

Subject Correctional facility safety

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Overview

This bill contains policy reforms intended to improve safety for inmates in state and local correctional facilities.

Summary

Section	Description
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| 1 | Title.
Names this act the Hardel Sherell Act. |
| 2 | Correctional facilities; inspection; licensing. <ul style="list-style-type: none">Requires the commissioner to establish minimum standards on topics such as mental health, suicide prevention, medication administration and discharge planning, sharing relevant information with medical personnel, code of conduct policy development, and death reviews.Clarifies that the commissioner must inspect and determine compliance with minimum standards established in rule and any related law.Clarifies license expiration practices.Increases the timeline for death reporting to 24 hours and codifies reporting obligations related to uses of force and those currently in rule related to emergencies and unusual occurrences.Requires the commissioner to publicly post its facility inspection reports within 30 days of completion.Moves outdated revocation statutory language to section 241.021, subdivision 1b. |

Section	Description
3	<p>Correction order; conditional license.</p> <p>Para. (a) Updates archaic language and clarifies ways the commissioner may act without revoking a facility license and codifies steps needed to correct deficiencies that are currently authorized in rule.</p> <p>Para. (b) Authorizes the commissioner to lift orders or restrictions if satisfactory progress towards substantial compliance is made by the facility.</p> <p>Para. (c) Clarifies that the licensing actions may be issued in any order necessary to bring a facility into compliance.</p>
4	<p>License revocation order.</p> <p>Para. (a) Updates outdated language and establishes a clear process for revocation of a license. Clarifies the commissioner’s condemnation authority for insecure or unfit for use facilities. Declares that facilities will remain operational during notice and written response period.</p> <p>Para. (b) Establishes the process for a facility administrator to respond to the commissioner.</p> <p>Para. (c) Adds parameters for what must be considered when revoking a license.</p> <p>Para. (d) Clarifies the contents of revocation orders and the authority to authorize use of a facility until a certain date in anticipation of a facility closure.</p> <p>Para. (e) Recodifies current statutory language.</p>
5	<p>Temporary license suspension.</p> <p>Grants the commissioner the authority to impose a temporary, immediate suspension to a facility.</p>
6	<p>Public notice of restriction, revocation, or suspension.</p> <p>Requires the commissioner to provide public notice if the commissioner restricts, revokes, or suspends a facility’s license.</p>
7	<p>Reconsideration of orders; appeals.</p> <p>Establishes the process and timeline for a facility to request that the commissioner reconsider an order and establishes that the commissioner’s decisions on requests for reconsideration are final, but subject to appeal.</p>
8	<p>Report.</p> <p>Imposes the following legislative reporting obligations on the commissioner:</p>

Section	Description
	<ul style="list-style-type: none">▪ information on individuals who have died in facilities;▪ information on death review results;▪ information on uses of force;▪ information on suicide attempts, segregation, and medical transports;▪ information on individuals housed outside of DOC facilities; and▪ summary data on complaints and discipline in DOC facilities.
9	<p>Definition. Recodifies the definition of “correctional facility” as that term is used in section 241.021.</p>
10	<p>Intake release of information. Requires all correctional facilities to provide a release of information form to individuals upon intake allowing them to authorize information and circumstances related to health status that can be shared in the event of incapacitation.</p>
11	<p>Death review teams. Establishes the following death review requirements for licensed facilities:</p> <ul style="list-style-type: none">▪ use a chosen, objective, medical expert, and includes mental health if appropriate;▪ assess for preventable mortality and morbidity within 90 days of death;▪ requires notice to DOC of any recommendations for changes in policy, procedure, or training; and▪ death review data is designated as confidential.
12	<p>Duty to report.</p> <p>Subd. 1. Discipline and prevention of escape. Adds clarifying language.</p> <p>Subd. 2. Use of force. Declares that force may not be applied maliciously or sadistically to cause harm to inmates. Prohibits certain means of restraining inmates including chokeholds and prone restraints, unless deadly force is justified. Defines when deadly force is permitted.</p> <p>Subd. 3. Duty to report. Creates a duty to report for staff who observe another staff use excessive force or who observe neglect of incarcerated individuals in facilities no later than 24 hours after the incident to the facility administrator.</p>



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