DEPARTMENT OF CORRECTIONS

Policy Number:	**300.036**
Title:	**Emergency Assistance Non-State Systems**
Effective Date:	**6/19/18**

PURPOSE: To provide guidelines under which the department may provide/receive emergency assistance to/from non-state local government correctional or law enforcement systems through use of mutual aid joints powers agreements. Such assistance may occur only under the guidelines set forth in this policy and only following a determination that such assistance is needed to protect the public safety or to enforce criminal law.

APPLICABILITY: All facilities

DEFINITIONS:
Law enforcement emergency – a situation which requires local law enforcement intervention, and which is or threatens to be of serious proportions, and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law in a situation requiring prompt action.

PROCEDURES:

A. The intent of the mutual aid joint powers agreement is to allow state correctional facilities to respond quickly to many types of emergency situations, by developing authorization procedures for basic state assistance at the local level, while allowing for greater assistance, if needed, with higher level approval.

B. Scope
   1. Correctional facilities include local resources in contingency planning and overall emergency preparedness plans.
   2. These plans may include agreements with Minnesota state agencies for specific assistance.
   3. In keeping with such interagency cooperative arrangements, the state may provide similar emergency assistance to non-state local government entities.
   4. The scope of such assistance must be set forth in a mutual aid joint powers agreement entered into by the department and the authorized non-state local government entity.

C. Preparation
   1. The warden of each facility may prepare a mutual aid joint powers agreement when determined appropriate.
   2. Factors to consider in making the determination include the type and availability of non-state local government resources in the immediate area to meet emergency needs.
   3. The purpose of the agreement is to anticipate emergencies that might arise and detail in advance what type of assistance the facility would provide if requested.

4. The mutual aid agreement must specify who in the non-state local government entity is authorized to make such a request and the local state facility limits on authorizing varying degrees of assistance.

D. Request for assistance

1. Ordinarily, an outside request for assistance must come from a high level non-state authority (county sheriff, police chief, etc.) and be approved only by the facility warden or acting warden in consultation with the assistant commissioner of facility services.

2. The mutual aid joint powers agreement requires approval by the deputy and assistant commissioners of the facility services division before certain assistance may be provided.

3. When this is not practicable, the deputy and assistant commissioners of the facility services division must be notified as soon as possible of both the assistance requested and the response made. Examples of immediate assistance without a formal mutual aid joint powers agreement include when the non-state entity has exhausted its available resources, when resources are inadequate to protect the lives and property of citizens, or when the needed assistance may not otherwise be obtained in a timely fashion. In such instances, the DOC may provide emergency supportive assistance.

E. The mutual aid agreement must contain a statement that DOC staff may not use weapons, ammunition, or chemical agents to provide assistance, except in extraordinary circumstances or as authorized by the deputy or assistant commissioner of facility services.

F. Mutual aid agreement preparation guidelines – the following guidelines must be considered when creating a mutual aid joint powers agreement:

1. The assistance required must be immediate, short term, and limited to operations that DOC staff are:
   a) Authorized to provide, and
   b) Trained and have expertise.

2. The agreement must provide for financial reimbursement of resources after the initial 24 hours of service (including personnel employed beyond the initial response time) expended and/or damaged. In this scenario, the agreement must be amended to reflect the expenditure of funds by the appropriate party.

3. DOC assistance, other than equipment, may not extend into operations such as crowd control for general public safety projects, or for the enforcement of laws associated with scheduled public events without prior authorization from the Deputy Commissioner – Facilities Division. The basis for this limitation is that the DOC scope of expertise is correctional management issues.

4. DOC staff ordinarily must not be involved in any situation requiring the use of force. When a particular situation necessitates the use of force, the force used must not go beyond that specified by statute and DOC policies.

5. Review and notification
   a) Review

(1) Prior review by the DOC's contract coordinator and approval/signature of the agreement by the deputy or assistant commissioner of facility services, and the Minnesota Department of Administration is required.
(2) In conducting this review, the DOC contracts coordinator and appropriate DOC counsel must consider the provisions of applicable law.

b) Notification – even in instances when prior approval by the assistant commissioner is not required for some action under the mutual aid agreement, the warden (or designee such as duty officer) must, as soon as practical, provide the assistant commissioner of facility services (or designee) with a detailed description of any assistance provided.

c) Once a mutual aid agreement has been approved by the Department of Administration, the authorized representative must:
(1) Send the original fully-executed agreement to the finance unit for retention; and
(2) Provide a copy to the agency's emergency manager.

6. Assistance and guidelines – the following types of assistance may be considered for inclusion in a mutual aid joint powers agreement:

a) Emergency transportation
(1) DOC vehicles, driven by trained department staff, may be used to transport prisoners who are in the custody of county or private correctional entities.
(2) The county or private agency must provide sufficient staff to maintain security and control.
(3) In this situation, the DOC is not considered to have assumed custody of the inmates.

b) Detention
(1) DOC may take into custody, for detention inmates being held for trial, or who are convicted of criminal offenses, and who are duly detained by the county entity.
(2) Such prisoners may be accepted for detention in DOC vehicles (for expedited transportation to another facility) or in a state facility.
(3) Detention in a vehicle differs from just providing transportation in that the prisoner is actually transferred into temporary DOC custody and is subsequently supervised by DOC staff.
(4) Such transfer of prisoners into DOC custody requires the existence of a contract calling for the DOC to assume custody of county offenders.
(5) When feasible, a contract must be considered as an appendix to the mutual aid agreement, providing for any individuals temporarily placed in the custody of the DOC.
(6) Absent such a contract, the DOC may not assume custody of county inmates without the prior approval of the assistant commissioner of facility services.

c) Logistical support
(1) DOC may provide emergency supplies such as blankets, clothing, food, and similar items when necessary to protect the safety and health of others.
(2) Equipment such as vehicles, machinery, and generators may be provided, but must ordinarily be operated by DOC staff, or by non-state local government staff only until the emergency situation is controlled, and the public safety is no longer endangered.

d) Weapons, ammunition, and chemical agents

(1) DOC may provide these items to non-state local government entities when the non-state authority has indicated its staff are competent to use such weapons, ammunition, and chemical agents.
(2) This information must be specified within the mutual aid agreement.
(3) In the absence of the mutual aid agreement, weapons, ammunition, and chemical agents may be provided only with prior approval of the deputy commissioner or assistant commissioner of facility services.
(4) Without specific agreements, DOC staff may not use weapons, ammunition, or chemical agents to provide assistance to non-state entities.
(5) If a non-state entity requests that DOC staff use weapons, ammunition, or chemical agents in response to a specific emergency, DOC staff may do so only with the approval of the state emergency management division, unless the Commissioner of Corrections personally concludes that the delay to obtain such approval would likely result in death or serious bodily injury to employees of, or inmates/hostages in non-state correctional entities, or to DOC employees.

e) Perimeter security – mutual aid agreements may provide for perimeter security at a non-state facility in situations when the non-state entities are not able to provide perimeter coverage. Authorization for perimeter security must be through the state emergency management division.

f) Escape hunts/missing persons
(1) DOC may not assist in searches for felony offenders who have escaped from non-state correctional facilities.
(2) DOC staff may, assist non-state entities with searches for missing persons with the warden's approval.

g) Medical support – DOC facilities may provide qualified health personnel and medical support (including medical equipment and supplies) within their areas of health care training or expertise.

h) Hostage negotiations
(1) DOC may provide equipment and trained hostage negotiators, but staff activities must be limited to background consultations, rather than direct negotiations with prisoners or citizens.
(2) Any decision to authorize DOC hostage negotiators to conduct negotiations must be made at the assistant commissioner of facility services level or higher.

i) Canine units – request for DOC canine unit assistance may be approved by facility wardens or designees pursuant to Division Directive 301.120, "Canine Units."

j) Special operations response teams (SORT)
(1) DOC may provide trained SORT to respond to non-state emergencies.
(2) Prior to the deployment of any SORT team outside of the agency, the DOC must obtain the authorization of the state emergency management division.
(3) Such authorization must be obtained through the commissioner, deputy commissioner, and assistant commissioner of facility services.

G. Reporting requirements

1. The warden must immediately notify the assistant commissioner of facility services and the deputy commissioner of all requests for emergency assistance from a non-state entity. If the warden is unable to make the notification prior to providing the assistance, it must be done as soon as possible.

2. Upon receipt of this notification, and in conjunction with the approval of any request for emergency assistance to a non-state entity, notification must occur prior to the assistance being provided. When this is not practicable, such notification must occur immediately thereafter.

3. After notification, the warden must document the request for assistance under the mutual aid agreement.
   a) When assistance is provided, a written report must be prepared.
   b) The report must describe the emergency request that prompted the assistance, the assistance provided, the results (or tentative results), the expenditures made and necessity to amend the agreement to reflect costs, any injuries sustained, and other relevant information.
   c) The agency's emergency manager retains these records.

H. Annual review of mutual aid agreement
   1. The warden must ensure that each mutual aid agreement is reviewed annually to assess its continued applicability.

   2. The results of this review must be provided to
      a) The assistant commissioner of facility services;
      b) The DOC's emergency manager; and
      c) The central office policy and legal services unit.

INTERNAL CONTROLS:

A. Copies of executed mutual aid agreements and assistance reports are retained by the DOC emergency manager.

ACA STANDARDS: 4-4005, 2-CO-3B-02

REFERENCES: Minn. Stat. §§ 471.59, subd. 1 and 241.01, subd. 7
Policy 301.081, "Use of Force and Restraints – Adult"
Policy 301.079, "Juvenile Restrictive Procedures"
Division Directive 301.120, "Canine Units"
Policy 301.140, "Incident Command System"
Division Directive 500.012, "Offender Emergency Health Care"
Policy 301.160, "Emergency Plans"
Policy 301.170, "Terrorist Incident Response - Central and Field Offices"
Policy 301.180, "Terrorist Incident Response - Facilities"
Department of Homeland Security, National Incident Management System (NIMS), March 1, 2004

REPLACES: Division Directive 300.036, "Emergency Assistance Non-State Systems," 2/16/16. All facility policies, memos, or other communication whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVALS:
Deputy Commissioner, Community Services

Deputy Commissioner, Facility Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support