



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

Procedure No.: MSP 3.1.17B	Subject: CONTRABAND CONTROL
Reference: DOC Policy No. 3.1.17	Page 1 of 5
Effective Date: February 19, 2001	Revision: (new effective date) May 13, 2009
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I. PURPOSE

To aid in the detection and deter the introduction, fabrication, possession, and conveyance of contraband at MSP/MCE.

II. DEFINITIONS:

Contraband – any item possessed by an inmate or found within the facility that is illegal by law, prohibited by policy or procedure, or unauthorized by those legally charged with the administration and operation of MSP/MCE.

For the purpose of this operational procedure contraband includes, but is not limited to:

1. Any item in the possession of an inmate that is not authorized for his retention.
2. Item(s) in excess of authorized quantities.
3. Any item in the possession of an inmate or found in his cell that has been altered from its original condition.
4. Any item being used or altered for a purpose other than what it was intended.

III. PROCEDURES:

Control at the perimeter of MSP property is accomplished through the establishment of routine inspections of windows, fences, rooftops, and other areas where contraband may be directly introduced. These inspections include, but are not limited to, inspection of the areas and items described in *MSP 3.1.15, Security Inspections*. Searches at the entrance will be conducted in accordance with *MSP 3.1.5, Entrance Procedures & Detainment of Non-Offenders*.

A. General Searches

Procedures for general searches include the following elements:

1. Searches of individuals entering and leaving MSP, including search of persons, packages and other items.
2. Searches of vehicles entering and leaving MSP, including but not limited to visitor, staff, vendor, construction, maintenance, and emergency equipment.
3. Inspections of packages and other non-vehicular items entering and leaving MSP, to include the use of x-ray and other electronic methods.
4. Use of walk-through and hand-held metal detectors to detect and deter the movement of contraband by pedestrian traffic.
5. Use of depository procedures for law enforcement weapons and ammunition in a secure gun locker outside the inmate traffic areas of the facility.
6. Searches of all areas and property within the perimeter of MSP, including but not limited to work areas, offices, lockers, outbuildings, etc.

B. Inmate Searches

Procedures for inmate searches include the following elements:

1. Use of clothed and unclothed body searches by staff.

Procedure No. MSP 3.1.17B	Subject: CONTRABAND CONTROL
Effective Date: May 13, 2009	p.2 of 5

2. Use of intrusive body cavity searches and non-intrusive technologies, approved by the Warden or designee and conducted by qualified medical staff.
3. Shakedowns in inmate housing units/areas carried out in accordance with established procedures.
4. Shakedowns in all common areas, including, but not limited to, all inmate program and work areas, such as the kitchens, dining halls, gymnasiums, visiting rooms, classrooms, corridors, day rooms, activity areas, and outside recreation areas.

C. Dry/Strip Cell Procedures

To enable staff to isolate contraband ingested, or inserted in body cavities, inmates are subject to dry/strip cell procedures in cells where the toilets cannot be flushed.

D. Intercepting Moving Contraband

Methods of intercepting moving weapons and other contraband include, but are not limited to, the use of fixed posts with metal detectors, random interception of inmate traffic (i.e., searching inmates entering and leaving activity areas), and shakedowns of moving materials (food carts, laundry carts, garbage, etc.).

E. Contraband Fabrication

Staff will be trained in methods of contraband fabrication and in procedures for control of raw materials and control of, and access to, tools by inmates. Particular attention will be paid to control of shears, grinders, and similar tools, in accordance with *MSP 3.1.14, Tool Control*.

F. Staff Contraband Issues

Investigations concerning contraband introduction by staff is addressed in *MSP 3.1.19, Investigations*. Probable cause standards and guidelines apply for staff searches, which will be conducted in compliance with *MSP 1.3.38, Employees Charged with Criminal Acts*.

G. Introduction by Mail

Mail inspection procedures will address contraband control. For issues relating to the operation of the mailroom see *MSP 3.3.6, Inmate Mail*.

H. Introduction by Commercial Freight and Package Deliveries

Incoming packages and freight inspection procedures will address contraband control.

I. Disposition of Contraband

Disposition of contraband is a critical function. It starts with documenting the discovery of the contraband item(s) by filling out an incident and/or an infraction report (summary action, minor, or major). To maintain security and ensure that proper chain of evidence/custody procedures are followed, secure contraband storage areas outside the double fenced compounds are used to store seized items until it is determined whether or not they are to be used as evidence in a criminal proceeding, disposed of as a disciplinary sanction, or returned to the source. Under no circumstance will staff bring contraband items that have been removed from the double fence compound or WRC back inside the double fence, or to the WRC, to conduct a disciplinary hearing. If the staff conducting a disciplinary hearing find it is necessary to view an item(s) that was seized from an inmate as a contraband item, they must go to the storage bin to view it, take photos of it, or make copy machine copies of it for the disciplinary hearing.

1. When the following types of items are seized, found, or collected by staff they must bring them to the Shift Commander, who will ensure they are forwarded to the Investigator's

Procedure No. MSP 3.1.17B	Subject: CONTRABAND CONTROL
Effective Date: May 13, 2009	p.3 of 5

Office for processing and proper disposition in accordance with established evidence handling procedures.

- a. Weapons, narcotics, alcohol, or other illegal items.
 - b. Property of escaped inmates.
 - c. Property of deceased inmates whose death was unattended.
 - d. Currency/money (bills and coins).
2. Contraband found in the possession of an inmate or cell or storage area assigned to an inmate:
- a. Staff will document non-dangerous / minor category contraband items seized during a search of an inmates cell on a *Summary Action / Cell Search / Property Receipt form*.
If the inmate is present during the search, staff will ask him if he will accept the summary action (disposing of the seized items).
 - 1) If the inmate accepts the summary action, staff will have him sign the form and give the inmate a copy. Staff will bring the paperwork and items to the Command Post, draw the keys to the disciplinary contraband disposal bin next to Tower 1, and place the items in the bin for disposal by disciplinary staff.
 - 2) If the inmate doesn't accept the summary action, or isn't present when the contraband is seized, staff will cite him for a minor rule infraction, attach the summary action form and the infraction report to the seized items, and bring the paperwork and items to the Command Post. Staff will make a copy of the infraction report, attach it to the contraband, draw the keys to the appropriate unit evidence storage bin near Tower 1, and put the items and copy of the report in the bin for processing by housing unit disciplinary staff. Staff will put the original infraction report in the appropriate unit mailbox in the Command Post.
 - b. Staff will bring major infraction contraband seized from an inmate for a disciplinary hearing along with the infraction report to the Shift Commander.
 - 1) The Shift Commander will ensure the staff member makes a copy of the infraction report, attaches it to the contraband, and places the items in the disciplinary evidence storage room located in the hallway just outside the Command Post.
 - 2) The MSP Disciplinary Hearings Investigator (DHI) will take a photo of the major infraction item(s), attach it to the infraction report, and send it to the DHO.
 - c. If the inmate is found not guilty, and will be getting the item(s) back, the person who conducted the hearing must retrieve the item(s) from the appropriate storage bin (minors) or disciplinary evidence room (majors), and get them back to the inmate. The staff member will deliver the item(s) to the inmate, and have him sign a receipt. The staff member will forward the receipt to the property office.
 - d. If the inmate is found guilty, the staff member conducting the disciplinary hearing will enter a sanction to confiscate the seized item(s), and will:
 - 1) Minors: remove the appropriate items from the unit contraband bin, attach a copy of the hearing decision form to the items, and place the items in the contraband disposal bin near Tower 1.

Procedure No. MSP 3.1.17B	Subject: CONTRABAND CONTROL
Effective Date: May 13, 2009	p.4 of 5

- 2) Majors: the DHO will send the DHI a copy of the Disciplinary Hearing Decision form. The DHI will remove the items from the evidence storage room, attach a copy of the hearing decision form to the items, and place them in the contraband disposal bin near Tower 1.
- e. The DHI will monitor the contraband disposal bin and separate the disposable and non-disposable contraband items into separate containers. If the item is a state issued item (library books, medical issue, etc.) the DHI will return it to the appropriate department.
 - 1) Disposable confiscated contraband items:
As needed, the DHI will make arrangements with the Maintenance Supervisor to have a staff member bring a garbage truck to the front of the Wallace building. The DHI and truck driver will put the disposable contraband into the garbage truck to be crushed and taken directly to the city dump. A log entry of all destroyed containers by number will be signed by both the DHI and the staff truck driver. The DHI will forward all inventory forms/documentation for destroyed contraband to the property office for adjustments to the inmate property files and computer inventory system.
 - 2) Non-disposable confiscated contraband items:
 - a) The DHI will process most televisions for utilization in the TV loan program for eligible inmates.
 - b) All other non-disposable items will be donated to a local area charitable organization.
 - 3) The DHI will maintain documentation on the disposition of non-disposable contraband items, and forward copies to the property office, for adjustments to the inmate property files and computer inventory system.
3. Contraband found in common areas:
Staff will document the discovery of contraband in common areas on an incident report and bring the report and contraband to the Shift Commander who will ensure these items are securely disposed of.
4. MDIU:
 - a. MDIU staff will bring contraband seized from an inmate for a disciplinary hearing along with the infraction report to the Shift Commander for processing as outlined in section I.2. above.
 - b. Unit staff must inventory the items that are not allowed for retention by new inmates, that the inmate elects to be disposed of, and all contraband found in commons areas, on an inventory form and forward it and the items to the MDIU Unit Manager or designee.
 - c. The MDIU Unit Manager or designee will place the items in numbered boxes in the contraband storage bin located in a secure location outside the unit.
 - d. When the bin is full, the Unit Manager or designee will contact the DHI, who will process the items as outlined in section 2.B. above.
5. Staff from the following areas/offices will maintain records concerning the disposition and destruction of contraband:
 - a. Property
 - b. Disciplinary
 - c. Housing Units

Procedure No. MSP 3.1.17B	Subject: CONTRABAND CONTROL
Effective Date: May 13, 2009	p.5 of 5

- d. Records
- e. Investigations

IV. CLOSING

Questions concerning this operational procedure will be directed to the Security Major.

V. ATTACHMENTS (none)