DEPARTMENT OF CORRECTIONS

Policy Number:	**301.030**
Title:	**Contraband**
Effective Date:	**10/17/23**

PURPOSE: To ensure the safety, security, and orderly operation of all Minnesota correctional facilities by identifying, prohibiting, and controlling items allowed on facility grounds.

APPLICABILITY: Adult and juvenile facilities

DEFINITIONS:

Allowable container or bag – a non-glass and non-metal container or bag that is see-through when it is empty.

Contraband – objects that by either statute or this policy are not allowed in a Minnesota correctional facility or on its grounds unless they have been specifically authorized by the facility warden (or designee who is a captain or higher authority).

Controlled substance – a drug, substance, or immediate precursor in Schedules I through V. (See "Controlled Substance – Minnesota Statutes 2022/2023," attached.)

Featuring – the central theme of the material is promoting content or prohibited content. This definition does not include published material containing nudity illustrating medical, educational or anthropological content.

Nudity – the depiction of human male or female genitals, anus, or pubic area or of the female breast or a substantial portion of the breast below the top of the nipple, with or without see-through covering, such as "pasties," lace, mesh, and body paint through which the covered area is showing; coverings emphasizing the depiction of human genitals; or tight-fitting clothing through which the contours of the genitals are clearly visible.

Published materials – as defined in Policy 302.020, "Mail."

Tobacco, tobacco-related device, and electronic delivery device – See "Tobacco and Related – Minnesota Statutes 2022," attached.

PROCEDURES:

A. The following items and their related paraphernalia, as examples, are contraband and are not allowed in Minnesota correctional facilities or on their grounds:

1. Alcohol or intoxicants, and controlled substances, explosives/incendiary paraphernalia; firearms, or weapons;

2. Any item that teaches or describes the manufacture or illicit use of weapons, explosives, or devices that create a substantial danger of physical harm or jeopardize facility security;

3. Escape paraphernalia and any item that teaches, advocates, describes or contains plans for activities in violation of facility rules, escape, or other criminal activity;

4. Published and non-published materials (books, magazines, photos, drawings, etc.)
   a) Pertaining to martial arts, gang-related material, weapon and bomb making, and escape-related material;
   b) Featuring tattooing, nudity, or sexually explicit written content where the central theme of the item promotes contraband or prohibited content; or
   c) Sexually explicit materials that contain depictions or written descriptions of prohibited content including such as examples as:
      (1) Direct physical stimulation of unclothed genitals,
      (2) Masturbation,
      (3) Sexual intercourse (including vaginal, oral, anal, or bestiality),
      (4) Bodily fluids,
      (5) Flagellation or torture in a sexual context, and
      (6) Sex-related materials determined to constitute a risk to the safety and security of the facility, facilitate criminal activity, or undermine incarcerated person/resident rehabilitation.

5. Security threat group paraphernalia (see Policy 301.110 "Security Threat Groups");

6. Materials that advocate racial, religious, or national hatred in such a way as to create a serious danger of violence in the facility;

7. Cameras of any type, unauthorized recording equipment, personal communication devices (two-way radios, etc.), personal transmitting pagers, and personal earpieces and watches with stand-alone cellular or data plans (medical communication devices are allowed if approved by the warden);

8. Unauthorized mobile data devices, such as cell/mobile/smart phones, laptops, notebooks, electronic books, tablets, media players, iPads, and computer data storage devices;

9. Personal self-defense items (irritant, batons, knives, etc.);

10. Personal handcuff keys, non-issued duty belts, or attachments;

11. Matches, lighters, torches, flammable aerosols (hair spray, cleaner, etc.), and other flammable devices;

12. Glass containers, metal containers, metal utensils (knives, forks, etc.), and personal tools (scissors, multi-tools, pocket knives, etc.);

13. Tobacco, tobacco-related devices, and electronic delivery devices as defined in Minn. Stat. § 609.685, subd. 1, (see attachment B) except in a personally-owned vehicle in a designated parking area, a nicotine patch prescribed by a medical professional, or as part of a Native American ceremony (see Policy 302.310, Use of Tobacco for American Indian Ceremonies”).

14. Wrapped packages or gifts;

15. Incarcerated people/residents possession of documents containing information detailing the circumstances of another incarcerated person's/resident’s crime (for example, another

incarcerated person's/resident's face sheets, police reports, internet material, newspaper articles, or legal documents filed in state district court such as criminal complaints, motions, affidavits, sentencing orders, warrants of commitment, dockets, and similar documents. These examples do not include caselaw. While some caselaw contains descriptions of others' crimes, incarcerated people are entitled to view and possess caselaw in the library and possess caselaw (printed) in their cells/rooms. Caselaw includes published and unpublished orders and opinions from state and federal appellate courts, including such examples as the Minnesota Court of Appeals, Minnesota Supreme Court, United States Supreme Court, and the United States Court of Appeals for the Eighth District;

16. Any information related to filing false or fraudulent Uniform Commercial Code (UCC) liens, including blank or completed UCC forms, materials related to copyrighting one's own name, materials describing or advocating filing UCC liens against government employees (see also Policy 302.020 "Mail");

17. Any other item determined to present a risk to the security of the facility or safety of staff and incarcerated people/residents. In addition, objects that have been altered; objects that are not authorized, or authorized but are in excess of the allowed limits; items for which an incarcerated person/resident does not have authorized possession; items in an unauthorized area; and items specifically directed to be removed from the facility or stored for safekeeping; and

18. Any other object that violates Minnesota statute.

B. Authorized Exceptions

1. The prohibitions of this policy do not apply to health services personnel carrying controlled substances for use in the practice of their profession, discipline staff, office of special investigations (OSI) staff, corrections canine officers who carry controlled substances for the purpose of training their dogs, or sheriffs or other peace officers carrying revolvers or firearms in the discharge of duties.

2. Staff must not bring any published materials into the facility except for professional journals and publications used for incarcerated person/resident education and treatment programs. These items must comply with DOC policy regarding content.

3. Personal computers (laptop, iPads/tablets) and computer data storage devices (disks, drives, CD ROM, etc.) can be approved by information technology (IT) and a captain if the user has a contracted business relationship with the department or is advancing the DOC mission. This includes contractors, Minnesota Attorney General's Office staff, law enforcement, polygraphists, approved research projects, federal benefits hearings, incarcerated person/resident representatives, and professional legal visits. Incarcerated person/resident lawyers on a professional legal visit may submit a request to the incarcerated person's/resident's caseworker for a facility laptop. Incarcerated person/resident visitors are not allowed to bring these items into any correctional facility. (See also Policy 105.205, "Computerized Information Resources Security.")

4. DOC-issued cell/mobile/smart phones and cell/mobile/smart phones approved by the facility warden per the process outlined in Policy 104.470, "Mobile Communications Devices" are authorized to enter a secure facility perimeter.

5. Tobacco, tobacco-related devices, and electronic delivery devices must remain in personal vehicles or be handled in accord with Policy 302.310, "Use of Tobacco for American Indian Ceremonies."

6. Weapons and ammunition (see Policy 103.135 "Personal Firearms").

7. Medical supplies including epi-pens, diabetic lancets, and glucose meters
   a) Staff may bring a supply of these personal medical supplies for their shift(s)/workday into the facility secure perimeter if the supplies are in an allowable container/bag. This includes inhalers, epi-pens, epi-pen style insulin syringes, diabetic lancets, glucose meters and medically prescribed electronic devices such as blood sugar monitor and heart monitor. Staff who are bringing prescribed electronic medical devices or insulin injection devices into the facility must have prior approval from the regional human resources director (RHRD) and warden. Over-the-counter medication and glucose tablets are not controlled substances and are allowed. Other items may be allowed through review and approval from the RHRD and the warden.

   b) Prohibited supplies such as insulin syringes and creams must remain outside of the secure perimeter in a personal vehicle, a medical locker if provided by the facility, or an approved staff locker.

8. Deliveries (flowers, etc.), except food for consumption during the shift, must be retained outside the perimeter for pick-up after shift.

9. Food items purchased from a restaurant/vendor, such as pizza, sub-sandwiches, fast food, etc., are allowed for consumption during the shift. These items must be in the original packaging from the restaurant/vendor. This includes paper cups containing fountain pop and coffee from these restaurant/vendors. Items must be opened for inspection at security access points.

10. Staff are allowed, with approval of their supervisor, to bring in some office/workplace and personal items, including such examples as:
    a) Refrigerators;
    b) Music radios;
    c) Electric appliances/coffee pots with metal carafe;
    d) Insulated or non-insulated metal coffee cups; (cups must be empty when entering a facility and only stored in areas where incarcerated people/residents are not allowed);
    e) Decorations;
    f) Lamps; and
    g) Framed personal pictures (without the glass pane).

C. Enforcement and Prevention
   1. All facility areas are subject to periodic searches for contraband. All incarcerated people/residents are subject to a search of their persons, living and work areas, and possessions at any time. See Policy 301.010, "Searches" regarding searches of staff, incarcerated people/residents, visitors, outside agencies, and contractors.

2. Facilities must provide continued training to staff on all aspects of contraband.

3. Facilities must post or provide notices about contraband for staff, incarcerated persons/residents, and visitors.

4. All department employees, contractors, visitors, and volunteers found to be in possession of contraband in violation of Minn. Stat. § 243.55 (see attachment C) may be detained for up to two hours while the watch commander, juvenile administration, or a higher authority determines whether the contraband warrants notifying local law enforcement. Contraband prohibited by this statute is identified in Procedure A.1. A confidential incident report must be written by the staff person who found the contraband. Confidential incident reports may be included in investigatory documents and must be retained at the facility.

5. When staff find contraband, they must confiscate it and process it in accordance with evidence processing procedures (see Policy 301.035, "Evidence Management"). Contraband may be used as evidence in a court of law, or in incarcerated person/resident discipline. Contraband may not be brought or sent into or out of the facility and must be disposed of, with the exception of authorized items in excess of allowed limits or with those individuals to whom this policy is not applicable (see Procedure B). A record of disposition must be maintained as part of the evidence processing procedure. Disposition records must be retained by the discipline unit at the facility.

INTERNAL CONTROLS:

A. Contraband disposition reports must be retained by the discipline unit at the facility.

B. Incident reports must be retained at the facility according to the retention schedule.

REFERENCES: Minn. Stat. §§ 152.01, subd. 4; 152.02; 243.21, subd. 2; 243.55; 243.555; and 609.685, subd. 1
Policy 302.250 "Offender Property"
Policy 301.010, "Searches"
Policy 301.110, "Security Threat Groups"
Policy 302.020, "Mail"
Policy 103.135, "Personal Firearms"
Policy 104.470, "Mobile Communications Devices"
Policy 103.200, "Smoking and Use of Tobacco Products"
Policy 302.310, Use of Tobacco for American Indian Ceremonies"
Policy 301.035, "Evidence Management"
Policy 105.205, "Computerized Information Resources Security"

REPLACES: Policy 301.030, "Contraband," 1/15/19.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Controlled Substance – Minnesota Statutes 2022/2023 (301.030A)
Tobacco and Related – Minnesota Statutes 2022 (301.030B)
Contraband in Prisons and Related – Minnesota Statutes 2022 (301.030C)
Request to Carry Cellular Telephone Within Secure Perimeter (104.470B)

APPROVED BY:
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