2024
INCARCERATED INDIVIDUAL DISCIPLINE RULES

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INTRODUCTION

The Incarcerated Individual Discipline Rules apply to all individuals who are in the custody of, the commissioner of corrections and confined in a state correctional facility, local detention facility, hospital, or work release location. They apply to all incarcerated individuals, regardless of institution status or facility placement. These rules replace all previous policies, rules, memos, or other communications relating to disciplinary sanctions.

INCARCERATED INDIVIDUAL RIGHTS IN THE DISCIPLINARY PROCESS

An incarcerated individual has the right to:

- Receive a published list of charges and penalties (this booklet).
- Receive a Notice of Violation containing the charge, rule name, maximum penalties, incident description, witnesses, evidence, tentative hearing date, and statement of rights.
- Adequate notice of hearing date at least 24 hours prior to the hearing.
- An opportunity to appear in person and be heard before a hearing officer.
- An impartial hearing officer who is not the reporting staff, a witness, or anyone who will review the proceedings on appeal.
- Bring relevant physical evidence to the hearing.
- Request up to three witnesses at major hearings only.
- Request a continuance for good cause for major and minor hearings.
- Obtain a representative for major hearings only. The representative is an attorney or a designated department employee who assists incarcerated individuals at major discipline hearings. An incarcerated individual is not allowed to be a representative for another incarcerated individual. If the incarcerated individual has a representative, the representative will have access to the incarcerated individual throughout the process from the point of notice.
- A written statement of the hearing officer's findings, disposition, and the rationale for both.
- Appeal the hearing officer's decision to the warden/designee.
- Access the Minnesota Department of Corrections discipline policy.

Waiver:

- A waiver is the incarcerated individual's admission to a charged violation prior to a hearing and an agreement to the disposition and penalty offered by discipline staff.
- Discipline staff are not required to make a waiver offer.
- By signing a waiver, the incarcerated individual waives their rights to a hearing and appeal.

Violation of Statutes: The violation of any state or federal criminal statute is subject to both criminal prosecution as well as disciplinary action. This does not constitute double jeopardy.

TYPES OF PENALTIES

Major Penalty: Extended incarceration (EI) and restitution, which may be imposed at a major discipline hearing or through waiver of a major discipline hearing.

Minor Penalty: Loss of privileges, disciplinary segregation, and restrictive disciplinary segregation, which may be imposed at either a major or minor discipline hearing or through waiver of a discipline hearing.

Loss of Privileges: Loss of recreation and some social activities, as well as other possible restrictions such as confinement to one's cell/room/bunk during non-working hours. This may vary among facilities or among units within a facility due to programming.

Disciplinary Segregation: A specified number of days of confinement in a room/cell with fewer privileges and amenities. Release violators will receive a one-day extension of their projected release dates (PRD) for every three days of segregation imposed. An incarcerated individual's initial confinement release date (CRD) is only extended to the segregation release date for disciplinary segregation penalties imposed at a major hearing or through waiver of a major hearing. Disciplinary segregation imposed at a minor hearing or through waiver of a minor hearing does not extend an incarcerated individual's CRD, but does extend a release violator's PRD as noted above.

Restrictive Disciplinary Segregation: A more restrictive form of disciplinary segregation limited to a maximum of 10 days in a 15-day period. Restrictive disciplinary segregation affects incarcerated individual release dates in the same manner as disciplinary segregation.

Extended Incarceration: A disciplinary penalty that affects the length of time an incarcerated individual is incarcerated. For incarcerated individuals whose crimes were committed on or after August 1, 1993, the penalty extends the term of imprisonment, and shortens the supervised release term, by the specified amount. For incarcerated individuals whose crimes were committed before August 1, 1993, it prevents them from earning additional good time towards their term of imprisonment or maximum sentence in an amount equal to the extended incarceration penalty imposed.

Restitution: Payment for damage to or theft/loss of property under state supervision, including repair, replacement, clean-up and labor costs resulting from an incarcerated person's actions. Restitution may be ordered at a major hearing or through a waiver of a major hearing.

Confiscation: Seizure of unauthorized money or property and disposal according to the DOC policies and directives.

PENALTIES ABBREVIATIONS:

Disciplinary Loss of Privileges	DLOP
Restrictive Disciplinary Segregation	RS
Disciplinary Segregation	SEG
Extended Incarceration	EI

DEFINITIONS

Accessory: Any incarcerated individual who assists or joins another in the commission of a prohibited act either before, during, or after the act, may be found guilty of being an accessory to the act and receive the same penalty. This includes one who aids, abets, commands, counsels, instigates, or conceals the act.

Aggravating Considerations: Factors used to determine the amount of segregation and extended incarceration within the specified ranges for a disciplinary violation. Depending on the nature of the violation, aggravating considerations include whether:

(1) The violation was committed while the incarcerated individual was in a restrictive housing unit.
(2) The violation was committed in a high risk setting.
(3) The violation was committed for the benefit of a security threat group.
(4) The incarcerated individual was found guilty of the same or similar violation on at least three prior occasions.
(5) The incarcerated individual acted with premeditation, lethal intent, or specifically targeted the victim.
(6) The incarcerated individual acted in concert with multiple participants.

All aggravating considerations must be documented in the Notice of Violation and, if applicable, in the discipline hearing report.

Alcohol: Any alcoholic beverage, including fermenting liquids or ingredients commonly used in the preparation or consumption of alcohol.

Assault: An act, threat, or attempt to inflict offensive physical contact or bodily harm on a person that puts the person in immediate danger.

Attempt: Any incarcerated individual who takes a substantial step toward violating a rule is guilty of an attempt to violate that rule and is subject to the penalties applicable to that rule.

Bodily Fluids: Any fluid, secretion, or excretion commonly created within the body, including urine, feces, blood, saliva, and mucus/sputum. This also includes any substance contaminated with such fluids, secretions, or excretions.

Bodily Harm: Physical pain, injury, illness or any impairment of physical condition.

Cells/Rooms: Whether commonly called a cell, room, cubicle or other term, this term refers to the living space assigned to an incarcerated individual for sleeping and storage of personal items.

Conspiracy: Any incarcerated individual who conspires with another person to commit a rule violation is guilty of the violation and subject to the applicable penalties if one or more of the parties takes some overt act in furtherance of the conspiracy.

Contraband: Any item that is altered, unauthorized, in excess of allowable limits; in an unauthorized area, or for which an incarcerated individual does not have specific authorization.

Delegation: Any out-of-facility activity under staff or volunteer escort.

Discipline Staff: Staff persons at each facility who are assigned to investigate and process allegations of incarcerated individual misconduct.

Evidence: Any item or information that would assist in resolving whether an incarcerated individual has violated a discipline rule.

Hearing Officer: An impartial department employee who makes findings and determines penalties in discipline cases. The hearing officer must not be a staff member who was directly involved in the incident. Major discipline hearings are conducted by hearing officers with the department's hearing and release unit (HRU). Minor discipline hearings are conducted by designated facility staff.

Incarcerated Individual: A person committed to or in the physical custody of the commissioner of corrections.

Intoxicant: Any substance which may be inhaled, injected, absorbed, or ingested for an intoxicating or mood-altering effect, whether a stimulant, depressant, tranquilizer, narcotic, hallucinogenic or other mood-altering substance.

Illegal Drug: Any intoxicating substance that is prohibited by local, state or federal law.

Major Discipline Hearing: An informal, administrative, fact-finding examination convened for the purpose of establishing whether an incarcerated individual has violated discipline rules for which extended incarceration or restitution are being sought by discipline staff. These sanctions may be imposed in conjunction with any minor penalties, such as segregation and restrictive segregation. A major discipline hearing is conducted by an HRU hearing officer.

Minor Discipline Hearing: An informal, administrative, fact-finding examination convened for the purpose of establishing whether an incarcerated individual has violated discipline rules for which restitution or extended incarceration are not being sought by discipline staff. A minor discipline hearing is conducted by designated facility staff.

Possession: On the incarcerated individual's person; in their cell/room, their area of responsibility, or an area under their exclusive control; or in their unauthorized control.

Restitution: Payment for damage to or theft/loss of property under state supervision including repair, replacement, clean up, and labor costs resulting from an incarcerated individual's actions.

Risk Code Violation (RCV): A designated rule violation which poses a serious risk to safety or security.

Sexual Contact: Behavior that includes any of the following: contact between the penis and the vulva or the anus, including penetration however slight; contact between the mouth and the penis, the vulva, or anus; penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding unintentional contact incidental to a physical altercation.

Significant Bodily Harm: Substantial disfigurement, substantial loss or impairment of the function of any bodily part or organ, or other serious bodily harm, whether temporary or permanent. This includes fractures and other injuries that require medical intervention, including stitches, but does not mean only bruising, swelling, or scratching.

Significant Exposure: Contact likely to transmit a bloodborne pathogen (for example, hepatitis and HIV), as determined by medical personnel.

Staff: Within these rules, any reference to "staff" includes:

- DOC employees and canines
- Volunteers, interns, and practicum students
- Employees of firms under contract with the DOC
- Official visitors
- Representatives of agencies who have approval to contact staff or incarcerated individuals to conduct agency business
- Any professional or para-professional having access to incarcerated individuals for approved study, specialized services, representation, research or data collection
- Personnel authorized to have contact with incarcerated individuals or to have authorized access in a correctional facility

Threatening Behavior: Any communication or behavior directed at another person which declares or implies intimidation or harm to their person, property, or family.

Victim: A person or canine harmed, injured, or killed as a result of an intentional or unintentional crime, rule infraction, accident, or other event or action.

Weapon: Any object designed, altered, or used for inflicting bodily harm or physical damage.

TABLE OF PENALTIES

Level 5 Violations:

Penalty Range:

SEG 180-360 EI 0-720*

*EI time of 31-75 days must have facility warden approval. EI time of 76 or more days must have Deputy Commissioner – Facilities Division approval.

		PENALTIES	
#	Name	SEG*	EI*
341	Sexual Abuse of Incarcerated Individual (Risk Code Violation (RCV))	360	720
430	Holding Hostage (RCV)	360	720
440	Homicide (RCV)	360	720
444	Assault of Staff with Bodily Fluids and Significant Exposure (RCV)	360	720
450	Assault with Significant Bodily Harm of Staff (RCV)	360	720
460	Assault with Significant Bodily Harm of Incarcerated Individual (RCV)	360	720
490	Sexual Abuse/Contact of Staff (RCV)	360	720

Level 4 Violations:

Penalty Range:

SEG 60-180 EI 0-270*

*EI time of 31-75 days must have facility warden approval. EI time of 76 or more days must have Deputy Commissioner – Facilities Division approval.

		PENALTIES	
#	Name	SEG*	EI*
330	Arson (Risk Code Violation (RCV))	180	270
413	Assault of Staff with Weapon (RCV)	180	270
414	Assault of Incarcerated Individual with Weapon (RCV)	180	270
420	Riot (RCV)	180	270
439	Escape from Secure Custody (RCV)	180	270
441	Assault with Bodily Harm of Staff (RCV)	180	270
442	Assault with Bodily Harm of Incarcerated Individual (RCV)	180	270

Level 3 Violations:

Penalty Range:

LOP 0-30 RS 0-10 SEG 0-90* EI 0-240*

*Segregation penalties in excess of 60 days must be supporting by one or more aggravating circumstances (see definition of Aggravating Circumstances).

*EI time of 31-75 days must have facility warden approval. EI time of 76 or more days must have Deputy Commissioner – Facilities Division approval.

		PENALTIES			
#	Name	LOP	RS	SEG*	EI*
203	Possession of Illegal Drugs (Risk Code Violation (RCV))	30	10	90	240
211	Use of Illegal Drugs (RCV)	30	10	90	240
215	Refusal to Provide Sample (Opt. RCV)	30	10	90	240

		PENALTIES			
#	Name	LOP	RS	SEG*	EI*
282	Smuggling From Outside a Facility (RCV)	30	10	90	240
310	Threatening Others (Opt. RCV)	30	10	90	240
340	Sexual Behavior (Opt. RCV)	30	10	90	240
345	Sexual Misconduct Towards Staff (Opt. RCV)	30	10	90	240
360	Extortion (Opt. RCV)	30	10	90	240
380	Possession of Wireless Device (Opt. RCV)	30	10	90	240
383	Possession of Weapons (RCV)	30	10	90	240
385	Possession of Escape Materials (Opt. RCV)	30	10	90	240
390	Inciting/Unlawful Assembly/Protest (Opt. RCV)	30	10	90	240
410	Assault (Opt. RCV)	30	10	90	240
411	Assault of Staff (RCV)	30	10	90	240
412	Assault of Incarcerated Individual (RCV)	30	10	90	240
431	Escape (RCV)	30	10	90	240
443	Assault of Staff with Bodily Fluids (RCV)	30	10	90	240

Level 2 Violations:

Penalty Range: LOP 0-30 RS 0-10 SEG 0-60* EI 0-20**

*Segregation penalties in excess of 30 days must be supported by one or more aggravating circumstances (see definition of Aggravating Circumstances).

**EI only applicable to risk code violations (RCV) EI in excess of 10 days must be supported by one or more aggravating circumstances (see definition of Aggravating Circumstances).

		PENALTIES			
#	Name	LOP	RS	SEG*	EI*
170	Interference with Security Procedures	30	10	60	0
202	Use of Alcohol or Other Intoxicants	30	10	60	0
216	Possession of Alcohol or Other Intoxicants	30	10	60	0
220	Tampering with Security/Safety Devices	30	10	60	0
240	Lying and Misrepresentation	30	10	60	0
281	Smuggling within a Facility	30	10	60	0
315	Classification Failure	30	10	60	0
321	Fighting	30	10	60	0
350	Soliciting/Bribery	30	10	60	0
384	Possession of Money	30	10	60	0
386	Possession of Other Contraband	30	10	60	0
387	Possession of Smuggling Device	30	10	60	0
388	Possession of Tobacco	30	10	60	0
389	Possession of Unauthorized Medications	30	10	60	0

Level 1 Violations:

Penalty Range: LOP 0-30 RS 0-5 SEG 0-30*

*Segregation penalties in excess of 15 days must be supported by one or more aggravating circumstances (see definition of Aggravating Circumstances).

		PENALTIES

#	Name	LOP	RS	SEG*
020	Disturbing Others	30	5	30
030	Failure to Comply	30	5	30
050	Gambling	30	5	30
130	Contempt	30	5	30
160	Disobeying a Direct Order	30	5	30
161	Refusing Placement	30	5	30
180	Enterprises & Fraud	30	5	30
181	Tax Fraud	30	5	30
190	Unauthorized Control, Theft, Possession, Transfer or Use of Property	30	5	30
213	Misuse of Prescribed Medications	30	5	30
214	Misuse of Over-the-Counter (OTC) Medications	30	5	30
270	Destruction, Damage, or Alteration of Property	30	5	30
290	Being in an Unauthorized Area	30	5	30
300	Abuse/Harassment	30	5	30
301	Incarcerated Individual Sexual Harassment	30	5	30
320	Disorderly Conduct	30	5	30
322	Tattooing/Disfigurement	30	5	30
323	Possession of Tattoo Paraphernalia	30	5	30
470	Creating a Fire Hazard	30	5	30

Treatment Mandate Violations:

Penalty Range: EI 0-360*

		PENALTIES
#	Name	EI*
511	Mandated Treatment Failure/Refusal, Chemical Dependency	0
512	Mandated Treatment Failure/Refusal, Sex Offense Treatment (SOT)	30
513	Mandated Treatment Failure/Refusal, Minnesota Sex Offender Program (MSOP)	360
517	Mandated Treatment Assessment Refusal, Chemical Dependency	30

*Rule 511 violation will be given no sanction but documented in discipline history.
*Rule 512 violation will be offered 15 days EI on a waiver and will receive 30 days EI at a hearing if found guilty.
*Rule 513 violation will be offered 180 days EI on a waiver and will receive 360 days EI at a hearing if found guilty.
*Rule 517 violation will be offered 15 days EI on a waiver and will receive 30 days EI at a hearing if found guilty
*EI time of 31-75 days must have facility warden approval. EI time of 76 or more days must have Deputy Commissioner – Facilities Division approval.
*In addition, if an incarcerated individual refuses or fails treatment, they will be terminated from their current work assignment and placed on Unassigned Idle (UI) for up to 90 days. Following completion of UI, the incarcerated individual will start their new work assignment at base pay. If they are enrolled as a student in education or career technical program, that program assignment will continue unaffected.

INCARCERATED INDIVIDUAL DISCIPLINE RULES

020. Disturbing Others No incarcerated individual shall create noise sufficient to disturb others. Any activity loud enough to disturb others in nearby cells/rooms or areas is a violation of this rule.

030. Failure to Comply

A. Incarcerated individuals are expected to fulfill the requirements of any assignment they have been given. No incarcerated individual shall fail to:

1. Carry out staff directives, work responsibilities, or other assignments.
2. Report to duty, assignment, activity or meetings on time.
3. Abide by institution, unit, work, education, program. or activity rules or procedures, whether on or off the grounds of the facility.

B. No incarcerated individual shall perform work that has not been assigned to them by staff, including but not limited to working on State or another person's property or equipment, modifying authorized property for use in an unauthorized manner, doing another person's work or having someone do one's work.

C. All incarcerated individuals are expected to follow expectations of common decency and be fully clothed when outside their rooms/cells.

D. Every incarcerated individual is required to maintain a socially acceptable level of personal hygiene. Cells/rooms are to be kept clean and orderly, floors are to be free of debris, litter is to be place in trash cans, etc. No incarcerated individual shall deposit trash about the facility and/or its grounds.

E. No incarcerated individual shall refuse a treatment appointment outside of the facility after departure from the facility.

050. Gambling No incarcerated individual shall be involved in gambling. Gambling includes such examples as: a lottery, placing a bet, an agreement based on chance, participating in a game with a “stake” attached, and using or possessing gambling devices or paraphernalia.

130. Contempt No incarcerated individual shall, during the course of a disciplinary hearing, verbally abuse any participant in the hearing or disrupt or obstruct the orderly procedures of the hearing. This violation is charged and the penalty immediately imposed by the hearing officer.

160. Disobeying a Direct Order No incarcerated individual shall refuse to comply with a specifically stated (oral or written) directive that is posted or distributed within the facility, given by a staff member, or ordered by a court, even when the directive does not contain the words "direct order." In the case of conflicting directives, the last directive must be followed.

161. Refusing Placement No incarcerated individual shall refuse to comply with an assigned living placement.

170. Interference with Security Procedures

A. No incarcerated individual shall, in any manner, interfere with, or obstruct staff in the performance of their duties.

B. No incarcerated individual shall refuse, fail to cooperate with, or in any way interfere with a staff search of their person, another person, or any area.

C. No incarcerated individual shall miss, delay, interrupt, or violate specific facility count procedures and shall remain in clear view in their designated area for the duration of the count.

D. No incarcerated individual shall miss, delay, or interrupt switch-in or switch-out.

E. No incarcerated individual shall move from one area to another without their identification card on their person, or properly displayed (if required), after having been issued such a card.

180. Enterprises and Fraud

A. No incarcerated individual shall engage in a business activity or enterprise nor use a facility address as a business address. The term business activity including such examples as: the practice of a profession, the sale or solicitation of goods or services, and the manufacture or distribution of goods or services whether direct or indirect. This does not include routine communication with a person who is operating a business established by the incarcerated individual prior to incarceration.

B. No incarcerated individual shall make or solicit an unauthorized transfer of property or an unauthorized financial transaction, or engage in other fraudulent conduct in an attempt to take advantage of another including UCC claims.

181. Tax Fraud No incarcerated individual shall provide false information or claims to a taxing entity for self or others, file false tax documents, or receive money or other benefit from activity in violation of applicable tax codes.

190. Unauthorized Control, Theft, Possession, Transfer, or Use of Property

A. No incarcerated individual shall steal, transfer, loan, borrow, use, control or possess another incarcerated individual's property or any unauthorized state property.

B. No incarcerated individual shall, without the express approval of staff, waste food; take more food than allowed; or throw out large amounts of food from a meal, the kitchen, or food cart.

C. To conserve energy and resources, no incarcerated individual shall run hot or cold water for heating or cooling purposes and shall not leave their cell/room with any light or electrical appliance turned on.

202. Use of Alcohol or Other Intoxicants No incarcerated individual shall use alcohol or ingest, inject or inhale any form of intoxicant. Any behavior which suggests an incarcerated individual has ingested, injected, or inhaled any intoxicating substance (including detection by chemical analysis), or is under the influence of such substance, is in violation of this rule.

203. Possession of Illegal Drugs (RCV) No incarcerated individual shall possess illegal drugs, or any paraphernalia expressly or commonly used in the preparation or consumption of illegal drugs.

211. Use of Illegal Drugs (RCV) No incarcerated individual shall use illegal drugs.

213. Misuse of Prescribed Medications No incarcerated individual shall use, distribute, or transfer any medication prescribed to them in any manner other than prescribed, or use any medication prescribed to others.

214. Misuse of Over-the-Counter (OTC) Medications No incarcerated individual shall use OTC medications in excess of the recommended dosage, in any manner inconsistent with the label, or any OTC medications belonging to others.

215. Refusal to Provide Sample (Opt RCV) No incarcerated individual shall fail to provide a breath, urine, saliva, or blood sample when directed.

216. Possession of Alcohol or Other Intoxicants No incarcerated individual shall possess any intoxicant, including alcohol, or any items expressly or commonly used in the preparation of intoxicants.

220. Tampering with Security/Safety Devices

A. No incarcerated individual shall operate, alter, damage, or interfere with the operation of facility security/safety devices.

B. No incarcerated individual shall violate regulations regarding the use of anything on cell bars, windows or doors, or within the cell/room which is considered to be an obstacle to ventilation, to opening a door, or to visual observation of any portion of the cell/room by a person on the walkway/ hallway outside the cell/room or video monitoring station.

240. Lying and Misrepresentation

A. No incarcerated individual shall knowingly make a false statement to staff which directly affects the safety, security, or orderly operation of the facility. No incarcerated individual shall knowingly falsify or alter a report, make a false statement in order to mislead another, or misrepresent a fact.

B. No incarcerated individual shall knowingly make a false statement about staff. If an incarcerated individual makes a complaint in good faith about staff that is protected under state or federal law, the facility must possess evidence corroborating the staff member's report in order to charge the incarcerated individual under this rule.

C. Any incarcerated individual who is determined by a reviewing court or agency to have submitted a frivolous or malicious claim, testified falsely, or submitted false evidence is in violation of this rule.

D. No incarcerated individual shall make a false report maliciously expressed and tending to injure the reputation of another person.

270. Destruction, Damage, or Alteration of Property No incarcerated individual shall destroy, damage, or alter State property, their own personal property, or any property not owned by them.

281. Smuggling within a Facility No incarcerated individual shall be involved in the movement of contraband within the facility or its grounds, including the unauthorized movement of items even though they may be permitted within the facility.

282. Smuggling Into or Out of a Facility (RCV) No incarcerated individual shall be involved in the movement of contraband into or out of the facility or its grounds, including the unauthorized movement of items even though they may be permitted in or out of the facility.

290. Being in an Unauthorized Area No incarcerated individual shall loiter or be in an unauthorized area. Every incarcerated individual is to be accounted for at all times during each day. This includes an incarcerated individual's failure to promptly arrive at, remain at, or promptly return from their assigned duty or count station, authorized activity, living quarters, visiting area, or off-grounds activity. Whenever an incarcerated individual is moving from any area to another, whether with or without a pass, they are required to move directly to the assigned destination.

300. Abuse/Harassment No incarcerated individual shall show overt disrespect for another person, whether or not the subject is present. No incarcerated individual shall make verbal comments, gestures, or actions of a derogatory or offensive sexual nature directed to another. Abuse/harassment includes such examples as: derogatory or profane writing, remarks or gestures; name calling; yelling; and other acts that constitute public expressions of disrespect for authority.

301. Incarcerated Individual Sexual Harassment No incarcerated individual shall make repeated or unwelcome sexual advances; requests for sexual favors; or verbal comments, gestures, or actions of a derogatory or offensive nature to another incarcerated individual.

310. Threatening Others (Opt. RCV) No incarcerated individual shall engage in threatening behavior toward another person or toward a canine.

315. Classification Failure

A. No incarcerated individual shall refuse General Population placement from the Restrictive Housing Unit in excess of five consecutive times; and

B. No incarcerated individual shall fail to cooperate with an "Administrative Plan" to safely transition from the Restrictive Housing Unit to General Population when such a program is implemented.

320. Disorderly Conduct No incarcerated individual shall engage in disruptive or nuisance conduct. This includes throwing any object or substance at a person, as well as any activity which has the potential to cause damage to property or injury to self, another person, or a canine.

321. Fighting No incarcerated individual shall participate in a physical struggle or aggressive contact with another incarcerated individual, including hitting, kicking, restraining or other unwanted physical contact.

322. Tattooing/Disfigurement No incarcerated individual shall engage in tattooing, body piercing, cutting, branding, or other bodily disfigurement.

323. Possession of Tattoo Paraphernalia No incarcerated individual shall possess any item or device expressly or commonly used in the practice of tattooing, including such examples as: tattoo guns/motors/parts, unauthorized ink, tracing paper, and tattoo drawings.

330. Arson (RCV) No incarcerated individual shall, by means of fire or explosives, damage property, cause bodily injury, create a risk of harm to another person or to property, or intentionally ignite, burn, or allow any substance to burn.

340. Sexual Behavior (Opt. RCV) No incarcerated individual shall request, solicit, or engage in consensual sexual behavior or contact, or be in a situation that gives evidence of such action with another incarcerated individual. Sexual behavior includes such examples as: kissing, embracing, hand holding, touching the intimate parts of another person, exposing one's intimate parts to another, and inappropriate masturbation. "Intimate part" means breast, penis, anus, buttocks, scrotum, or vaginal area, whether clothed or unclothed.

341. Sexual Abuse of Incarcerated Individual (RCV) No incarcerated individual shall have nonconsensual sexual contact with another incarcerated individual. This rule prohibits sexual contact if the victim does not consent, is coerced into such act by overt or implied threatening behavior, or is unable to consent or refuse.

345. Sexual Misconduct Towards Staff (Opt. RCV) No incarcerated individual shall make sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature to staff. No incarcerated individual shall request or solicit any sexual behavior or contact, or be in a situation that gives evidence of such action with staff. Sexual behavior includes examples such as: kissing, embracing, hand holding, touching the intimate parts of another person, exposing one's intimate parts to another, including masturbation. "Intimate part" means breast, penis, anus, buttocks, scrotum, or vaginal area, whether clothed or unclothed.

350. Soliciting/Bribery

A. No incarcerated individual shall directly or indirectly convey affection to or about staff, whether verbally, by gesture, in writing, or in drawings. No incarcerated individual shall ask for personal information or request special attention of a staff member or family of a staff member.

B. No incarcerated individual shall engage in any activity which involves or implies an offer, a promise to give, or the giving of a gift directly or indirectly to staff or an incarcerated individual in exchange for something to which the incarcerated individual is not entitled.

360. Extortion (Opt. RCV) No incarcerated individual shall force another person to do something against that person's will through strong arming, blackmailing or threatening behavior.

380. Possession of Wireless Device (Opt. RCV) No incarcerated individual shall possess an unauthorized wireless communication device or any component thereof.

383. Possession of Weapons (RCV) No incarcerated individual shall possess any weapon.

384. Possession of Money No incarcerated individual shall possess any coins, currency or other notes of indebtedness or any amount in excess of the allowed limit.

385. Possession of Escape Materials (Opt. RCV) No incarcerated individual shall possess ropes, keys, tools, clothing, disguises, maps or other materials which, by their nature or location, suggest use for escape.

386. Possession of Other Contraband No incarcerated individual shall possess contraband or any stolen or unauthorized property.

387. Possession of Smuggling Device No incarcerated individual shall possess any item designed, commonly used or altered to conceal contraband.

388. Possession of Tobacco No incarcerated individual shall possess or use tobacco or tobacco products unless specifically authorized as part of an American Indian ceremony. Authorized tobacco may only be used in the facility-designated area and is considered contraband in unauthorized areas.

389. Possession of Unauthorized Medications No incarcerated individual shall possess any prescribed or OTC medication in any container other than the original, in excess or short of the amount prescribed or allowed, beyond the stop or expiration date, or prescribed for or belonging to another person. Possession of powdered medications, alone or in combination with other substances, is a violation of this rule.

390. Inciting /Unlawful Assembly/Protest (Opt. RCV)

A. No incarcerated individual shall act in a manner that will likely lead to the arousal of emotions on the part of other incarcerated individuals so as to create the possibility of their acting beyond the control of staff.

B. No incarcerated individual shall assemble, organize or act in conjunction with two or more incarcerated individuals in a protest, demonstration, unauthorized meeting or in violation of any facility rule.

410. Assault (Opt. RCV) No incarcerated individual shall assault another person or a canine. This includes unwanted or offensive contact, or any act done with intent to cause harm, which may include assault with bodily fluids. Bodily fluids include such examples as urine, feces, blood, saliva, mucus, and sputum.

411. Assault of Staff (RCV) No incarcerated individual shall assault a staff person or a canine. This includes any unwanted or offensive contact, or any act done with intent to cause harm.

412. Assault of Incarcerated Individual (RCV) No incarcerated individual shall assault another incarcerated individual. This includes unwanted or offensive contact, or any act done with intent to cause harm, which may include assault with significant exposure from bodily fluids. Bodily fluids include such examples as urine, feces, blood, saliva, mucus, and sputum. A significant exposure is contact likely to transmit a blood-borne pathogen (for example, hepatitis or human immunodeficiency virus (HIV)), as determined by medical personnel.

413. Assault of Staff with Weapon (RCV) No incarcerated individual shall assault another person or a canine with a weapon.

414. Assault of Incarcerated Individual with Weapon (RCV) No incarcerated individual shall assault another incarcerated individual with a weapon.

420. Riot (RCV) Three or more incarcerated individuals shall not assemble and seriously disturb the orderly operation of a facility, jeopardize the control of an area or threaten violence against staff or other incarcerated individuals, or threaten destruction of property.

430. Holding Hostage (RCV) No incarcerated individual or group of incarcerated individuals shall hold or detain another person or a canine.

431. Escape (RCV)

A. No incarcerated individual shall, without lawful authority, depart from the facility, the facility grounds, or the custody of a supervising person; or aid another by providing the other incarcerated individual with the necessary materials or means to facilitate an escape.

B. No incarcerated individual shall attempt escape or make any effort or statement which suggests intent to leave the facility, its premises, or the custody of a supervising person without legal authorization.

C. No incarcerated individual shall fail to return at the specified time to the facility from which released under the provisions of any conditional release for an off-grounds activity such as work release, pass, or delegation.

D. No incarcerated individual shall fail to immediately report when ordered to a correctional facility or designated county jail.

439. Escape from Secure Custody (RCV)

A. No incarcerated individual shall, without lawful authority, depart from a medium, close, or maximum security facility, the facility grounds, or the custody of a supervising person; or aid another by providing the other incarcerated individual with the necessary materials or means to facilitate an escape.

B. No incarcerated individual shall attempt to escape or make any effort or statement which suggests intent to leave a medium, close, or maximum security facility, its premises, or the custody of a supervising person without legal authorization.

440. Homicide (RCV) No incarcerated individual shall kill or contribute in any way to the death of another person or a canine.

441. Assault with Bodily Harm of Staff (RCV) No incarcerated individual shall cause bodily injury to staff defined as physical pain, injury, illness, or any impairment of physical condition.

442. Assault with Bodily Harm of Incarcerated Individual (RCV) No incarcerated individual shall cause bodily injury to another incarcerated individual defined as physical pain, injury, illness, or any impairment of physical condition.

443. Assault of Staff with Bodily Fluids (RCV) No incarcerated individual shall assault a staff or canine with bodily fluids as defined as any fluid, secretion, or excretion commonly created within the body, including urine, feces, blood, saliva, and mucus/sputum. It also includes any substance contaminated with such fluids, secretions, or excretions.

444. Assault of Staff with Bodily Fluids and Significant Exposure (RCV) No incarcerated individual shall assault a staff or canine with bodily fluids as defined as any fluid, secretion, or excretion commonly created within the body, including urine, feces, blood, saliva, and mucus/sputum. It also includes any substance contaminated with such fluids, secretions, or excretions. A significant exposure incident is contact likely to transmit a blood-borne pathogen (for example, hepatitis and HIV), as determined by medical personnel.

450. Assault with Significant Bodily Harm of Staff (RCV) No incarcerated individual shall cause significant bodily injury to staff defined as substantial disfigurement, substantial loss or impairment of

the function of any bodily part or organ, or other serious bodily harm, whether temporary or permanent. This includes fractures and other injuries that require medical intervention, including stitches, but does not mean only bruising, swelling, or scratching.

460. Assault with Significant Bodily Harm of Incarcerated Individual (RCV) No incarcerated individual shall cause significant bodily injury to another incarcerated individual defined as substantial disfigurement, substantial loss or impairment of the function of any bodily part or organ, or other serious bodily harm, whether temporary or permanent. This includes fractures and other injuries that require medical intervention, including stitches, but does not mean only bruising, swelling, or scratching.

470. Creating a Fire Hazard No incarcerated individual shall intentionally, recklessly, or negligently create a fire hazard. This includes tampering with a hotpot thermostat or other heat regulating device, unauthorized or improper use or placement of extension cords or flammable materials, or wiring appliances.

490. Sexual Abuse/Contact of Staff (RCV) No incarcerated individual shall have sexual contact with a staff person. Staff is defined as DOC employees and canines; volunteers; employees of firms under contract with the DOC; official visitors; representatives of agencies who have approval to contact employees or incarcerated individuals to conduct agency business; or any professional or para-professional having access to incarcerated individuals for approved study, specialized services, representation, research, or data collection. This rule prohibits sexual contact if the victim does not consent, is coerced into such act by overt or implied threatening behavior, or is unable to consent or refuse.

Mandated Treatment Failure/Refusal Rules (511, 512, 513, and 517)

A. No incarcerated individual shall refuse to enter into treatment or refuse to participate in a pre-treatment interview, assessment, or services after having been directed to participate by a Program Review Team.

B. No incarcerated individual directed to complete treatment will be allowed to voluntarily terminate program participation. Non-administrative termination for any reason is a violation of this rule.

C. An incarcerated individual ordered to complete treatment but unamenable to treatment is in violation of this rule.

511. Mandated Treatment Failure/Refusal – Subtance Use Disorder Treatment An incarcerated individual is in violation of this rule if they refuse or fail substance use disorder treatment as described above.

512. Mandated Treatment Failure/Refusal – Sex Offense Treatment (SOT) An incarcerated individual is in violation of this rule if they refuse or fail sex offense treatment (SOT) as described above.

513. Mandated Treatment Failure/Refusal – Minnesota Sex Offender Program (MSOP) An incarcerated individual is subject to a heightened penalty if they refuse or fail the Minnesota Sex Offender Program (MSOP) as described above.

517. Mandated Treatment Assessment Refusal – Substance Use Disorder Treatment (SOT) An incarcerated individual is in violation of this rule if they refuse to cooperate with the substance use disorder assessment process as described above.

HISTORICAL INDEX OF RULE NUMBERS

010	Loitering (Obsolete)	Included in 290 in 2013
020	Disturbing Others	Included in 320 in 2013 Re-added in 2019
030	Failure to Comply	
040	Performing Unauthorized Tasks (Obsolete)	Included in 030 in 2013
050	Gambling	
060	Improper Dress (Obsolete)	Included in 030 in 2013
070	Unsanitary Acts and Conditions (Obsolete)	Included in 030 in 2013
080	Obstructing Cell Bars, Windows, Video Monitoring Device or Door (Obsolete)	Included in 220 in 2013
090	Unauthorized Use/Possession of Tobacco (Obsolete)	Moved to 388 in 2005
100	Missing, Delaying, or Interrupting Switching In or Out (Obsolete)	Included in 170 in 2013
110	Malingering	Deleted in 1999
120	Wasting Food, Energy, or Resources (Obsolete)	Included in 190 in 2013
130	Contempt	
140	Visiting Misconduct (Obsolete)	Deleted in 2013
150	Failure to Carry/Display Identification Card (Obsolete)	Included in 170 in 2013
160	Disobeying a Direct Order	
161	Refusing Placement	Separated from 160 in 2013
170	Interference with Security Procedures	
180	Enterprises & Fraud	Added in 2013; Slightly revised in 2021
181	Tax Fraud	Added in 2013
190	Unauthorized Control, Theft, Possession, Transfer or Use of Property	
200	Refusing to Work	Deleted in 2021
202	Use of Alcohol or Other Intoxicants	Added in 2019
203	Possession of Illegal Drugs (RCV)	Added in 2019
210	Use of Intoxicants	Added to 202 in 2019
211	Use of Illegal Drugs (RCV)	Separated from 210 in 2013
212	Use of Alcohol	Separated from 210 in 2013 Added to 202 in 2019
213	Misuse of Prescribed Medications	Separated from 210 in 2013; Slightly revised in 2021
214	Misuse of Over-the-Counter (OTC) Medications	Separated from 210 in 2013
215	Refusal to Provide Sample (Opt. RCV)	Added in 2013, RCV in 2019, Opt. RCV in 2021
216	Possession of Alcohol or Other Intoxicant	Added in 2019
220	Tampering with Security/Safety Devices	
230	False Testimony (Obsolete)	Deleted in 1999
240	Lying and Misrepresentation	Revised in 2021
250	Interference with Shakedown (Obsolete)	Included in 170 in 1999
260	Interference with Personnel in Course of Duties (Obsolete)	Included in 170 in1999
270	Destruction, Damage, or Alteration of Property	Slightly revised in 2021
280	Smuggling (Obsolete)	Divided into 281 & 282 in 2013

281	Smuggling within a Facility	Separated from 280 in 2013
282	Smuggling Into or Out of a Facility (RCV)	Separated from 280 in 2013 Revised in 2019
290	Being in an Unauthorized Area	
300	Abuse/Harassment	
301	Incarcerated Individual Sexual Harassment	Added in 2019
310	Threatening Others (Opt. RCV)	RCV made optional in 2021
315	Classification Failure	Added in 2021
320	Disorderly Conduct	
321	Fighting	Separated from 320 in 2013; Slightly revised in 2021
322	Tattooing/Disfigurement	Separated from 320 in 2013
323	Possession of Tattoo Paraphernalia	Added in 2013
330	Arson (RCV)	Revised in 2021
340	Sexual Behavior	Optional RCV added in 2021 and slightly revised
341	Sexual Abuse of Incarcerated Individual (RCV)	added in 2013 Updated in 2019
345	Sexual Misconduct Towards Staff (Opt. RCV)	Added in 2021
350	Soliciting/Bribery	New language added in 2013
360	Extortion (Opt. RCV)	RCV made optional in 2021
370	Unlawful Assembly (Obsolete)	Included in 390 in 1999
380	Possession of Wireless Device (Opt. RCV)	Modified in 2013; Slightly revised and RCV made optional in 2021
381	Possession of Intoxicants / Illegal Drugs (RCV)	Divided into 203 and 216 in 2019
382	Possession of Alcohol	Included in 216 in 2019
383	Possession of Weapons (RCV)	
384	Possession of Money	
385	Possession of Escape Materials (Opt. RCV)	RCV made optional in 2021
386	Possession of Other Contraband	
387	Possession of Smuggling Device	
388	Possession of Tobacco	Revised in 2021
389	Possess of Unauthorized Medications	Added in 2013
380	Unlawful Assembly/Protest (Obsolete)	Included in 390 in 2005
390	Inciting/Unlawful Assembly/Protest (Opt. RCV)	RCV made optional in 2021
400	Escape (RCV)	Included in 431 in 2019
410	Assault (Opt. RCV)	Modified in 2019; Revised and RCV made optional in 2021
411	Assault of Staff (RCV)	Revised in 2021
412	Assault of Incarcerated Individual (RCV)	Revised in 2021
413	Assault of Staff with Weapon (RCV)	Revised in 2021
414	Assault of Incarcerated Individual with Weapon (RCV)	Revised in 2021
415	Assault with Bodily Harm of Staff (RCV)	Deleted – Included in 441 in 2019
416	Assault with Bodily Harm of Inmate (RCV)	Deleted – Included in 442 in 2019
417	Assault with Weapon and Bodily Harm of Staff (RCV)	Deleted – Included in 441 in 2019
418	Assault with Weapon and Bodily Harm of Inmate (RCV)	Deleted – Included in 442 in 2019
420	Riot (RCV)	Revised in 2021
430	Holding Hostage (RCV)	
431	Escape (RCV)	Added and Redefined in 2019

439	Escape from Secure Custody (RCV)	Added in 2019
440	Homicide (RCV)	
441	Assault with Bodily Harm of Staff (RCV)	Added in 2019; Slightly revised in 2021
442	Assault with Bodily Harm of Incarcerated Individual (RCV)	Added in 2019
443	Assault of Staff with Bodily Fluids (RCV)	Added in 2019; Slightly revised in 2021
444	Assault of Staff with Bodily Fluids and Significant Exposure (RCV)	Added in 2019; Slightly revised in 2021
450	Attempts	Deleted in 2005 Number reassigned in 2019
450	Assault with Significant Bodily Harm of Staff (RCV)	Added in 2019 Slightly revised in 2021
460	Conspiracy	Deleted in 2005 Number reassigned in 2019
460	Assault with Significant Bodily Harm of Incarcerated Individual (RCV)	Added in 2019 Slightly revised in 2021
470	Creating a Fire Hazard	Revised in 2021
480	Failure to Comply with Furlough, Special Duty, or	Deleted in 2005
490	Contact with Juvenile Residents	Deleted in 1999 Number reassigned in 2019
490	Sexual Abuse/ Contact of Staff (RCV)	Added in 2019
500	Violation of Special Unit Regulations (Obsolete)	Included in 030 in 2005
510	Mandated Treatment Failure/Refusal	Added in 1999; Removed in 2021 and used only as overall category for 511. 512. 513; and 517
511	Mandated Treatment Failure/Refusal – Substance Use Disorder Treatment	Separated from 510 in 2013 Terminology changed in 2024
512	Mandated Treatment Failure/Refusal – Sex Offense Treatment (SOT)	Separated from 510 in 2013 Terminology changed in 2024
513	Mandated Treatment Failure/Refusal – Minnesota Sex Offender Program (MSOP)	Separated from 510 in 2013
517	Mandated Treatment Assessment Refusal – Substance Use Disorder Treatment	Added in 2019 Terminology changed in 2024