

DEPARTMENT OF CORRECTIONS

COUNTY JAIL SERVICES UNIT

JAILS AND LOCKUPS

(By authority conferred on the department of corrections by section 16a of chapter 13 of the Revised Statutes of 1846, as added, section 1 of Act No.102 of the Public Acts of 1984, as amended, and section 277 of Act No. 380 of the Public Acts of 1965, being §§ 45.16a, 791.262, and 16.377 of the Michigan Compiled Laws)

R 791.701 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Department" means the department of corrections.
  - (b) "Detoxification cell" means a cell used to temporarily hold 1 or more chemically impaired persons during the detoxification process until they can care for themselves and be moved to general housing areas.
  - (c) "Director" means the director of the department.
  - (d) "Drugs" means any prescribed medicine or controlled substance.
  - (e) "Facility" means a jail or lockup, including the buildings and site.
  - (f) "Security area" means a defined space that has controlled access and egress.
- (2) A term defined in the act has the same meaning when used in these rules.

History: 1998-2000 AACCS.

R 791.702 Firearms; training.

Rule 2. A facility shall establish and maintain written policy and practice which provide that all personnel authorized to use firearms receive appropriate training before being assigned to a post involving the possible use of firearms. Firearms training shall cover the use, safety, and care of firearms and the constraints on their use. All personnel authorized to use firearms shall demonstrate competency in the use of firearms at least annually.

History: 1998-2000 AACCS.

R 791.703 Chemical agents; training.

Rule 3. All personnel authorized to use chemical agents shall receive appropriate training in their use and in the treatment of individuals exposed to a chemical agent.

History: 1998-2000 AACCS.

R 791.704 Exits.

Rule 4. A facility shall have exits that are properly positioned, clear, and distinctly and permanently marked to ensure the timely evacuation of inmates and staff in the event of fire or other emergency. All housing areas and places of assembly shall have 2 exits.

History: 1998-2000 AACCS.

R 791.705 Medical treatment.

Rule 5. A facility shall establish and maintain written policy, procedure, and practice which provide that all persons injured in an incident receive immediate medical examination and treatment.

History: 1998-2000 AACS.

R 791.706 Use of force.

Rule 6. A facility shall establish and maintain written policy, procedure, and practice which restrict the use of physical force to instances of justifiable self-defense, protection of others, protection of property, and prevention of escapes, and then only as a last resort and in accordance with appropriate statutory authority. Physical force shall not be used as punishment. A written report is prepared after force is used and is submitted to administrative staff for review.

History: 1998-2000 AACS.

R 791.707 Firearms.

Rule 7. A facility shall establish and maintain written policy and procedure which govern the use of firearms, including all of the following requirements:

- (a) Weapons are subjected to safety regulations and inspections.
- (b) A secure weapons locker is located outside the security perimeter of the facility.
- (c) Except in emergency situations, firearms and impact weapons are permitted only in designated areas within the secured confines of the facility.
- (d) Employees supervising inmates outside the facility perimeter shall follow facility procedures for the security of weapons and the use of force.
- (e) Employees on duty shall only use firearms or other security equipment that has been approved through facility policies.

History: 1998-2000 AACS.

R 791.708 Fire safety.

Rule 8. A facility shall conform to applicable federal, state, and local fire safety codes. A facility shall obtain evidence of compliance with applicable fire safety codes. A fire alarm and automatic detection system are required, as approved by the authority having jurisdiction. If facility is not equipped with a fire alarm and automatic detection system, then the facility shall establish a plan, within a reasonable time period, to address the lack of an alarm and detection system and to address any deficiencies.

History: 1998-2000 AACS.

R 791.709 Fire prevention.

Rule 9. A facility shall establish and maintain written policy and procedure that specify the facility's fire prevention regulations and practices to provide for the safety of staff, inmates, and visitors. Policy and procedure shall include, but not be limited to, all of the following:

- (a) Provision for accessible, timely, and responsive fire protection service.
- (b) A system of fire inspection and testing of equipment at least quarterly.
- (c) An annual inspection by local or state fire officials or other qualified person or persons.
- (d) The availability of fire hoses or extinguishers at appropriate locations throughout the facility.

History: 1998-2000 AACS.

R 791.710 Fire inspections.

Rule 10. A facility shall establish and maintain written policy, procedure, and practice that provide for a comprehensive monthly inspection of the facility by a trained person designated by the facility administrator. The policy and procedure is reviewed annually and updated as needed.

History: 1998-2000 AACS.

R 791.711 Fire safety; furnishings.

Rule 11. Specifications for the selection and purchase of facility furnishings shall indicate the fire safety performance requirements of the materials selected.

History: 1998-2000 AACS.

R 791.712 Ashtrays.

Rule 12. If smoking is permitted, a facility shall be equipped with noncombustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout living quarters in the facility. All receptacles and containers shall be emptied and cleaned daily.

History: 1998-2000 AACS.

R 791.713 Flammable, toxic, and caustic materials.

Rule 13. A facility shall establish and maintain written policy, procedure, and practice that govern the control and use of all flammable, toxic, and caustic materials. Special containers are provided for flammable liquids and for rags used with flammable liquids.

History: 1998-2000 AACS.

R 791.714 Written emergency plans.

Rule 14. All staff shall be trained to respond to emergencies in accordance with written emergency plans.

History: 1998-2000 AACS.

R 791.715 Evacuation plans.

Rule 15. A facility shall establish and maintain a written evacuation plan to be used in the event of fire or major emergency. The plan is approved in writing by an independent, outside inspector trained in the application of national fire safety codes and is reviewed annually, updated if necessary, and reissued. The plan shall provide for all of the following: (a) Location of building/room floor plans. (b) Use of exit signs and directional arrows for traffic flow. (c) Location of the publicly posted evacuation plan. (d) At least quarterly drills in all facility locations, which may include staff drills.

History: 1998-2000 AACS.

R 791.716 Emergency release of inmates. Rule 16. A facility shall establish and maintain written policy, procedure, and practice that specify the means for the expeditious release of inmates from locked areas in case of emergency and provide for a backup system regarding the placement of inmates.

History: 1998-2000 AACS.

R 791.717 Security threats.

Rule 17.

(1) A facility shall establish and maintain written plans that specify the procedures to be followed in situations that threaten facility security, including all of the following:

(a) Riots.

(b) Hunger strikes.

(c) Disturbances.

(d) The taking of hostages.

(2) The plans are made available to all applicable personnel, are reviewed at least annually, and are updated as needed.

History: 1998-2000 AACS.

R 791.718 Inmate rights.

Rule 18. A facility shall establish and maintain written policy, procedure, and practice that protects inmates from all of the following that would constitute a civil or criminal violation:

(a) Personal abuse.

(b) Corporal punishment.

(c) Personal injury.

(d) Disease.

(e) Property damage.

(f) Harassment.

History: 1998-2000 AACS.

R 791.719 Dietary allowances.

Rule 19. A facility shall maintain documentation that the facility's dietary allowances are reviewed at least annually by a dietician. Menu evaluations are conducted at least quarterly by facility food service supervisory staff to verify adherence to the established basic daily servings.

History: 1998-2000 AACS.

R 791.720 Special diets.

Rule 20. A facility shall establish and maintain written policy, procedure, and practice that provide for special diets as prescribed by appropriate medical or dental personnel.

History: 1998-2000 AACS.

R 791.721 Food service health safety.

Rule 21. If required to be inspected by state law, a facility shall be inspected by the local public health authority. If a facility is not required by state law to be inspected, then a trained health inspector must certify compliance with applicable federal law.

History: 1998-2000 AACS.

R 791.722 Food service health policy.

Rule 22. A facility shall establish and maintain written policy, procedure, and practice that provide for adequate health protection for all inmates and staff in the facility and for inmates and other persons who working food service where required by laws and regulations applicable to foodservice employees in the community where the facility is located.

History: 1998-2000 AACS.

R 791.723 Food service inspections.

Rule 23. A facility shall establish and maintain written policy, procedure, and practice that require weekly inspections by administrative, medical, or dietary personnel of all food service areas, including dining and food preparation areas and equipment. Inspection personnel may include the person who

supervises food service operations or his or her designee. Refrigerator and dishwashing water temperatures are checked daily by administrative, medical, or dietary personnel.

History: 1998-2000 AACS.

R 791.724 Sanitation inspections.

Rule 24. A facility shall establish and maintain written policy, procedure, and practice that require both of the following inspections:

(a) Weekly sanitation inspections of all facility areas by a trained person designated by the facility administrator.

(b) At least annual inspections by federal, state, or local sanitation and health officials if federal, state, or local standards are applicable.

History: 1998-2000 AACS.

R 791.725 Water supply.

Rule 25. A facility's potable water source and supply shall be in compliance with the standards of Act No. 399 of the Public Acts of 1976, as amended, being §325.1001 et seq. of the Michigan Compiled Laws.

History: 1998-2000 AACS.

R 791.726 Waste disposal plan.

Rule 26. A facility shall establish and maintain a written plan that provides for the appropriate disposal of liquid, solid, and toxic wastes.

History: 1998-2000 AACS.

R 791.727 Vermin and pest control plan.

Rule 27. A facility shall establish and maintain a written plan for the control of vermin and pests that includes, at a minimum, monthly inspections by a trained person designated by the facility administrator.

History: 1998-2000 AACS.

R 791.728 Health care.

Rule 28. A facility shall establish and maintain written policy, procedure, and practice which provide that all medical, psychiatric, and dental inmate matters involving medical judgment are the sole province of the responsible physician, dentist or other qualified health professional.

History: 1998-2000 AACS.

R 791.729 Health care personnel qualifications.

Rule 29. Personnel who provide health care services to inmates shall be licensed by the state of Michigan when required. Verification of current credentials and job descriptions shall be on file in the facility.

History: 1998-2000 AACS.

R 791.730 Pharmaceuticals.

Rule 30. (1) The administrator or medical director, or both, of facility shall establish policies and procedures that are in compliance with local, state, and federal regulations governing the distribution,

dispensing, prescribing, administering, or disposing of any controlled substance or prescribed medication affecting an inmate.

(2) Drugs may be dispensed for patients only pursuant to the written orders of a licensed practitioner acting within the scope of his or her license.

History: 1998-2000 AACCS.

#### R 791.731 Health screening.

Rule 31. A facility shall establish and maintain written policy, procedure, and practice that require medical, dental, and mental health screening to be performed on all inmates by a trained staff member designated by the facility administrator. All findings are recorded on a form approved by the facility's designated health authority. The screening includes at least all of the following:

(a) Inquiry into all of the following:

(I) Current illness and health problems, including venereal diseases and other infectious diseases.

(ii) Dental problems.

(iii) Mental health problems.

(iv) Use of alcohol and other drugs, including all of the following information:

(A) The type of types of drugs used.

(B) Mode of use.

(C) Amounts used.

(D) Frequency used.

(E) Date or time of last use.

(F) History of any problems that may have occurred after ceasing use, for example, convulsions.

(v) Past and present treatment or hospitalization for mental disturbance or suicide.

(vi) Possibility of pregnancy.

(vii) Other health problems designated by the responsible physician.

(b) Observation of all of the following:

(I) Behavior, including all of the following:

(A) State of consciousness.

(B) Mental status.

(C) Appearance.

(D) Conduct.

(E) Tremor.

(F) Sweating.

(ii) Body deformities and ease of movement.

(iii) Condition of skin, including any of the following:

(A) Trauma markings.

(B) Bruises.

(C) Lesions.

(D) Jaundice.

(E) Rashes and infestations.

(F) Needle marks or other indications of drug abuse.

(c) The medical disposition of inmate shall be to 1 of the following:

(I) General population.

(ii) General population with prompt referral to appropriate health care service.

(iii) Referral to appropriate health care service for emergency treatment.

History: 1998-2000 AACCS.

#### R 791.732 Health appraisals.

Rule 32. (1) A facility shall establish and maintain written policy, procedure, and practice which require that a health appraisal for each inmate be completed by a trained health care person within 14 days after arrival at the facility. If there is documented evidence of a health appraisal within the previous 90

days, then a new health appraisal is not required, excepts determined by the designated health authority. A health appraisal includes at least all of the following:

- (a) Review screening performed under R 791.732.
- (b) Collection of additional data to complete the medical, dental, mental health, and immunization histories.
- (c) Laboratory or diagnostic tests, or both, to detect communicable disease, including venereal disease and tuberculosis.
- (d) Recording of all of the following:
  - (i) Height.
  - (ii) Weight.
  - (iii) Pulse.
  - (iv) Blood pressure.
  - (v) Temperature.
- (e) Other tests and examinations, as appropriate.
- (f) Medical examination, including review of mental and dental status.
- (g) Review of the results of the medical examination and tests and identification of problems by a physician or other qualified health care personnel.
- (h) Initiation of therapy when appropriate.
  - (1) Development and implementation of a treatment plan, including recommendations concerning housing, job assignment, and program participation.
  - (2) An inmate diagnosed as being contagious shall be removed from the facility or quarantined in well-ventilated quarters and separate from other inmates. In a case of suspected contagion, the administrator shall consult with the facility's designated health authority or the local health department.
  - (3) If, in the opinion of a licensed physician, an inmate needs hospitalization, the administrator, as directed by the physician, shall deliver the inmate to the nearest hospital or to any hospital designated by county.

History: 1998-2000 AACS.

R 791.733 Inmate participation in research.

Rule 33. A facility shall establish and maintain written policy and practice that prohibit the use of inmates for medical, pharmaceutical, or cosmetic experiments. This rule does not preclude individual treatment of inmate based on the need for a specific medical procedure that is not generally available.

History: 1998-2000 AACS.

R 791.734 Detoxification cells.

Rule 34. (1) A facility shall maintain a detoxification cell that allows for unobstructed supervision and observation of the entire detoxification cell area, which shall be accomplished by complying with either of the following provisions:

- (a) Locating the detoxification cell near an officer duty station which is staffed 24 hours a day and which is constructed to provide personal visual observation of the entire detoxification cell.
- (b) Installing an electronic camera or cameras that are continuously monitored in the officer's duty station.

History: 1998-2000 AACS.

R 791.735 Holding Cells.

Rule 35. (1) A jail or lockup shall have 1 group holding cell that hasn't less than 150 square feet of floor area. The capacities of a group holding cell is determined at 15 square feet of floor space per inmate, excluding benches.

(2) A holding cell shall provide for unobstructed supervision and observation of the entire holding cell area, which shall be accomplished by complying with either of the following provisions:

- (a) Locating the holding cell near an officer duty station that is staffed 24 hours a day.
- (b) Installing an electronic camera or cameras that are continuously monitored in the officer's duty station.

History: 1998-2000 AACS.

R 791.736 Staffing.

Rule 36. (1) When housing inmates, a facility shall be staffed to provide proper security and correctional control.

- (2) The administrator shall supervise, schedule, and control all personnel working in the facility.
- (3) At least 1 corrections officer shall be provided for each floor or security area that is occupied.
- (4) The duty station for a detoxification or holding cell shall be staffed continually when the detoxification cell or holding cell is occupied.
- (5) A sufficient number of personnel shall be provided to perform ancillary functions, whether scheduled or unscheduled, such as moving inmates to medical, visitation, recreation, or other inmate programs.

History: 1998-2000 AACS.

R 791.737 Safety and maintenance of equipment and structures.

Rule 37. (1) The administrator shall develop and implement safety standards that will protect the health and welfare of inmates and staff.

- (2) The administrator shall ensure that inmate and staff equipment and structures are maintained.

History: 1998-2000 AACS.

R 791.738 Inmate classification plan.

Rule 38. A facility shall establish and maintain written policy, procedure, and practice that provide for a written inmate classification plan which defines the level of custody required, housing assignment, and participation in correctional programs. The facility shall review the plan at least annually and update the plan if necessary.

History: 1998-2000 AACS.

R 791.749 Rescission

Rule 49. R 791.501 to R 791.665 of the Michigan Administrative Code, appearing on pages 5117 to 5143 of the 1979 Michigan Administrative Code, are rescinded.

History: 1998-2000 AACS.