Minnesota Department of Corrections

Policy Number:	**302.310**
Title:	**Use of Tobacco for American Indian Ceremonies**
Effective Date:	**11/6/18**

PURPOSE: To provide rules regarding the possession and use of cherry tobacco and tobacco-related devices as part of American Indian spiritual ceremonies.

APPLICABILITY: All facilities

DEFINITIONS:

Artifact – American Indian item (e.g., medicine bag) of cultural and spiritual significance that offenders are allowed to possess. This article may contain tobacco and must be permanently sealed.

Ceremony/activity – an American Indian event approved by the religious resource coordinator/designee. Activities include regularly scheduled ceremonies and special ceremonies (e.g., religious meal, family death or emergency, or special spiritual activities).

Fire keepers – offenders who have been pre-approved to assist with the starting and maintenance of a fire.

Immediate family – a legal spouse, child (birth, step, and adopted), parent, or sibling (birth, step, adopted and half).

Kinnikinnick – a mixture of the inner bark of red willow or dogwood, and sometimes tobacco. Only tobacco-free kinnikinnick is allowed at juvenile facilities.

American Indian outdoor worship area – designated area marked for religious activities.

Pipe carrier – an American Indian offender identified in cooperation with the group volunteer(s) and religious resources coordinator, to be responsible for the American Indian offender group pipe, tobacco, and lighting material during authorized activities.

Spiritual elder – an American Indian spiritual leader from the community.

Tobacco – cherry blend pipe tobacco allowed only at spiritual group activities (such as sweat lodge ceremony, pipe and drum ceremony, and smudging) that are approved and scheduled by the religious coordinator.

PROCEDURES:

A. General

1. Offenders who participate in American Indian spiritual ceremonies are allowed to use cherry tobacco only in a designated area at scheduled group ceremonies.

2. Offender misuse or unauthorized possession of cherry tobacco and tobacco-related devices is considered a violation of this directive and results in disciplinary action.

3. State funds must not be used for the purchase of cherry tobacco or tobacco-related devices.

B. Area(s) where tobacco may be used

1. Tobacco may be used in a designated area as determined by the religious resources coordinator.

2. Small amounts of tobacco may be kept in the personal possession of an offender, but only in a medicine bag that is permanently sealed.

3. Offenders may smoke the pipe with the pipe carrier under the supervision of the religious resource coordinator when death occurs in the offender's immediate family.
   a) If the facility confirms and documents that a special relationship existed between the offender and an extended family member, the facility may allow the offender to smoke the pipe with the "pipe carrier."
   b) For example a grandparent who may have been a surrogate parent to the offender or a grandchild for whom the offender may have been a surrogate parent may qualify as allowed exceptions.
   c) Other exceptions may be allowed only with the warden's approval.

4. Tobacco must be smoked only in the pipe.
   a) Smoking tobacco in a device other than a pipe is misuse of the tobacco.
   b) The device is considered contraband, resulting in disciplinary action.

C. Procurement and distribution

1. The religious resource coordinator procures tobacco for American Indian use from local vendors, utilizing non-state budgeted funds.
   a) Offenders may submit vouchers to the facility for tobacco purchase for religious purposes.
   b) Staff must also review and follow Policy 104.190, "Acceptance of Gifts," if tobacco is gifted to the facility.

2. The religious services coordinator must log all purchases and distributions of tobacco, including dates, source, uses, staff signatures, and amounts. Logs must be retained at the facility for three years.

3. All tobacco and lighters must be kept in a locked cabinet in a secure area. The religious resource coordinator maintains an ongoing inventory of the tobacco supply and lighters.

4. The religious resources coordinator provides tobacco for the ceremony at a ratio of 0.75 ounces for every 35 offenders attending the ceremony. Increases or decreases must be distributed proportionally to the number of participants.

6. At the appointed time before of an event, the fire keeper receives a small amount of tobacco and the remaining tobacco is distributed at the start of the ceremony.

D. Use of tobacco

1. Facility levels one, two and three may utilize cherry tobacco up to four times per week.

2. Facility levels four and five may utilize tobacco once per week.

INTERNAL CONTROLS:

A. The purchase and distribution log is retained at the facility.

B. Logs are retained for three years.

C. Vouchers and receipts for tobacco are retained in finance according to finance retention schedules.

D. The religious resource coordinator maintains an ongoing inventory of the tobacco supply and lighters.

REFERENCES: Minn. Stat. § 243.555
Policy 103.200, "Smoking and Use of Tobacco Products"
Policy 302.300, "Religious Programming"

REPLACES: Division Directive 302.310, "Use of Tobacco for Indian Ceremonies," 10/20/15. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVALS:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support

Instructions
302.310LL, "Use of Tobacco for American Indians"
302.310OPH, "Use of Tobacco for Indian Ceremonies"