DEPARTMENT OF CORRECTIONS

Policy Number:	**300.020**
Title:	**Access to Correctional Facilities and Other Department Locations by Non-DOC persons**
Effective Date:	**10/6/20**

PURPOSE: To provide procedures regarding access to Minnesota correctional facilities and other Minnesota Department of Corrections (DOC) locations by non-DOC persons entering for professional purposes (i.e., neither DOC staff nor regular visitors).

APPLICABILITY: All correctional facilities and other department locations, including central office and MINNCOR.

DEFINITIONS:

Application packet – standardized application, the Private and Confidential Data Consent form, the Prison Rape Elimination Act (PREA) information form, and the background check form – for Types 1, 2, 3 & 5 non-DOC persons requesting admission to facilities or central office. If applicable, completion of Offender Association Disclosure form, 103.223A, and Request for Communication with an Individual Offender, 300.040C, are also included.

Contractor – an individual employed by a business working under a formal, written agreement to provide services in exchange for specified consideration. Contractors generally are either Type 1, Type 2, or Type 5 non-DOC persons as defined below.

Non-DOC person – an individual, neither a DOC staff person nor a regular visitor, who is admitted to a DOC location and is categorized for access purposes as follows:

Type 1 – Offender/Resident Programming

Persons admitted infrequently (less than 10 hours per week) for the primary purpose of providing programming or direct services to offenders/residents such as: religious volunteers, transitions doulas, health services contractors, and persons providing programming or direct services through Amicus, Veterans Services, the Salvation Army, the Department of Employment and Economic Security (DEED), education, Alternatives to Violence, restorative justice, parenting classes, college instruction, and Minnesota Circles of Support and Accountability (MnCoSA).

Type 2 – Services

Persons admitted for the primary purpose of providing short-term, escorted services to the DOC locations, such as construction work, document destruction, multi-functional device/copy machine maintenance, equipment repair and other technology services, garbage/recycling, food truck deliveries, and inspections.

Type 3 – Professional Visitors

Persons admitted for the primary purpose of meeting with an individual offender/resident on a one-to-one basis for the purpose of legal or religious consultation (see Policy, 302.100, “Visiting”) or other official business in a designated area as defined by each facility, such as private attorneys, clergy of record, pre-sentence investigators (PSIs), media, judges officiating hearings, supervised release agents, offender/resident mentors, assessors (mental health assessors, Rule 25, or others), social workers, guardian ad litem representatives, and participants in facility tours.

Type 4 – Government Officials
Persons admitted for the primary purpose of providing emergency response, offender/resident transport, or other official business for the State of Minnesota, such as law enforcement, regulatory agency inspectors, public defenders, fire fighters, emergency medical technicians/ambulance crew, and additional active government officials as approved by the commissioner of corrections.

Type 5 – Other
Persons admitted for the primary purpose of providing frequent (10 or more hours per week), regular offender/resident programming services or services to DOC locations such as health services contractors, MNIT staff assigned to a DOC site, and persons providing programming or services through the Prison Fellowship Academy (PFA), Services for the Blind, or the Minnesota Sex Offender Program (MSOP) or other sex offender treatment programs.

Staff contact – a DOC staff person identified as the contact person to whom a non-DOC person submits the application for access. Generally, the staff contact is a representative from the area in which the non-DOC person is involved, or a central office staff person, if the non-DOC person is applying to enter multiple facilities.

Valid identification (ID) – a current state or other government-issued photo identification card.

PROCEDURES:

A. Application Process and Approval

1. Staff must provide the application packet to non-DOC persons requesting or needing access to DOC locations, with instructions on how to complete and submit the application.

2. Types 1, 2, 3 and 5 non-DOC persons must complete the application, with the exception of type 3 – tour groups (see A.3, below). The Requirements for Entrance to All MN DOC Facilities grid (attached) details the requirements for access. Additional requirements such as facility orientation and training may apply. Staff contacts who need an approved non-DOC person to attend a facility orientation must work with employee development staff to register the individual for training. The staff contact responsible for processing the application must retain the applicant's training records.

3. Type 3 tour groups entering only one DOC facility must complete the DOC Tour Group form (attached), instead of completing individual applications. However, each individual of the tour group must complete a Photo and Visual Images Notice and Consent form (attached). Facilities may develop operating guidelines or procedures for approving tour groups.

4. Non-DOC persons having completed the application must submit it to the staff contact.

B. Application Review

1. The staff contact must provide the completed and signed application packet to the appropriate reviewing authority (facility captain/corrections program director (CPD) or higher authority, or to the central office – office of special investigations (OSI) director/designee), for review.

2. DOC facility reviewers must use the database management systems on the DOC-wide iShare site, including the Bureau of Criminal Apprehension (BCA) database, visiting list checks, and Controlled Access Tracking System (CATS) data entry to check applicants' eligibility to enter the facility.

3. Reasons for Denial

a) The reviewing authority may deny applications based on any of the following:

(1) Pending criminal charges;
(2) Criminal convictions;
(3) Being actively on probation;
(4) Currently on an offender's/resident's visiting list;
(5) Having received past suspension(s) of privileges; or
(6) Having been banned due to previous violation of DOC rules.

b) Additionally, federal Prison Rape Elimination Act (PREA) standards require that the agency must not enlist the services of any non-DOC person who may have contact with offenders/residents, and who:

(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
(2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
(3) Has been civilly or administratively adjudicated to have engaged in the activity described in the paragraph immediately above.

c) The agency must also consider any incidents of sexual harassment in determining whether to allow access by any non-DOC person who may have contact with offenders/residents.

d) DOC correctional facilities do not allow minors access to volunteer, tour, or enter a facility for any reason. (See, however, Policy 302.100, "Visiting," for information on certain escorted minors.)

4. If the decision is to deny the application, the warden/designee, or a deputy or assistant commissioner (for central office and MINNCOR), must review the denial before the applicant is notified. The warden's or deputy/assistant commissioner's decision is final, and must be communicated to the reviewing authority and staff contact.

5. If the decision is to approve the application, the reviewing authority signs and notifies the staff contact.

6. The staff contact must notify the applicant within ten days of the denial. For approvals, the staff contact can proceed with entrance requirements.

7. The staff contact or designee must enter the completed application and associated forms in the Non-DOC Person Access database, where they must be retained for one year. The actual hard copies must be retained by the designated staff for one year at the applicable site.

8. Annual Review
The annual renewal date must be one year from the date that the BCA check was completed.

C. Exceptions to Application Process

1. DOC locations may allow prospective physical plant contractors to attend a short-term, single event meeting (e.g., a pre-bid meeting).

2. DOC locations may allow persons performing emergency repairs into the secure perimeter for a single event.

3. The warden/associate warden/officer of the day may make exceptions to the criteria and to requiring a photograph for entry.

4. Any person allowed access without having completed required background checks and training must be escorted by DOC staff at all times.

D. Entrance

1. The staff contacts must ensure that any non-DOC person approved for admission completes training as stated in Section E, below.
   a) Complete orientation and training with an annual renewal according to policies 202.057, "Sexual Abuse/Harassment Prevention, Reporting and Response;" 103.420, "Pre-Service Orientation Training; and 103.410, "In-Service Training."

   b) Entry of all required data for non-DOC person(s) admission into the facility into the Non-DOC person's database found on the Facility Volunteer iShare site.

   c) Controlled Access Tracking System (CATS) Photo/ID
      (1) The entry access point staff must ensure that:
         (a) The non-DOC person has a photo taken,
         (b) The Photo and Visual Images Notice and Consent form has been acknowledged, and
         (c) All required data has been entered into the CATS (see Policy 103.0131, "Controlled Access Tracking System (CATS)").

      (2) Upon completion, the entry access point staff issue an identification card for the Type of non-DOC person, based on the Requirements for Access to DOC Locations Grid (attached).

2. Non-DOC persons must present valid identification every time they enter.

3. Metal Detection
   Non-DOC persons admitted to correctional facilities must pass through the metal detector/wand, except at minimum security facilities. See Requirements for Access to DOC Locations Grid (attached).

4. Escort and Supervision Requirements
   DOC locations must establish a process for escort and supervision for each type of non-DOC person. See Requirements for Access to DOC Locations Grid (attached).

5. Communication
   To ensure communication to all staff prior to the date of access, the Facility Admittance Notification form (attached) must be completed, signed by the appropriate division head or designee, and distributed.

E. Orientation and Training

1. Staff providing orientation to non-DOC persons, must follow the DOC's established orientation and training curriculum. All non-DOC persons have 90 days from the date of application to complete orientation. If more than 90 days pass, they must reapply.

2. Contractors, regardless of type, must at a minimum, attend prescribed training prior to and/or in conjunction with commencement of services.
   a) Type 2 contractors (with the exception of health services contractors) who have infrequent offender contact must, at a minimum, attend an orientation at the facility prior to beginning the assignment.

   b) Type 5 contractors who have direct and ongoing contact with offenders must attend the full DOC academy and an orientation at the facility prior to working independently in any assignment involving unsupervised direct offender contact.

3. The applicable staff contact must maintain training records for all contracted staff for as long as the application is retained.

F. Suspension and Termination

Facilities may deny or terminate, as approved by the Watch Commander/designee, a non-DOC person visit based on the non-DOC Person Suspension Guidelines (attached). The suspension/termination information must be documented on the individual's Facility Non-DOC Person Admittance iShare file. Any person terminated from a facility must wait one year from the termination date to reapply for admittance.

INTERNAL CONTROLS:

A. The completed application and associated forms are retained in the Non-DOC Person Admittance iShare file for one year. The actual hard copies are retained for one year by the staff contact at the applicable site.

B. The staff contact at the applicable site retains training records for all contracted staff for as long as the application is retained.

ACA STANDARDS: ACA Standards

REFERENCES:
Policy 103.013, "Identification Cards – Employees"
Policy 103.0131 "Controlled Access Tracking System (CATS)"
Policy 202.057, "Sexual Abuse/Harassment Prevention, Reporting and Response"
Policy 103.420, "Pre-Service and Orientation Training"
Policy 103.410, "In-Service Training"
Division Directive 300.030, "Tours – Adult Facilities"
Policy 300.045, "Contractor Relationship to Department"
Policy 300.040, "Volunteer Services Program"
Policy 103.223, "Personal Associations between Staff and Offenders"

REPLACES: Division Directive 300.032, "Admittance Authorization to Adult Facilities," 2/2/16, and 300.020, "Access to Correctional Facilities and Other Department Locations by Non-DOC Persons," issued 8/6/20 but not yet put into effect.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Application for Access to Minnesota Correctional Facilities/Sites for Non-DOC Personnel [with attached Tennessen form] (300.020A)

Requirements for Entrance to All MN-DOC Facilities (300.020B)
Non-DOC Person Suspension Guidelines (300.020C)
Access Notification form (300.020D)
Tour Group Form (300.020E)
Photo and Visual Images Notice and Consent Form (300.020F)
PREA Sign-Off form (300.040F)
Disclosure of Offender Association form (103.223A)
Volunteer Request for Communication with Individual Offender form (300.040C)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Criminal Justice Policy, Research, and Performance