

## Minnesota Sex Offender Program

<b>Policy:</b>	<b>301.030</b>	<b>Title: Contraband</b>
<b>Issue Date:</b>	<b>8/7/12</b>	
<b>Effective Date:</b>	<b>9/4/12</b>	

**AUTHORITY:** Minn. Stat. §§[152.01](#), Subd. 4 (Definition of Controlled Substance); [182.653](#), Subd. 2 (Rights and Duties of Employers); [243.55](#), (Contraband Articles; Exceptions; Penalty); [245.490](#), (Regional Treatment Centers: Mission Statement); [246.01](#), (Powers and Duties of the Commissioner); [246.014](#) (Services) [609.02](#), Subd. 6 (Definitions: Dangerous Weapon); [609.229](#) (Crime Committed for Benefit of a Gang); [State of Minnesota Policy on Alcohol and Other Drug Use by State Employees](#) (Minnesota Management and Budget)

**PURPOSE:** To ensure a safe, secure and therapeutic environment for all persons by identifying, prohibiting and responding to contraband on the grounds of Minnesota Sex Offender Program (MSOP) facilities.

**APPLICABILITY:** Program-wide

**POLICY:** MSOP prohibits contraband within and on the grounds of all MSOP facilities.

### **DEFINITIONS:**

Alcohol, liquid or fermented liquid – any alcoholic beverages, including fermenting liquids or ingredients thereof.

Combustible or flammable liquid – a liquid having the ability to ignite, or maintain flame.

Contraband – items which are prohibited by Statute or Policy, or are deemed to create a risk to the safety, security or therapeutic environment impacting the program or a client.

Weapon – any manufactured item, material, or altered item or material intended to be used to inflict bodily harm.

### **PROCEDURES:**

#### A. Staff training and posting of notices

1. Security staff will provide continued staff training regarding all aspects of contraband.
2. Security staff will post notices regarding contraband at each facility and will provide such notices to staff, clients and visitors.

#### B. Prohibited Items

1. Program-wide prohibitions (applies to all staff, clients, and visitors):
  - a) controlled substances, any item that is used in the illicit manufacture or use of drugs, drug paraphernalia, or intoxicating substances;
  - b) alcoholic beverages;
  - c) firearms, ammunition, weapons, explosives of any kind, combustible liquids, or any material that can be used to create or deploy such items;

- d) escape paraphernalia and any item that teaches, describes, or contains plans for escape, other criminal activity, or activities in violation of program rules;
  - e) correspondence that contains threats of physical harm, blackmail, extortion, suspicious messages, or other criminal activity, including proposed criminal activity; and
  - e) material or information related to polygraphs, including publications or information on how to “beat” or “pass” a polygraph. This includes countermeasure material a client could use in an attempt to appear nondeceptive when the client’s physiological responses are being monitored during a polygraph examination, including but not limited to: books, magazines, audio or videos describing countermeasure techniques.
2. Secure perimeter prohibitions – general (applies to all staff, clients, and visitors):
- a) personal self-defense items (irritant, batons, etc);
  - b) camouflage clothing;
  - c) binoculars or telescopes;
  - d) personally-owned flashlights, portable or directional lights, or laser pointers;
  - e) gang or security threat group related identifiers, publications or paraphernalia;
  - f) items whose ownership cannot be determined;
  - g) personal computers, computer data storage devices, and other electronic communication devices, including but not limited to cell phones, personal data devices (e.g., Blackberrys, iPods, iPads), pagers, and two-way radios;
  - h) personal video or audio recording equipment or personal cameras;
  - i) tobacco, or tobacco devices;
  - j) lighters, matches or other ignition devices;
  - k) metal cans (e.g., aluminum, steel, or tin);
  - l) prohibited media as outlined in MSOP Procedure 06603, “Media Possession by Clients in the Minnesota Sex Offender Program”;
  - m) personal handcuff keys;
  - n) non-issued duty belts or attachments;
  - o) insulin syringes (without facility director approval);
  - p) medications in excess of a one-day supply;

- q) personal flammable aerosols;
  - r) personal tools (scissors, multi-tools, pocket knives, etc.)
  - s) wrapped packages;
  - t) loose metal or metal pieces, wires or wire materials, cables or cords over 8 feet in length;
  - u) tape that cannot be easily broken;
  - v) chains or jewelry that would constitute a choking hazard;
  - w) personal metal utensils;
  - x) glass and ceramics (note: ceramics may continue to be made during assigned programming, but must be sent out.); and
  - y) other articles suspected or determined to be contraband.
3. Secure perimeter prohibitions – client prohibitions (applies to clients only):
- a) material or items that can be used to alter one’s appearance, including hair dye, wigs, simulated body parts, or make-up;
  - b) clothing that resembles any portion of a staff uniform;
  - c) articles that do not meet the requirements as outlined in MSOP Policy 303.020, “Client Hygiene/Dress Code”.
  - d) footwear that does not pass metal detection, unless required for vocational programming;
  - e) material or items, including items that may not otherwise be prohibited, that may be associated with or constitute evidence of past or potential criminal activity or escape from an MSOP facility;
  - f) items pertaining to unauthorized business activity, including the practice of a profession, or the sale, solicitation, manufacture or distribution of goods or services, excluding routine communication with a person who is operating a business established by the client prior to commitment;
  - g) excessive amounts of authorized items or possessions, including items in excess of allowable personal items, excessive amounts of paper that may create a fire hazard, or foods retained beyond the point of safe consumption;
  - h) cracked or broken items, or items that have been altered without prior staff authorization;

- i) Any materials that are, or may be, programmatically contra-indicated or detrimental to the safety or health of clients; and
- j) articles suspected or determined to be contraband. If an item is suspected to be contraband, it must be referred to the Allowable Items Committee for a determination.
- k) medications in unmarked containers, or those prohibited by MSOP Policy 500.2012, "Self-Administration of Medications (SAM) and Independent Glucometer Use (IGU);
- l) phone cards, gift cards, currency, incomplete money orders, money orders and checks not made payable to the receiving client, un-affixed stickers or stamps, and musical or mechanized cards; and
- m) all legal or illegal gambling materials, including lottery tickets (e.g., scratch-off, Powerball, Gopher 5, etc.).

C. Exceptions

1. The provisions of this policy do not apply to:
  - a) Health Services personnel carrying controlled substances for use in the practice of their profession;
  - b) law enforcement officers carrying equipment in the discharge of their official duties; or
  - c) materials otherwise deemed contraband that are permitted for use pursuant to MSOP Policy 302.320, "Native American Spiritual Ceremonies" or MSOP Policy 302.310, "Use of Controlled Item During Spiritual Activities."
2. Personal computers, (laptop) computer data storage devices (disks, drives, CD ROM, etc.) or any other electronic devices may be approved by the facility security director, or designee, if the user has a business-related need.
3. Staff may be allowed to bring in cellular phones, personal data assistants (PDAs), and Blackberrys if pre-approved by the facility security director (refer to MSOP Policy 301.020, "Cellular Devices").
3. Staff are allowed to request personal property by completing the appropriate form (refer to MSOP Policy 103.100, "Employee Personal Property"). Items may include, but are not limited to:
  - a) radios (not 2-way), docking stations, etc.;
  - b) electric appliances/coffee pots;
  - c) office decorations; and
  - d) lamps, personal pictures, books, etc.

4. Tobacco products, in accordance with MSOP Policy 103.200, "Smoking and Use of Tobacco Products."
- D. All employees, contractors, visitors, and volunteers found to be in possession of contraband in violation of Minnesota statutes will be referred to the officer of the day or higher authority to make the determination as to whether the contraband warrants notifying local law enforcement.
- E. All facility areas, clients, employees, contractors, visitors, and volunteers are subject to periodic searches for contraband pursuant to MSOP Policy 301.010, "Searches-Clients," MSOP Policy 301.011, "Searches – Areas," and MSOP Policy 301.012, "Searches – Employees and Visitors."
- F. All contraband will be confiscated and stored pending disposition pursuant to MSOP Security Policy 107.055, "Evidence Handling."

**REVIEW:** Annually

**REFERENCES:** MSOP Policy 602.310, "CPS Client Contraband"  
MSOP Policy 302.250 "Client Property"  
MSOP Policy 602.300, "CPS Client Property"  
MSOP Policy 301.010, "Searches – Clients"  
MSOP Policy 301.011, "Searches – Areas"  
MSOP Policy 301.012, "Searches – Employees and Visitors"  
MSOP Security Policy 107.055, "Evidence Handling"  
MSOP Procedure 06508-ALL, "Media Possession by Patients in the Minnesota Sex Offender Program"  
MSOP Policy 500.2012, "Self-Administration of Medications (SAM) and Independent Glucometer Use (IGU)"  
MSOP Policy 303.020, "Client Hygiene/Dress Code"  
MSOP Policy 103.200, "Smoking and Use of Tobacco Products"  
MSOP Procedure 103.200ML, "Smoking and Use of Tobacco Products"  
MSOP Procedure 103.200SP, "Smoking and Use of Tobacco Products"  
MSOP Policy 302.320, "Native American Spiritual Ceremonies"  
MSOP Policy 302.310, "Use of Controlled Items During Spiritual Activities"  
MSOP Policy 301.020, "Cellular Devices"  
MSOP Policy 103.100, "Employee Personal Property"

**SUPERSESSON:** MSOP Policy 301.030, "Contraband," 6/8/10.  
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:**None

/s/  
Nancy A. Johnston, Interim Executive Director  
Minnesota Sex Offender Program