

CONTRABAND IN DCT FACILITIES

Direct Care and Treatment

Issue Date: (April 7, 2015) Effective date: (May 5, 2015) DCT Policy Number: 120-1000

POLICY:

Direct Care and Treatment (DCT) facilities prohibit the introduction and possession of contraband.

AUTHORITY:

Minn. Stat. § 152.01, subd. 4 (Controlled Substance)
Minn. Stat. § 182.653 (Rights and Duties of Employers)
Minn. Stat. § 243.55 (Contraband Articles; Exceptions; Penalty)
Minn. Stat. § 246.0141 (Tobacco Use Prohibited)
Minn. Stat. § 246B.04, subd. 2 (Rules; Evaluation)
Minn. Stat. § 609.229 (Crime Committed for Benefit of Gang)
Minn. Stat. § 624.701, subd. 2 (Liquors in Certain Buildings or Grounds)
Minn. R. part 9515.3040 (Treatment Program Services)
Minn. R. part 9530.6505 (Requirements for Licensed Residential Treatment)
State of Minnesota Policy on Alcohol and Other Drug Use by State Employees (Minnesota Department of Employee Relations Policy effective March 18, 1989) (Revised 9/08/09)

APPLICABILITY:

Direct Care and Treatment-wide, excluding client homes where the client is receiving services from a Direct Care and Treatment employee. The provisions of this policy do not apply to health services personnel carrying controlled substances for use in the practice of their profession and law enforcement officers carrying equipment in the discharge of their official duties on Direct Care and Treatment grounds.

PURPOSE:

To ensure a safe and therapeutic environment by identifying, prohibiting, and responding to contraband on grounds of DCT facilities.

DEFINITIONS:

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

Clients - for the purpose of this policy, people residing in and receiving services in DCT facilities.

Contraband - controlled substances, or any item used in the illicit manufacture or use of drugs, drug paraphernalia, or intoxicating substances prohibited by statute or policy, or any items deemed a risk to the safety, security or therapeutic environment impacting the program or a client.

Weapon - a firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or bodily harm; or any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or bodily harm, or any fire that is used to produce death or bodily harm.

In addition, dangerous weapons include any item that resembles a weapon or has been altered from its original design or construction in any manner that would lead staff to reasonably believe that it was altered for the purpose of being used to inflict harm or could be used to inflict harm.

Security Threat Group (STG) - as defined in [DCT Policy 145-1030, "Security Threat Groups."](#)

PROCEDURES:

- A. DCT staff members must report the presence or suspected presence of contraband.
- B. DCT facilities will train staff in contraband identification.
- C. Items prohibited as contraband in DCT facilities
 - 1. Controlled substances as defined by Minnesota Statute (see links in Authority section of this policy).
 - 2. Drugs without a prescription.
 - 3. Firearms, ammunition, or dangerous weapons. Firearms carried by law enforcement officers in the discharge of their official duties are not contraband.
 - 4. Combustible or flammable liquids, other potentially explosive items, or materials which could be used to make these items and literature that teaches or describes the manufacturing of these items. (Items used by staff in the context of official duties are not contraband.)
 - 5. Materials advocating racial hatred, religious hatred, national hatred, personal hatred or STG/gang association.
 - 6. Obscene material as defined by Minnesota statutes, section 617.241 and media that is illegal or pornographic media containing child pornography as defined by Minnesota statutes, section 617.246.
 - 7. Items which resemble, could be used to make, or deploy weapons.
 - 8. Items which could be used or intended for the commission of a crime.
 - 9. Items for which ownership cannot be determined.
 - 10. Any other articles deemed contraband and prohibited by division or program policy.
- D. Division or program policy must address:
 - 1. Collection of contraband, including applicable evidence handling procedures.
 - 2. Release or disposal of contraband.
 - 3. Staff reporting process for the presence or suspected presence of contraband.
 - 4. Staff training requirements regarding contraband.

REFERENCES:

[Minn. Stat. § 152.02 \(Schedules of Controlled Substances\)](#)

Minn. Stat. § 609.02, subd. 6 (Definitions: Dangerous Weapon)

SOS Policy 2020, Incident Report

SOS Policy 2020, Incident Reporting and Management

SOS Policy 2040 Prohibition of Possession or Use of Tobacco or Tobacco Related Devices

SOS Policy 8010, Standard Precautions and Transmission-Based Precautions

MSOP Policy 301.030, Contraband

MSOP Policy 602.310, CPS Contraband

DHS Policy: Personal Protective Equipment (Safety & Health)

DHS Policy: Prevention of Workplace Violence (Safety & Health)

DHS Policy: Prohibition of Weapons (Safety & Health)

ATTACHMENTS:

None

SUPERSESSSION:

The “DEFINITIONS” section of SOS Policy 8100, “Contraband and Program Safety” October 16, 2010

The definition of “Contraband” of MSHS Procedure 8100, “Contraband, Search For and Confiscation of” November 16, 2014

Section G 1. of MSH Procedure 8100/A222, “Secure Treatment Facility: Visitors” January 24, 2015

The “DEFINITIONS” section and sections B. 1. and 2. of MSOP Policy 301.030, “Contraband” May 6, 2014

The definitions of “Contraband Articles” and “Controlled Substances” of FS Procedures 8100/50500, “Contraband, Search and Seizure of” July 7, 2013

The definition of “Contraband” of FTS.A-07, “Search and Seizure” September 2014

/s/

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