates participating in the Work Release Program should be housed in an area other than general population housing to reduce the possibility of contraband entering the facility. Inmates in the program may either return to separate housing within the facility's secure perimeter or may be housed in a residential facility outside the secure perimeter. Factors to consider when determining appropriate housing for program participants include the following:

- Rated bed capacity of the facility
- Current occupancy
- Housing options and security capabilities outside the secure perimeter of the facility
- Number of inmates approved to participate in the program

1028.3.4 DAILY WORK ITINERARIES

Inmates must have an approved daily work itinerary prior to leaving the facility. The itinerary should include the following:

- Scheduled start and stop times for work
- Anticipated amount of travel time between the facility and the employer each way
- Mode of transportation each way (e.g., bus, car, walk)
- Location of the workplace
- Contact name, address and telephone number of the employer
- Contact name, telephone number, driver's information of the transport person if the inmate does not have a valid license
- Contact name and telephone number of the on-duty program staff member

Any change to the itinerary (e.g., overtime, location of the work place, transportation) must be approved in advance by the Jail Administrator or the authorized designee.

1028.3.5 FINANCIAL OBLIGATIONS

All inmates who participate in the Work Release Program shall ensure that the appropriate funds are deposited into their inmate account. Funds from the inmate account will be subtracted for room and board, program drug testing, booking fees, etc. Fines to the court, victim restitution, allowances to help pay family financial obligations and funds for a savings account may also be taken from the account with the permission of the inmate or by order of the court.

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1028.3.6 EMPLOYER VERIFICATION

The Work Release Program staff shall make scheduled telephone calls and random site visits to the inmate's employer to ensure compliance with the rules of the program.

1028.3.7 PROGRAM CONFLICTS

The Work Release Program staff shall make every attempt to ensure the inmate's work schedule does not conflict with his/her required participation in treatment programs at the facility.

1028.3.8 DRUG TESTING

Random and scheduled drug testing shall be conducted on all inmates participating in the Work Release Program. Any positive results may cause the inmate's disqualification from the program, as well as disciplinary sanctions or criminal charges, if warranted. The use of medical cannabis is prohibited while in custody, which includes being on Work Release. Possession of a Cannabis Verification Card will not excuse a positive test and may result in sanctions.

1028.4 RECORDS

The following records shall be maintained by the Jail Administrator or the authorized designee on all inmates participating in the Work Release Program:

- (a) All payments and accounting associated with the Work Release Program
- (b) All contacts between the staff and employers prior to releasing inmates to work and confirming all employment information
- (c) All daily logs of time worked and payments received

Inmate Work Program

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines and requirements for the Inmate Work Program. The Inmate Work Program allows inmates to improve and/or develop useful job skills, work habits and experiences that will facilitate a successful transition back to the community (Minn. R. 2911.3100, Subp. 6F).

1030.2 POLICY

The Dakota County Sheriff's Office shall operate an Inmate Work Program in accordance with all applicable federal, state, or local work safety laws, rules, and regulations, and to the extent that the operation of inmate work programs do not pose a risk to the safety of the staff, other inmates, or the public. This policy establishes the requirements, selection process, supervision, and training of inmates prior to and after entering the facility's Inmate Work Program.

1030.3 WORK CRITERIA

1030.3.1 SENTENCED INMATE WORK REQUIREMENTS

All sentenced inmates who are physically and mentally able should work. Inmates shall not be required to perform work which exceeds their physical limitations (Minn. R. 2911.3100, Subp. 6D). Inmates may be excused from work in order to maintain their participation in an educational, vocational, drug abuse treatment, or other program. The Office will abide by all laws, ordinances and regulations when using inmates to work in the facility.

1030.3.2 PRETRIAL AND UNSENTENCED INMATE WORK REQUIREMENTS

Pretrial and unsentenced inmates may volunteer to participate in the Inmate Work Program but shall not be required to participate in work beyond maintaining the immediate living area (Minn. R. 2911.3100, Subp. 6A).

1030.3.3 DISABLED INMATE WORK REQUIREMENTS

The Inmate Work Program coordinator is responsible for providing work opportunities for disabled inmates (Minn. R. 2911.3100, Subp. 6E).

1030.4 INMATE WORKER SELECTION

The Inmate Work Program coordinator shall be responsible for the selection and assignment of inmates to the various work assignments. The coordinator should solicit input from other custody staff in assisting with inmate selection and assignment. Staff shall take into consideration the following eligibility criteria (Minn. R. 2911.3100, Subp. 6B):

- (a) Inmates who have posed a threat in the past or have been charged with escape should be carefully screened for inmate work projects.
- (b) The inmate's charges and classification are such that the inmate will not pose a security risk to other inmates, staff, or the public.

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- (c) The inmate's capacity to perform physical tasks, including which tasks can be performed by the inmate while pregnant, will match the job requirements.
- (d) The inmate is able to learn the necessary work routines.
- (e) The special interests, abilities, craft, or trade of the inmate will benefit the work assignment.

Inmates must be able to pass a health-screening test in accordance with the policies contained in this manual, and must meet all statutory and regulatory requirements. Health-screening shall be done for inmates who work in the kitchen, around food products, or who serve meals to the inmate population.

1030.5 WORK ON PUBLIC PROJECTS

Sentenced inmates may be assigned to public works projects with state, municipal and local government agencies, or to community service projects, with the approval of the Sheriff and in accordance with all applicable laws and regulations.

1030.6 SUPERVISION OF INMATE WORKERS

Facility staff in charge of work programs or who provide supervision of inmates assigned to work crews should adhere to the following:

- (a) Inmate workers should be provided with safety equipment, clothing, and footwear commensurate with the work performed. Safety equipment may include but is not limited to eye protection, gloves, hardhat or headwear, and sunscreen for protection from sun exposure.
- (b) Work periods shall not exceed 10 hours per day (Minn. R. 2911.3100, Subp. 6C).
- (c) Inmate workers should be provided with work breaks to allow them to take care of personal needs.
- (d) Inmate workers shall have access to nutritious meals and a reasonable amount of time to consume those meals during their work period.
- (e) Inmates who work shifts during the early morning or late-night hours should be provided with a quiet space to allow for sleep during daytime hours.
- (f) Inmate workers shall not access inmate records, inmate monies, or commissary.
- (g) Inmate workers shall not participate in the maintenance of locking systems or other security detention devices.

Inmate workers shall be under the direct supervision of the facility staff at all times and shall not be supervised by other inmates when they are on assignment through the Inmate Work Program.

Persons who are responsible for the supervision of inmates on work crews should receive training in basic areas of safety, security, and reporting procedures.

Disciplinary action for inmate worker misconduct shall adhere to the Inmate Discipline Policy.

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1030.7 INMATE WORKER TRAINING

Inmates who are assigned to work in any area that may require the handling of any chemicals or the use of any equipment shall receive training from the respective Office supervisor prior to using the chemicals or equipment. Work-crew supervisors shall also train inmate workers on safety practices. Inmates should never be assigned to handle dangerous chemicals or equipment that normally require a level of expertise and competency beyond their demonstrated ability.

1030.8 INMATE WORKER INCENTIVES

The Jail Administrator is responsible for establishing an incentive program for inmates assigned to the Inmate Work Program. Incentives for inmates may include:

- (a) Granting Good Time and Work credits to apply to their sentence as allowed by state or local law.
- (b) Granting distinctive housing assignments, extra privileges, recreation, and special rewards, as allowed by law, regulation, and policy. Inmate welfare funds may be used to offset the cost of a reward program.
- (c) Awarding certificates of achievement for successful completion of vocational, educational, and/or work programs.
- (d) When allowed by law, ordinance, and in consideration with local labor relations, giving monetary compensation for work on government projects.

1030.9 COMMUNITY SERVICE PROGRAM

Sentenced inmates may be assigned to public works projects with state, municipal, and local government agencies, or to community service projects, with the approval of the Sheriff and in accordance with all applicable laws and regulations.

Assigning inmates to activities that benefit individuals, businesses, or other private entities that are not considered a public works project is prohibited and may constitute a violation of the law.

Religious Programs

1032.1 PURPOSE AND SCOPE

This policy provides guidance regarding the right of inmates to exercise their religion and for evaluating accommodation requests for faith-based religious practices of inmates.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Compelling government interest - A method for determining the constitutionality of a policy that restricts the practice of a fundamental right. In order for such a policy to be valid, there must be a compelling government interest, which is necessary or crucial to the mission of the Office, as opposed to something merely preferred, that can be furthered only by the policy under review.

Least restrictive means - A standard imposed by the courts when considering the validity of policies that touch upon constitutional interests. If the Office adopts a policy that restricts a fundamental religious liberty, it must employ the least restrictive measures possible to achieve its goal.

Religious exercise - Any exercise of religion, whether or not it is compelled by, or central to, a system of religious belief. The key is not what a faith requires but whether the practice is included in the inmate's sincerely held religious beliefs.

Substantial burden - For the purposes of this policy, substantial burden means either of the following:

- A restriction or requirement imposed by the Office that places an inmate in a position of having to choose between following the precepts of his/her religion and forfeiting benefits otherwise generally available to other inmates, or having to abandon one of the precepts of his/her religion in order to receive a benefit.
- The Office puts considerable pressure on an inmate to substantially modify his/her behavior in violation of his/her beliefs.

1032.2 STAFF RESPONSIBILITIES

Members shall not show favoritism or preference to any religion and will not discriminate or retaliate against any inmate for participating or not participating in any religion or religious practice. Inmates are not required to participate in religious programs or activities.

Facility staff will not allow their personal religious beliefs to influence them in the daily management of the inmate population, particularly as it relates to religious practices.

1032.3 CHAPLAIN

The Sheriff shall appoint an individual to serve as the chaplain for the facility. The chaplain shall be responsible for assisting the Jail Administrator with supervising, planning, directing and coordinating religious programs. The chaplain may be responsible for duties including, but not limited to:

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- (a) Coordinating religious services.
- (b) Maintaining a list of accepted religious practices that have been approved by the Jail Administrator and ensuring the current list is available to the staff.
- (c) Reviewing requests for religious accommodations.
- (d) Providing or arranging for grief counseling for inmates.
- (e) Distributing a variety of religious texts.
- (f) Developing and maintaining a liaison with a variety of religious faiths in the community.
- (g) Making reasonable efforts to enlist religious leaders from outside the community as necessary.
- (h) Seeking donations for religious programs from the community, when appropriate.
- (i) Working with inmate families when requested.
- (j) Periodically surveying the facility population to assist in determining whether current resources are appropriate for the inmate population.
- (k) Providing guidance to the Sheriff and the Jail Administrator on issues related to religious observance.

1032.4 RELIGIOUS BELIEFS AND ACCOMMODATION REQUESTS

Inmates are not required to identify or express a religious belief. An inmate may designate any belief, or no belief, during the intake process and may change a designation at any time by declaring his/her religious belief in writing to the chaplain. Inmates seeking to engage in religious practices shall submit a request through the established process. Requests to engage in practices that are on the facility's list of accepted practices should be granted. Requests to engage in religious practices that are not on the approved list shall be processed as provided in this policy.

All requests for accommodation of religious practices shall be treated equally, regardless of the religion that is involved. Equal and consistent treatment of all religions and religious beliefs shall not always require that all inmates of the same religion receive the same accommodations. Requests for accommodation of religious practices shall be submitted to a supervisor. In determining whether to grant or deny a request for accommodation of a religious practice, the supervisor will work with the chaplain to determine the sincerity of the religious claim of an inmate. Requests should be denied only if the denial or reason for denial would further a compelling interest of the facility and is the least restrictive means of furthering that compelling interest.

A supervisor who does not grant the accommodation, either in part or in full, should promptly forward the request to the Jail Administrator, who, after consultation with legal counsel as appropriate, should make a determination regarding the request within 10 days following the inmate's request.

A Jail Administrator who does not grant an accommodation, either in part or in full, should forward the request to the Sheriff with the basis for the denial within 14 days of the inmate's original request

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being made. The Sheriff or the authorized designee will review the denial and respond to the requesting inmate as soon as reasonably practicable.

The Jail Administrator and the Sheriff shall be informed of all approved accommodations. The chaplain should make any necessary notifications to staff as necessary to meet an approved accommodation.

All inmate requests for religious accommodations and related determinations shall be fully documented in the inmate's record.

1032.4.1 APPEALS OF SUSPENSION OR REVOCATION OF ACCOMMODATIONS

Inmates may appeal the Jail Administrator's denial, suspension or revocation of an accommodation through the inmate appeal process.

1032.5 DIETS AND MEAL SERVICE

The Jail Administrator should provide inmates requesting a religious diet, including fasting and/or hour of dining, a reasonable and equitable opportunity to observe their religious dietary practice. This should be done within budgetary constraints and be consistent with the security and orderly management of the facility. The chaplain shall provide a list of inmates authorized to receive religious diets to the food services manager. The food services manager shall establish a process for managing religious meal accommodations.

1032.5.1 PROHIBITION ON USE OF ALCOHOL OR DRUGS FOR RELIGIOUS OBSERVANCE

1032.6 RELIGIOUS TEXTS

Religious texts should be provided to the requesting inmate if the texts available do not pose a threat to the safety, security and orderly management of the facility.

1032.7 UNAUTHORIZED PRACTICES OR MATERIAL

The following list, which is not intended to be exhaustive, includes materials or practices that shall not be authorized:

- (a) Animal sacrifice
- (b) Language or behaviors that could reasonably be construed as presenting a threat to facility safety or security
- (c) Self-mutilation
- (d) Use, display or possession of weapons
- (e) Self-defense or military training
- (f) Disparagement of other religions
- (g) Nudity or sexual acts
- (h) Profanity
- (i) Use of illegal substances or controlled substances without a prescription

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1032.8 GROUP RELIGIOUS SERVICES

Group religious services may be allowed after due consideration of the inmate's classification or other concerns that may adversely affect the order, safety and security of the facility.

Alternatives to attendance of group religious services may include, but are not limited to:

- The provision of religious books and reading materials.
- Access to religious counselors.
- Recorded religious media (e.g., DVDs, CDs, videotapes).

1032.9 FAITH- AND MORALS-BASED COUNSELING

The Jail Administrator shall be responsible for establishing a plan for inmates to receive faith- and morals-based counseling from the chaplain or religious volunteers. Inmates should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith- and morals-based programs and other secular volunteer programs.

No inmate shall be required to participate in any such program.

1032.10 TRAINING

The Office shall provide training to facility staff on the requirements of this policy.

The Office shall also provide training in safety and security to the chaplain. The chaplain shall approve and train clergy and religious volunteers. This includes the preparation of a training curriculum, as well as the development and maintenance of training records.

Inmate Mail

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for receiving, sending, inspecting, censoring, and rejecting inmate mail (Minn. R. 2911.3300).

1033.2 POLICY

This office will provide inmates ample opportunity to send and receive mail, subject to restriction when there is a legitimate government interest in security, order, and rehabilitation.

1033.3 MAIL GENERALLY

Inmates may, at their own expense, send and receive mail without restrictions on quantity, provided it does not jeopardize the safety of members, visitors, or other inmates, or pose an unreasonable disruption to orderly jail operations (Minn. R. 2911.3300).

The Jail Administrator or the authorized designee may allow inmates to correspond with other inmates in this jail, as well as in other jails or correctional institutions, as long as the mail is sent and received through the U.S. Postal Service.

Inmates are authorized to store mail and writing materials in their cells in an amount determined by the Jail Administrator (Minn. R. 2911.3300). Excess writing materials and mail, including confidential mail, will be seized, inventoried, and retained pending disposition according to the jail procedures regarding excess property (see the Searches Policy).

The Jail Administrator will ensure that the policies that govern inmate correspondence are available to all members and inmates and are reviewed annually and updated as needed (Minn. R. 2911.3300).

1033.4 SUSPENSION/RESTRICTION OF MAIL PRIVILEGES

Mail privileges may be suspended or restricted upon approval of the Jail Administrator whenever members become aware of:

- (a) Mail sent by an inmate that involves threats of violence against any member of the government, judiciary, legal representatives, victims, or witnesses.
- (b) Incoming or outgoing mail representing a threat to jail security, members, or the public.

The County Attorney or County Attorney should be consulted when criminal charges are considered against an inmate or there is an apparent liability risk to the Office that relates to suspension or restriction of mail privileges.

1033.5 PROCESSING AND INSPECTION OF MAIL

Members should process incoming and outgoing mail as expeditiously as reasonably possible. Incoming and outgoing mail should be processed within 24 hours and packages within 48 hours. Mail processing may be suspended on weekends, holidays, or during an emergency situation.

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Any contraband found in mail or mail that is considered contraband shall be processed in accordance with jail evidence procedures.

Cash, government checks, and money orders contained in incoming inmate mail shall be removed and credited to the inmate's account (see the Inmate Accounts Policy). Personal checks shall be processed as rejected mail according to this policy (Minn. R. 2911.3300).

Mail logs and records, justification of censoring or rejection of mail, and copies of hold or return notices shall be maintained in the inmate's file in accordance with established records retention schedules.

1033.5.1 NONCONFIDENTIAL MAIL

Assigned members should open and inspect all incoming and outgoing general mail of current inmates (Minn. R. 2911.3300). Mail for inmates no longer in custody should not be opened and should be forwarded (see the Forwarding of Mail section of this policy).

Only members designated by the Jail Administrator are authorized to read incoming and outgoing nonconfidential mail of current inmates. These members should receive training on legitimate government interests for reading and censoring mail and other legal requirements related to inmate mail.

Incoming mail should be read as deemed necessary to maintain jail security and order or to monitor a particular problem.

Outgoing mail may not be sealed by the inmate and may be read by members when:

- (a) There is reason to believe the mail would:
 - 1. Interfere with the orderly operation of the jail.
 - 2. Be threatening to the recipient.
 - 3. Facilitate criminal activity.
- (b) The inmate is on a restricted mail list.
- (c) The mail is between inmates.
- (d) The envelope has an incomplete return address.

1033.5.2 CONFIDENTIAL MAIL

Inmates may correspond confidentially with courts, legal counsel, officials of this office, elected officials, jail inspectors, government officials, officers of the court, or officials of the Minnesota Department of Corrections (DOC) (Minn. R. 2911.3300).

The jail will also accept and deliver a fax or interoffice mail from these entities.

Outgoing and incoming confidential mail shall be processed by members who have received special training in inspecting confidential documents and who are accountable for maintaining confidentiality. Such members may inspect incoming and outgoing confidential mail for contraband, limiting the inspection to a search for physical items that may be included in addition

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to the mail and shall not read, scan, or copy the mail. Any inspection shall be completed in the presence of the inmate (Minn. R. 2911.3300).

1033.5.3 BOOKS AND PERIODICALS

Unless otherwise in conflict with this policy and prohibited by the Jail Administrator, inmates may purchase, receive, and read any book, newspaper, magazine, or other periodical accepted for distribution by the U.S. Postal Service.

Periodicals shall be accepted only if they are mailed directly from the publisher to a named inmate. A local daily newspaper in general circulation shall be made available to inmates.

1033.6 CENSORSHIP OR REJECTION OF INCOMING AND OUTGOING NONCONFIDENTIAL MAIL

In determining whether to censor or reject a specific piece of incoming nonconfidential mail, consideration shall be given to whether censoring or rejecting the material is rationally related to a legitimate government interest, whether alternate means of communicating with an inmate are available, and the impact of allowing the material into the jail upon members and inmates.

Outgoing nonconfidential mail shall only be censored to further a substantial government interest, and only when it is necessary to address the particular government interest. Government interests that justify censorship or rejection of outgoing mail include:

- (a) Maintaining jail security.
- (b) Preventing dangerous conduct, such as an escape plan.
- (c) Preventing ongoing criminal activity, such as threats of blackmail or extortion.
- (d) Preventing harassment of those who have requested that no mail be sent to them by the inmate.

Mail identified for censorship or rejection shall be delivered to the Jail Administrator, who shall decide the disposition of such mail.

Censored mail should be redacted and a copy of the unredacted mail should be kept (see the Documenting Rejected or Censored Mail, Books, and Periodicals section of this policy).

Rejected mail shall be handled according to the jail's established procedures regarding inmate personal property or returned to the sender.

Written notice shall be given to the inmate sender or to the inmate recipient and sent to the sender of censored or rejected mail, unless such notification jeopardizes any investigation or jail security (Minn. R. 2911.3300).

1033.6.1 REJECTION OF BOOKS AND PERIODICALS

The Office may reject books, magazines, newspapers, and other periodicals that may inhibit the maintenance of reasonable safety, security, and discipline in the jail. For example, publications may be rejected if they:

- Advocate violence, unlawful activity, or a security breach.

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- Incite unrest or disorder.
- Contain sexually explicit material, including pornographic magazines, nude pictures, or pictures or descriptions of sexually explicit activities.
- Incite violent crimes or crimes against children.
- Contain information about unlawful gambling or an unlawful lottery, or the manufacture or use of weapons, narcotics, or explosives.
- Create a hostile or offensive work environment.

Reasonable alternatives should be considered and an exaggerated response should be avoided; for example, discontinuing delivery of a magazine because of one article.

The Jail Administrator shall make the final decision as to the specific books and periodicals that will be prohibited within this jail.

Religious publications not supplied by jail-authorized entities may be accepted by the chaplain or other religious programming volunteer who has received training on contraband rules and who has been approved by the Jail Administrator to review such publications for distribution.

Notice shall be given to the inmate recipient and sent to the sender of rejected publications, even when the sender is the editor or publisher, unless such notification jeopardizes any investigation or jail security. A single notification is sufficient if the publication is received by multiple inmates.

1033.6.2 DOCUMENTING REJECTED OR CENSORED MAIL, BOOKS, AND PERIODICALS

In each case where it is necessary to reject or censor mail, a written record must be made of such action, to include:

- (a) The inmate's name and number.
- (b) A description or an unredacted copy of the mail, as applicable.
- (c) A description of the action taken and the reason for such action.
- (d) The disposition of the item involved.
- (e) The member's signature.
- (f) Notification to the inmate and the sender, including the date and method by which they were notified (e.g., in person, by letter).

1033.7 FORWARDING OF MAIL

Any non-legal mail received for a former inmate should be returned to the sender with a notation that the inmate is not in custody. Obvious legal mail should be forwarded to the former inmate's new address if it is reasonably known. Otherwise, legal mail should be returned to the sender.

1033.8 WRITING MATERIALS FOR INDIGENT INMATES

Indigent inmates shall receive writing materials on a weekly basis, pursuant to a schedule established by the Jail Administrator. Writing materials should include the following:

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- (a) At least two pre-stamped envelopes or postcards for correspondence with family and friends
- (b) Eight sheets of writing paper
- (c) One pencil

Indigent inmates shall receive an amount of pre-stamped envelopes and writing paper sufficient to correspond with courts, legal counsel, officials of this office, elected officials, jail inspectors, government officials, officers of the court, or officials of the DOC (see the Inmate Access to Courts and Counsel Policy) (Minn. R. 2911.3300). Requests for additional writing materials shall be screened and granted based on need, as determined by the Jail Administrator or the authorized designee.

Chapter 11 - Facility Design

Space and Environmental Requirements

1100.1 PURPOSE AND SCOPE

This policy describes the desired space and environmental requirements for the physical plant.

1100.2 POLICY

It is the policy of this office to comply with federal and state laws, codes and correctional standards in matters relating to the jail space and environmental requirements. Any designs for renovations, modifications, additions or new construction within the facility should be in compliance with federal and state laws, codes and jail standards.

Planned designs for renovations, modifications, additions or new construction within the facility should facilitate continuous personal contact and interaction between the correctional staff and inmates. This contact should be by direct physical observation of all cells, dayrooms and recreation areas. Electronic surveillance may be used to augment the observation of inmates but shall not be used as a substitute for personal contact and interaction.

All parts of the facility that are accessible to the public should be accessible to and usable by disabled persons.

1100.3 SPACE REQUIREMENTS

Except for emergency accommodations of a limited duration, all areas in the physical plant shall conform to building and design requirements contained in federal and state law, codes and minimum jail standards as required for their intended design and use. Areas that are repurposed for other than their original intended use shall likewise comply with all building design requirements for the new purpose.

1100.3.1 SINGLE-OCCUPANCY CELL SPACE

Single-occupancy cells shall contain at least 70 square feet of total floor space per inmate. No more than one inmate at a time should be housed in each single-occupancy cell. Single occupancy cells used for the detention and confinement of inmates prior to May 15, 1978 shall provide a minimum of 50 square feet per inmate (Minn. R. 2911.0330).

1100.3.2 DORMITORY CELL SPACE

Dormitories shall contain at least 60 square feet of floor space per inmate. The number of inmates in the dormitory shall not exceed the space per occupant requirement (Minn. R. 2911.0330).

1100.3.3 DOUBLE OCCUPANCY CELLS

Double occupancy cells shall contain at least 70 square feet of floor of floor space (Minn. R. 2911.0330).

1100.3.4 CONDEMNED BEDS

Beds that have been condemned shall not be used.

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1100.4 ALTERNATE APPROVED CAPACITY

If needed, the Jail Administrator may base the approved capacity on an alternate method of calculation as provided in the jail standards. This alternate method allows capacity to be based on overall living space available to inmates, adjusted for the time inmates actually have access to any specific areas. If this method is selected, the Jail Administrator, together with township officials, should develop a plan to bring the facility into agreement with the space-related standards within a five-year period.

1100.5 DETENTION HARDWARE

All locks, detention hardware, fixtures, furnishings and equipment shall have the proper security value for the areas in which they are used. The use of padlocks in place of security locks on cell or inmate housing unit doors is generally prohibited, as unauthorized locking mechanisms may pose a significant threat to the safety and security of the facility in the event of an emergency.

1100.6 ENVIRONMENTAL REQUIREMENTS

All occupied areas of the physical plant shall conform to the building and design requirements contained in federal and state law, codes and jail standards with respect to light, air and noise level.

1100.6.1 LIGHTING LEVELS

Lighting throughout the facility shall be sufficient for staff and inmates to perform necessary tasks. Night lighting levels should permit adequate illumination for supervision but should not unnecessarily interfere with the ability of inmates to sleep.

1100.6.2 NATURAL LIGHT

All inmate living areas should provide visual access to natural light, unless prohibited by security concerns.

1100.6.3 VENTILATION

The ventilation system shall be sized and calibrated to supply fresh or circulated air in accordance with federal and state laws, codes and jail standards. Toilet rooms and cells with toilets shall be calibrated to have no less than four exchanges of air per hour, unless local codes require a different number of air exchanges.

Other than an emergency situation, inmates or jail staff shall not adjust or restrict the ventilation systems without the express permission of the supervisor. Any adjustments made to the ventilation system shall only be allowed for the duration of the emergency or until qualified maintenance personnel can adjust or repair the ventilation system.

Air quantities shall be documented at least annually by a qualified independent contractor, and a report provided to the Jail Administrator.

1100.6.4 TEMPERATURE LEVELS

Temperature and humidity levels shall be mechanically maintained at a level established by facility maintenance personnel and deemed comfortable and cost efficient.

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Temperature readings shall be documented for each area of the facility on a weekly basis on the appropriate log. Staff shall immediately contact facility maintenance in the event that temperatures or humidity levels become uncomfortable.

1100.6.5 CELL FURNISHINGS

Each inmate housed in this facility shall be provided with the following items:

- A sleeping surface and mattress at least 12 inches off the floor
- A writing surface and seat
- An area for the storage of clothing and personal belongings

1100.7 DAYROOMS

Dayrooms shall be equipped with at least one shower for every 15 inmates or fraction thereof, and tables and sufficient seating for all inmates at capacity. Where inmates do not have continuous access to their cells, dayrooms shall also be equipped with one toilet, an immediate source of fresh potable water and lavatory with hot and cold water for every 12 inmates or fraction thereof.

1100.8 JANITOR CLOSETS

Janitor closets shall be located near or inside each housing unit. Each janitor closet should contain a sink and the necessary cleaning implements. Access to the janitor closets shall be controlled and supervised by the staff. Only inmates with a minimum security classification status shall be allowed access to the janitor closets, and then only under the supervision of staff.

1100.9 EMERGENCY POWER

The facility shall be equipped with a sufficient emergency power source to operate communications, security and alarm systems in control centers, and emergency lighting in corridors, stairwells, all inmate housing areas, security control points and audio-visual monitoring systems.

1100.10 NEW CONSTRUCTION AND RENOVATION

In the case of partial renovation of an existing facility, it is intended that these standards should apply only to the part of the facility being renovated. The remainder of the facility would be subject to the existing standards.

Control Center

1103.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a 24-hour secure control center for monitoring and coordinating the facility's security, life safety and communications systems, including aspects of staffing, training and communications and monitoring capabilities.

1103.2 POLICY

It is the policy of this office to maintain a control center, designed as Central Control, which shall be secure and staffed 24 hours each day to monitor and coordinate security, safety, and communications. The Jail Administrator or the authorized designee shall review post orders annually and update them as needed (Minn. R. 2911.5000).

1103.3 COMMUNICATIONS AND MONITORING CAPABILITIES

Central Control shall have multiple means of direct communication capabilities with all staff control stations in inmate housing areas, including telephone, intercom and radio.

The Central Control staff shall be responsible for monitoring fire, smoke and life safety alarms and shall have the means to summon assistance in the event of an emergency.

1103.4 SECURITY

Access into the Central Control should be through a sallyport entrance controlled by the staff inside the Central Control.

At no time should inmates be allowed to enter the Central Control.

Crowding

1105.1 PURPOSE AND SCOPE

One of the determining factors in maintaining a safe and secure jail is to limit the inmate population to the number of beds constructed in each inmate classification level. Occasionally, emergencies occur that will require the jail to exceed its approved bed capacity. This policy establishes the approved bed capacity of the facility, addresses temporary population excess, and provides a plan for gathering statistics and projecting long-term space needs via a jail needs assessment.

1105.2 RESPONSIBILITIES

The Sheriff is responsible for ensuring that the facility has a sufficient number of housing units in an appropriate configuration so that inmates can be separated according to the facility's classification plan (Minn. R. 2911.0330 through Minn. R. 2911.0370).

In the event of an emergency that causes the facility to be populated beyond the approved bed capacity, every reasonable effort should be made to reduce the inmate population to the approved bed capacity as soon as reasonably practicable. The Office will take affirmative action to address excess population. In the event that the inmate population remains over capacity or continues to increase, a crowding committee should be formed to examine any and all methods to ensure that the facility population is reduced and remains within the approved bed capacity.

1105.2.1 EMERGENCY NOTIFICATION

Whenever the Jail Administrator determines that it is necessary for the facility to be populated beyond the approved bed capacity due to an emergency, the Jail Administrator or the authorized designee shall notify the Minnesota Department of Corrections in writing as soon as practicable, but no later than 72 hours after the emergency (Minn. R. 2911.0400). Facility capacity may not be exceeded for more than seven days without obtaining approval for a variance from the Commissioner of the Department of Corrections (Minn. R. 2911.0400).

1105.3 OVERCROWDING FACILITY PLAN

Whenever a facility exceeds its approved bed capacity for seven consecutive days or 15 days within a month the Jail Administrator shall use available contract per diem beds in office approved facilities within a 125-mile radius. The Jail Administrator may allow the facility to exceed its approved bed capacity established under Minn. R. 2911.0330 et seq., when no space is available for contract per diem beds within 125 miles. The unavailability of space shall be documented at least once a day for continued authority to exceed bed capacity. The documentation shall include the person contacted, the date and time of the contact and a statement by the person as to the availability of contract space (Minn. R. 2911.0400).

1105.3.1 NOTIFICATION

The Jail Administrator shall notify the Department of Corrections in writing of each incidence of failure to maintain the population at or below the facility-approved bed capacity for more than

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seven consecutive days or 15 days of any month in which the facility has had an average daily population greater than its approved capacity (Minn. R. 2911.0400, Subp. 7).

1105.4 INTERMITTENT SENTENCING CONTINGENCY PLAN

In the event that the number of inmates in the facility at 8 a.m. on any day and the number of inmates serving intermittent sentences scheduled for admission to the facility that day exceeds the facility's approved bed capacity, the following will occur (Minn. R. 2911.0400, Subp. 9):

- The Jail Administrator or the authorized designee will coordinate with the sentencing court or probation office to reschedule the inmates serving an intermittent sentence.
- If approval is granted, the Jail Administrator or the authorized designee will reschedule inmate admissions to a date when the facility will not be crowded.
- In the event that the facility is chronically crowded, the Jail Administrator will attempt to locate a contract per-diem bed in a neighboring jurisdiction.
- In the event that the inmates cannot be rescheduled or there are no contract per-diem beds available, refer to the Overcrowding Facility Plan in this policy.

1105.5 FACILITY NEEDS ASSESSMENT

In the event that the jail maintains an average 80 percent occupancy rate consistently for one year, the Office should initiate a jail needs assessment. The assessment initiates a systematic process that is designed to identify a variety of operational issues and program needs, and may indicate when expansion or replacement of the facility is warranted.

1105.6 DAILY INMATE POPULATION REPORT

The Jail Administrator or the authorized designee is responsible for ensuring that detailed daily logs of the facility's inmate population are completed and maintained by the staff. These logs shall reflect daily population of sentenced and non-sentenced inmates by categories of male, female, and juvenile as of midnight of each day. The number of inmates occupying holding cells shall also be counted at midnight each day. A daily inmate population report summarizing this information shall be distributed to the Sheriff and the Jail Administrator (see the Population Management Policy).

1105.6.1 REQUIRED REPORTING

The Jail Administrator shall ensure information reflecting the monthly average daily population of sentenced and non-sentenced inmates by categories of male, female, and juvenile is reported to the Statewide Supervision System (S3), which is a computerized data collection system maintained by the Minnesota Bureau of Criminal Apprehension (Minn. Stat. § 241.065).

1105.7 POLICY

It is the policy of the Dakota County Sheriff's Office to manage the inmate population to the extent as is reasonably possible to avoid exceeding the facility's approved bed capacity.

Attachments

**MN POST Professional Conduct of
Peace Officers Model Policy.pdf**

PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

This policy applies to all officers of this agency engaged in official duties whether within or outside of the territorial jurisdiction of this agency. Unless otherwise noted this policy also applies to off duty conduct. Conduct not mentioned under a specific rule but that violates a general principle is prohibited.

A. PRINCIPLE ONE

Peace officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Minnesota Constitution, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

1. Rationale: Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. Rules

- a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
- c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
- d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
- e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

Peace officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

1. Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. Rules

- a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

- b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.
2. **Rules**
 - a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
 - b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.
2. **Rules**

- a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c**).
- b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
- h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

Peace officers shall treat all members of the public courteously and with respect.

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.
2. **Rules**
 - a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

- b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

Peace officers shall not compromise their integrity nor that of their agency or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments or by using their status as a peace officer for personal, commercial or political gain.

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. Rules

- a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- e) Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
 - maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
 - not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

This section does not prohibit officers from expressing their views on existing, proposed or pending criminal justice legislation in their official capacity.

G. PRINCIPLE SEVEN

Peace officers shall not compromise their integrity, nor that of their agency or profession, by taking or attempting to influence actions when a conflict of interest exists.

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

- a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

1. **Rationale:** Peace officers are entrusted with vast amounts of private and personal information or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information and to maintain public faith in the officer's and agency's commitment to preserving such confidences.

2. Rules

- a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

Any disciplinary actions arising from violations of this policy shall be investigated in accordance with MN STAT 626.89, Peace Officer Discipline Procedures Act and the law enforcement agency's policy on Allegations of Misconduct as required by *MN RULES* 6700.2000 to 6700.2600.

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