Minnesota Department of Corrections

Policy:	**600.200**	**Title: Certification and Inspection of Facilities and Enforcement of Rules**
Issue Date:	**1/3/17**	
Effective Date:	**1/17/17**	

AUTHORITY: Minn. Stat. §241.021; 260B.198, subd. 11; 260B.198, subd. 12
Minn. Rules 2900, 2911, 2920, 2945, 2955, 2960, and 2965

PURPOSE: To ensure conditions of confinement and the security or treatment of persons detained, confined and/or housed in correctional facilities meet basic safety, health, statutory, treatment and constitutional standards while ensuring the protection of the public.

APPLICABILITY: Minnesota Department of Corrections (DOC) licensed facilities; all adult and juvenile correctional facilities and all out of state juvenile certified correctional facilities that admit a Minnesota delinquent or extended jurisdiction juvenile (EJJ)

POLICY:

A. The department licenses, certifies, or authorizes the operation of all correctional facilities within the state that are established and operated for the detention and confinement of persons according to law, with the exception of those facilities inspected or licensed by other state regulating agencies.

B. The commissioner reviews the correctional facilities described at least once every biennium, except as otherwise provided herein, to determine compliance with the minimum standards established pursuant to this policy.

C. The department inspects and certifies all out of state correctional facilities, public or private, that are established and operated to detain and confine a Minnesota delinquent or EJJ.

D. To avoid any perception of conflict of interest, all efforts must be made to ensure that any inspector that has previously worked in a correctional facility as defined below not be assigned inspection responsibilities for the facility where the inspector was previously employed.

E. The department establishes and makes available the criteria for an exception of a person who has reached the age of 20 in a residential placement facility, licensed by the Commissioner of Corrections, to be housed together with persons under the age of 20. Facilities may write instructions to implement this policy.

F. The department ensures that treatment and detention facilities comply with all applicable standards, with respect to treatment and conditions of confinement.

DEFINITIONS:

Correctional facility – for the sole purpose of this policy, a correctional facility means any facility, private or local unit of government (including a family foster setting or foster residence setting), having a residential component, the primary purpose of which is to serve persons placed therein by a court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted or adjudicated to be guilty or delinquent. This does not include state correctional agencies.

PROCEDURES:

A. The DOC inspection and enforcement (IE) unit acts on the behalf of the department and develops the necessary unit instructions to carry out this policy.

B. The IE unit records, files, maintains, and distributes all information related to inspection and licensing/certification of facility and enforcement of standards, in accordance with the Minnesota Government Data Practices Act (Minn. Stat. §13).

C. The IE unit promulgates rules establishing minimum standards for facilities with respect to management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons detained or confined therein.

D. The commissioner may grant licensure up to two years.

E. The IE unit monitors compliance of the Juvenile Justice and Delinquency Prevention Act as determined in the Interagency Agreement between the DOC and the Department of Public Safety. The inspections normally occur during the scheduled facility inspections, but no less than every three years.

F. Inspectors, the management analyst, and the unit manager must ensure that:
   1. Records, files, and licensing/certification activities are entered, maintained, and archived automatically in the DOC statewide supervision portal – IE module; and
   2. Inspections are conducted based on a list of activities generated by the DOC statewide supervision portal – IE module.

G. The Department of Public Safety maintains a tracking system to ensure juvenile compliance monitoring is completed as required by the Juvenile Justice and Delinquency Prevention Act.

H. The administrative rulemaking process is used for the review and promulgation of rules.

I. The IE unit manager must ensure that documentation of inspector assignments is maintained in the DOC statewide supervision portal – IE module.

INTERNAL CONTROLS:

A. Records, files, and licensing/certification activities are entered, maintained, and archived automatically in the DOC statewide supervision portal – IE module.

B. The Department of Public Safety maintains a tracking system to ensure juvenile compliance monitoring is completed as required by the Juvenile Justice and Delinquency Prevention Act.

C. Documentation of inspector assignments are maintained in the DOC statewide supervision portal – IE module.

REVIEW: Annually

REFERENCES: Minn. Stat. §13
Minn. Stat. §241.065

SUPERSESSION: Policy 600.200, "Licensing and Inspection of Facilities and Enforcement of Standards," 1/15/13.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Request for Exception to Age in Residential Placement (600.200A)
Inspections Activity Review: Age Waiver (600.200B)

/s/
Deputy Commissioner, Community Services

Deputy Commissioner, Facility Services

Instructions
600.200IE, "Out of State Juvenile Facility Certification"
600.200-1IE, "Certification of Sex Offender Treatment Programs in Correctional Facilities"