

CONTRABAND

Minnesota Sex Offender Program

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Effective Date: 9/19/22

Policy Number: 415-5030

POLICY: The Minnesota Sex Offender Program (MSOP) prohibits contraband within and on the grounds of all MSOP facilities.

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)

APPLICABILITY: MSOP, program-wide, excluding Community Preparation Services (CPS)

PURPOSE: To ensure a safe, secure and therapeutic environment for all persons by identifying, prohibiting and responding to contraband on the grounds of 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 prohibited by statute or policy, or deemed a risk to the safety, security or therapeutic environment impacting the program or a client.

Personal item – any item not state owned/supplied.

Protected class – see MSOP Division Policy 110-5020, “Nondiscrimination Policy.”

Secure perimeter – see MSOP Division Security Policy 415-5045, “Perimeter Management.”

Security threat group (STG) – any ongoing organization, association or group of three or more persons, whether formal or informal, having a common name or a common identifying sign or symbol, and includes members who individually or collectively engage in or have engaged in a pattern of criminal or disruptive behavior.

Treatment team – refer to MSOP Division Policy 215-5005, “Treatment Overview.”

Weapon – any manufactured or altered item intended or used to inflict bodily harm (see MSOP Division Policy 415-5080, “Use of Force and Restraints”) or physical damage.

PROCEDURES:

- A. Posting of notices – the facility security director/designee posts notices regarding contraband at each facility.

- B. The facility security director/designee must approve any item not previously reviewed/approved prior to it coming into the secure perimeter.
- C. Prohibited Items
1. Program-wide prohibitions – MSOP prohibits the following for all staff, clients and visitors:
 - a) controlled substances, simulated controlled substances, or any item used in the illicit manufacture or use of drugs, drug paraphernalia, or intoxicating substances;
 - b) alcoholic beverages;
 - c) firearms, ammunition, weapons (including items resembling weapons), explosives of any kind, combustible liquids, acids, or any material or information someone could use to create or deploy such items;
 - d) escape paraphernalia (including but not limited to personal carabiners or paracord) and any item teaching, describing, or containing plans for escape, other criminal activity, or activities in violation of program rules;
 - e) correspondence containing threats of physical harm, blackmail, extortion, or other criminal activity, including proposed criminal activity, or any coded and/or suspicious messages;
 - f) materials advocating hatred based on a protected class, or STG/gang association;
 - g) 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 non-deceptive 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;
 - h) obscene material as defined by Minnesota Statutes, § 617.241 and media that is illegal or pornographic media containing child pornography as defined by Minnesota Statutes, § 617.246; and
 - i) any new technology or items not covered by this policy are not allowed until the item can be reviewed and addressed in policy.
 2. Secure Perimeter Prohibitions – General (applies to all individuals in the secure perimeter)
 - a) Personal self-defense items (irritant, batons, etc.);
 - b) Camouflage clothing (excluding footwear);
 - c) Binoculars or telescopes;
 - d) Personally-owned flashlights, portable or directional lights, or laser pointers;
 - e) Gang or STG related identifiers, publications or paraphernalia;

- f) Items whose ownership cannot be determined;
 - g) Personal computers, computer data storage devices, GPS-enabled devices and other electronic communication devices (unless approved per MSOP Division Policy 415-5025, "Mobile Devices Use at Program Sites" and/or MSOP Division Policy 420-5250, "Client Property");
 - h) Personal video or audio recording equipment or personal cameras;
 - i) Glass and ceramics (note: ceramics may be made during assigned programming, but must be sent out);
 - j) Tobacco, or tobacco devices, including electronic cigarettes;
 - k) Lighters, matches or other ignition devices;
 - l) Metal cans (e.g., aluminum, steel, or tin);
 - m) Prohibited media as outlined in MSOP Division Policy 420-5230, "Media Possession by Clients;"
 - n) Personal handcuff keys;
 - o) Non-issued duty belts or attachments;
 - p) Syringes (unless facility director approval or approved by policy);
 - q) Medications in excess of a one-day supply (unless approved in policy);
 - r) Personal tools (scissors, multi-tools, etc.);
 - s) Wrapped packages;
 - t) Loose metal or metal pieces, wires or wire materials;
 - u) Personal tape that cannot be easily broken and personal strong glues (such as Superglue, Gorilla Glue, rubber cement, toxic glues, etc.);
 - v) Chains or jewelry constituting a choking hazard;
 - w) Any electric scent-creating device;
 - x) Personal metal utensils; and
 - y) Other articles suspected or determined to be contraband.
3. Secure Perimeter Prohibitions – Client Prohibitions (applies only to clients)
- a) Material or items usable to alter one's appearance, including hair dye, wigs, simulated body parts, or make-up, except for mascara and clear lip gloss which are permitted;

- b) Clothing, which in combination resembles a staff uniform or staff uniform shirt, or any clothing resembling emergency personnel;
- c) Articles not meeting the requirements outlined in MSOP Division Policy 420-5020, "Client Hygiene/Dress Code;"
- d) Footwear not passing metal detection, unless medically ordered;
- e) Material or items, including items not otherwise prohibited, potentially associated with, or constituting evidence of, past or potential criminal activity or escape from an MSOP facility;
- f) Items such as magnets or suction cups that may be used to conceal items;
- g) Items pertaining to unauthorized business activity, including the practice of a profession, or the sale, solicitation, manufacture or distribution of goods or services, whether for profit or for a non-profit, excluding routine communication with a person who is operating a business established by the client prior to commitment;
- h) Duplicated discs (including but not limited to: DVD-R, DVD-RW, CD-R, CD-RW) unless permitted with approval from the treatment team and/or facility volunteer services coordinator per the MSOP Property List (420-5250d) (see MSOP Division Policy 420-5250, "Client Property");
- i) Excessive amounts of authorized items or possessions, including items in excess of allowable personal items, excessive amounts of paper, and foods retained beyond the point of safe consumption;
- j) Cracked, broken, or altered items without facility security program manager authorization via Client Request (420-5099a);
- k) Any materials deemed to be detrimental to the safety or health of clients;
- l) Articles suspected or determined to be contraband (if an item is questionable or suspected to be contraband, it may be referred to the Allowable Items Workgroup for a determination);
- m) Medications in unmarked containers, or prohibited by MSOP Division Policy 320-2012, "Self-Administration of Medications (SAM) and Independent Glucometer Use (IGU);"
- n) Phone cards; gift cards; credit cards; money orders and checks not made payable to the receiving client; un-affixed stickers, labels or stamps; and musical or mechanized cards (refer to MSOP Division Policy 420-5250, "Client Property," attachment 420-5250d, "MSOP Property List," and MSOP Division Policy 125-5800, "Client Use of Credit Cards and Credit Accounts");
- o) Currency (Moose Lake facility only);

- p) All legal or illegal gambling materials, including lottery tickets (e.g., scratch-off, Powerball, Gopher 5, etc.); and
- q) Stand-alone or connected cables or cords over the identified length on the MSOP Property List (420-5250d) (St. Peter only may have connected cables or cords over the identified length on the MSOP Property List (420-5250d) due to physical plant issues as approved by the client's unit group supervisor).

D. Exceptions

1. The provisions of this policy do not apply to:
 - a) Health Services personnel carrying controlled substances or equipment for use in the practice of their professions;
 - b) law enforcement officers carrying equipment to carry out their official duties (refer to MSOP Division Security Policy 415-5045, "Perimeter Management");
 - c) materials otherwise deemed contraband that are permitted for use pursuant to MSOP Division Policy 420-5320, "Native American Spiritual Ceremonies" or MSOP Division Policy 420-5310, "Use of Controlled Item During Spiritual Activities;" or
 - d) St. Peter only: Direct Care and Treatment (DCT) maintenance staff may carry personal multi-tools and flashlights in accordance with MSOP Division Security Policy 415-5040, "Tools and Equipment."
2. The facility security director/designee may approve staff personal computers, laptops, computer data storage devices (disks, drives, CD ROM, etc.) or any other electronic or mobile devices if the user has a business-related need. (Refer to MSOP Division Policy 415-5025, "Mobile Device Use at Program Sites.")
3. Staff may request personal property by completing the appropriate form (refer to MSOP Division Policy 115-5100, "Employee Personal Property"). Items may include, but are not limited to:
 - a) radios (not two-way), docking stations, etc.;
 - b) grounded or commercial coffee makers/coffee pots with automatic shutoff and no hot plate (i.e., Keurig);
 - c) office decorations; and
 - d) lamps, personal pictures, books, etc.

E. Staff may only bring limited necessary personal property to the workplace and are responsible for the safekeeping of any personal belongings brought into the workplace. Staff working inside the secure perimeter must not leave personal property unattended in client-access areas. (Refer to MSOP Division Policy 115-5100, "Employee Personal Property.")

F. All facility areas, clients, staff, contractors, visitors, and volunteers are subject to periodic searches, including personal property, department areas and work stations for contraband pursuant to MSOP Division Policy 410-5010, "Searches-Clients," MSOP Division Policy 410-5011, "Searches – Areas," MSOP Division Policy 410-5012, "Searches – Employees and Visitors;" and MSOP Division Security Policy 415-5093, "Unit/Area Searches."

- G. If an MSOP staff, contractor, visitor, or volunteer is found to be in possession of contraband in violation of Minnesota statutes or MSOP policy, MSOP refers the matter to the facility officer of the day or higher authority to make a determination whether the contraband warrants notifying local law enforcement.
- H. MSOP confiscates and stores all contraband pending disposition pursuant to DCT Security Policy 145-1035, "Evidence Handling by Staff" and MSOP Policy 420-5250, "Client Property."

REVIEW: Annually

REFERENCES: MSOP Division Policy 225-5310, "CPS Contraband"
MSOP Division Policy 420-5250, "Client Property"
MSOP Division Policy 225-5300, "CPS Client Property"
MSOP Division Policy 410-5010, "Searches – Clients"
MSOP Division Policy 410-5011, "Searches – Areas"
MSOP Division Policy 410-5012, "Searches – Employees and Visitors"
MSOP Division Security Policy 415-5093, "Unit/Area Searches"
DCT Security Policy 145-1035, "Evidence Handling by Staff"
MSOP Division Policy 420-5230, "Media Possession by Clients"
MSOP Division Policy 320-2012, "Self-Administration of Medications (SAM) and Independent Glucometer Use (IGU)"
MSOP Division Policy 420-5020, "Client Hygiene/Dress Code"
DCT Policy 115-1030, "Smoking and Use of Tobacco Products"
MSOP Division Policy 420-5320, "Native American Spiritual Ceremonies"
MSOP Division Policy 420-5310, "Use of Controlled Items During Spiritual Activities"
MSOP Division Policy 415-5025, "Mobile Device Use at Program Sites"
MSOP Division Policy 115-5100, "Employee Personal Property"
MSOP Division Policy 125-5800, "Client Use of Credit Cards and Credit Accounts"
MSOP Division Policy 415-5080, "Use of Force and Restraints"
MSOP Division Policy 215-5005, "Treatment Overview"
MSOP Division Security Policy 415-5045, "Perimeter Management"
MSOP Division Security Policy 415-5040, "Tools and Equipment"
MSOP Division Policy 110-5020, "Nondiscrimination Policy"

ATTACHMENTS: MSOP Property List (420-5250d)
Client Request (420-5099a)

SUPERSESSON: MSOP Division Policy 415-5030, "Contraband," 8/3/21.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

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