

SECTION 01103

DETENTION PROJECT PROCEDURES

PART 1 - GENERAL

1.01 BACKGROUND CHECK

- A. All Contractors shall submit a list of all employees who may appear at the site of the Work, three (3) days after notice of award. A signed Consent to Search form shall be included for each employee on this list. Any record indicating felony violations, questionable character or possible security risk shall be just cause for denial of access to the East Cañon City Prison Complex (ECCPC). Final approval of employees listed shall be at the sole discretion of the Warden and shall not be cause for additional payment.

1.02 PARKING

- A. Parking shall be as designated by the ECCPC Prison Operations.
- B. All parking lots are State property. As such, the Owner reserves the right to search any vehicle parked there and any vehicle entering or leaving the facilities. This is a warrantless search; the Owner does not need a warrant to search a vehicle. Workers shall take personal responsibility to search their own vehicles to insure no articles therein are declared contraband. Examples include guns, knives, bullets, narcotics, and medications (prescribed or otherwise) or any of the items listed on the Declaration of Contraband furnished in this section.

1.03 REPORTING

Contractor, Contractor employees, suppliers, and subcontractors (“Workers”) shall make their presence known to the ECCPC Prison Operations every time they arrive on the job site. Specific requirements will be as established by ECCPC Prison Operations and have been communicated to the Contractor at the mandatory pre-bid conference.

1.04 SECURITY RULES AND REGULATIONS

- A. The following Rules and Procedures will apply to all Contractors and their employees working at the **East Cañon City Prison Complex (ECCPC)**.
 - 1. On behalf of the Colorado Department of Corrections (CDOC) and the ECCPC Prison Operations extend cooperation to all Workers involved in projects with the State.
 - 2. Key staff of the CDOC have been briefed on the goals and objectives of this project. Should questions/problems occur arising from rules and procedures , the Contactor may contact one of the following staff members.

Lee Norgard, Project Representative
Dennis Corbin, Physical Plant Manager
Bill Godfrey, ECCPC Master Electrician
Dave Sloan, CCI Construction Manager

Responses provided by key staff are subject to ECCPC Prison Operations under the direct control of Warden Pam Ploughe.

3. Because Work will take on the grounds of a prison complex, actively housing and working an offender population, the assistance provided by ECCPC has limitations. Contractors shall abide by the laws of the State of Colorado along with the rules, regulations, and procedures of the CDOC – including Administrative Regulations. Such Administrative Regulations describe what will occur if an emergency situation develops.
4. All rules have been enacted for the purpose of protecting the public, teaching positive disciplines to the offenders, controlling the offender population, and for security of staff, offenders, and visitors. All the rules and regulations are not listed in this section. It is the responsibility of the Contractors to familiarize themselves with the rules and regulations, which can be accessed by request to the Project Representative and Physical Plant Manager.
5. There are two most important rules to remember:
 - a. When in doubt, ask an officer, and
 - b. The Duty Officer will enforce the rules according to CDOC and facility policy.

1.05 PERSONAL SEARCH

- A. All Contractor, Contractor employees, suppliers, and subcontractors (“Workers”) entering the ECCPC grounds will be required to submit to a personal search which may be conducted electronically or "hands on" by the officer on duty. Each employee will be required to sign a "Consent to Search" form. This form allows a search of any person or any articles in a Worker’s possession to be searched. If there is reason to suspect that a person is attempting to bring contraband into the ECCPC, that person will be denied access to the ECCPC.
- B. All Worker vehicles, tools, and equipment brought onto the ECCPC are subject to search at any time for alcohol and other listed contraband.

1.06 INTOXICANTS

No drinking immediately prior to entering State property or drinking while on State property is permitted. No intoxicants will be allowed in any Worker's possession, including his vehicle.

1.07 POSSESSION AND/OR USE OF DRUGS AND MEDICATION

Non-prescription drugs and drugs not available for purchase “over-the-counter” are prohibited. Legal medications, when prescribed by a doctor, and “over-the-counter” drugs must be controlled. Any Worker taking prescribed medications or “over-the-counter” drugs must bring in only the dosage for that day and medication must be in the original prescription container. Any excess medication may be confiscated.

All CDOC facilities and properties are smoke free. This prohibition includes possession and use of any tobacco product in any form and applies to any CDOC property including parking lots.

1.08 WEAPONS

No weapons, items that can be readily converted to dangerous weapons or any parts thereof are permitted on State property.

1.09 CONTROL OF TOOLS, EQUIPMENT AND VEHICLES

- A. Equipment shall be inventoried and accounted for at all times. When a piece of equipment is not in use, it shall be properly secured and stored. A list of equipment stored on the ECCPC grounds shall be submitted to the Warden, by way of the Project Representative or ECCPC Physical Plant Manager, for approval.
- B. Worker vehicles and equipment, shall have windows rolled up and doors locked when parked on State property.
- C. Daily accounting of approved tools will be required to assure they remain on the control of the Contractor

1.10 GUESTS

No guests are authorized on the ECCPC grounds unless properly cleared by the Warden.

1.11 OFFENDER COUNT SCHEDULES

There are specific times during the day and night when all inmates are counted. These scheduled counts are not subject to change. When a count is called, all offender movement ceases and the offenders must return to their cellhouses to be counted. There may also be random counts. The Contractor shall not interfere with this process.

1.12 ESCAPE PREVENTION

It is the duty and responsibility of all persons in the state of Colorado to prevent escape. (See Colorado Revised Statutes 18-8-201 and 18-8-105.) Escape is deemed to be a continuing activity commencing with the conception of the design to escape and continuing until the escapee is returned to custody or the attempt to escape is thwarted or abandoned. "Assist" includes any activity characterized as "rendering assistance" which is covered in CRS 18-8-105. Any activity not mentioned herein regarding escape or aiding and abetting are applicable. Simply stated, if any Worker becomes aware of or has reason to believe an escape attempt is being planned or is imminent, the obligation to report such information to the proper CDOC authorities (any officer) is incurred. Improper handling and storage of equipment such as ladders, ropes, etc. may contribute to escape.

1.13 DISTURBANCES

In the event of a disturbance in the facility, all activity will cease until control is re-established. Workers will be given specific instructions by the officer on duty. Follow instructions promptly to insure the safety of all persons in the facility.

The CDOC has emergency plans that can be implemented at any time to cover any contingencies. Once an emergency plan is implemented, it takes precedence over all other activities.

1.14 MANDATORY OBEDIENCE TO ORDERS

It is expected that all Workers will mandatorily follow the orders of the officers on duty. Oftentimes a situation may develop that an "outsider" does not perceive, while an officer will. The "view" of the officer is based upon experience and training and cannot be taken lightly.

1.15 GIFTS FROM AND TO OFFENDERS

Prohibited.

1.16 UNAUTHORIZED DEALINGS WITH INMATES

No activity will be conducted for any offender that would be in violation of ECCPC rules. Examples include: purchasing an item to bring in to an offender; taking items such as letters, etc. off ECCPC grounds to be delivered or mailed; and making phone calls for an offender. Offenders have access to mail facilities and phones during specified periods. Offenders also have access to "downtown" purchases for any items not carried in the CDOC canteen. There is absolutely no reason to take anything in or out of the facility on behalf of an offender. This type of activity is covered in State statute and ECCPC Rules of Contraband.

1.17 PROPER IDENTIFICATION

Upon entering the ECCPC, and subject to a security clearance, each Worker will be issued an identification card. Control of this ID is the responsibility of the Worker. Identification cards shall be surrendered at the completion of the work or as otherwise required by the Owner.

1.18 VIOLATIONS OF RULES AND REGULATIONS

Violations of the rules and regulations of the facility and laws of the state of Colorado will be dealt with and governed by those rules and laws. Suspected felony violations will be prosecuted.

1.19 STAGING AREAS

The Contractor's Staging Areas will be designated at the pre-construction conference. All vehicles, tools and equipment will be stored as designated.

1.20 SELF PROPELLED EQUIPMENT

All self-propelled equipment to be left on the site will be parked at the designated Staging Areas and outside the security fence at the end of each workday. All vehicles and lockable equipment must be secured and locked. At no time is an unattended vehicles or equipment to have ignition keys left in the vehicle.

1.21 SCHEDULING

The hours for work on the grounds of the ECCPC will be subject to the approval of the Warden.

1.22 DECLARATION OF CONTRABAND

- A. Pursuant to the Authority under the Provision of the Colorado Revised Statutes 2000, 18-8-204 as Amended,
18-8-204. Introducing contraband in the second degree.
- (1) A person commits introducing contraband in the second degree if he knowingly and unlawfully:
 - (a) Introduces or attempts to introduce contraband into a detention facility; or
 - (b) Being a person confined in a detention facility, makes any contraband, as defined in subsection (2) of this section.
 - (2) "Contraband" as used in this section means any of the following, but does not include any article or thing referred to in section 18-8-203:
 - (a) Any key, key pattern, key replica, or lock pick;
 - (b) Any tool or instrument that could be used to cut fence or wire, dig, pry, or file;
 - (c) Any money or coin of United States or foreign currency or any written instrument of value;
 - (d) Any uncanceled postage stamp or implement of the United States postal service;
 - (e) Any counterfeit or forged identification card;
 - (f) Any combustible material other than safety matches;
 - (g) Any drug, other than a controlled substance as defined in section 12-22-303 (7), C.R.S., in quantities other than those authorized by a physician;
 - (h) Any mask, wig, disguise, or other means of altering normal physical appearance which could hinder ready identification;
 - (i) Any drug paraphernalia as defined in section 18-18-426;
 - (j) Any material which is "obscene" as defined in section 18-7-101, C.R.S.;
 - (k) Any chain, rope, or ladder;
 - (l) Any article or thing that poses or may pose a threat to the security of the detention facility as determined by the administrative head of the detention facility if reasonable notice is given that such article or thing is contraband;
 - (m) For purposes of a facility of the department of corrections, any cigarettes or tobacco products, as defined in section 39-28.5-101(5), C.R.S.
 - (3) Introducing contraband in the second degree is a class 6 felony. Source: L. 71: R&RE, p. 458, § 1. C.R.S. 1963: § 40-8-204. L. 76, Ex. Sess.: (3) amended, p. 13, § 2, effective September 18. L. 77: (3) amended, p. 878, § 46, effective July 1, 1979. L. 82: (1)(b) amended and (2) R&RE, p. 318, § § 1, 2, effective March 11. L. 86: (2)(j) amended, p. 784, § 5, effective April 21. L. 89: (3) amended, p. 839, § 78, effective July 1. L. 92: (2)(i) amended, p. 392, § 21, effective July 1. L. 2000: (2)(m) added, p. 851, § 58, effective May 24; (2)(b) amended, p. 709, § 43, effective July 1.

Editor's note:

- (1) The effective date for amendments made to this section by chapter 216, L. 77, was changed from July 1, 1978, to April 1, 1979, by chapter 1, First Extraordinary Session, L. 78, and was subsequently changed to July 1, 1979, by chapter 157, § 23, L. 79. See *People v. McKenna*, 199 Colo. 452, 611 P.2d 574 (1980).
- (2) Section 52 of chapter 171, Session Laws of Colorado 2000, provides that the act amending subsection (2)(b) applies to offenses committed on or after July 1, 2000. C.J.S. See 72 C.J.S., Prisons, § 75. Law reviews. For article, "Review of New Legislation Relating to Criminal Law", see 11 Colo. Law. 2148 (1982).

Section deemed unconstitutional delegation of power. Prior to the 1982 amendments, this section contained no standards to guide the administrative head of a detention facility in the

exercise of his delegated discretion to declare certain items contraband and was, therefore, an unconstitutional delegation of the general assembly's power to declare an act to be a crime. *People v. Lepik*, 629 P.2d 1080 (Colo. 1981).

Section deemed constitutional delegation of power. The statute imposes adequate standards and procedural safeguards because it requires the administrative head of a detention facility to determine whether an item poses or may pose a risk prior to categorizing it as contraband, to find that there is a reasonable probability that an item would pose a threat, and to give notice of what is contraband. Allowing each detention facility to determine what is contraband based on the specific conditions present at each facility does not result in an unlawful delegation of authority. *People v. Holmes*, 959 P.2d 406 (Colo. 1998).

The notice required in this section must be sufficient to inform a visitor that an item constitutes contraband under this section and that bringing the item into the facility therefore constitutes criminal activity. The notice requirement is not satisfied by simply informing the visitor that the item is prohibited. *People v. Holmes*, 959 P.2d 406 (Colo. 1998).

"Contraband" as used in this section has a limited meaning. It refers only to the items specified in subsection (2)(a) through (k) and any item that the administrative head of the facility has determined to be a risk or probable risk to the security of the facility. *People v. Holmes*, 959 P.2d 406 (Colo. 1998).

Any amount of marihuana sufficient to ingest will support a conviction for possession of contraband in a detention facility, where statute fails to specify an amount. *People v. Greenwell*, 830 P.2d 1116 (Colo. App. 1992).
Applied in *People v. West*, 42 Colo. App. 217, 603 P.2d 967 (1979); *People v. Villapando*, 984 P.2d 51 (Colo. 1999).

We do hereby publish and declare the following items to be contraband, harmful to the health, welfare, good order, and discipline of the offender population.

ECCPC WARDEN'S DECLARATION OF CONTRABAND (in addition to, or in support of, items listed above and with the current Consent to Search form):

1. Incense and Incense Burners
2. Match books or matches
3. Candles
4. Liquid shoe polish
5. Weapons of any kind
6. Narcotic and Dangerous Drugs
7. Extension Cords and Multiple Plug-ins
8. Hotel, motel, or house keys
9. Drivers License, Credit Cards, or Food Stamps
10. Currency beyond limitations set by Institutional Policy.
11. Batteries or battery operated items, except watches, hearing aids, small flat calculator, writing pens
12. Fluid lighters. Exception: disposagle/non-refillable lighters.
13. No fresh cut flowers or potted plants, except directly from a florist
14. No razors with separate blades except for Twin Trac type disposable blades and

- disposable razors; electrical razors are allowed
15. No douche bags may be taken out or brought in
 16. Cameras and Polaroid cartridges
 17. No crockpots, toasters, broilers, sandwich makers, deep friers, popcorn poppers or heaters - some of the older inmates have these items, but new ones are not allowed.
 18. 8-track tapes
 19. Radios with police band
 20. Lottery tickets
 21. Non-dairy creamer

END OF SECTION

MEMORANDUM

DATE: January 5, 2005
TO: Contractor's
FROM: CDOC, Facility Management Services
SUBJECT: Consent to Search Form

This letter is intended to assist the Contractor in the use of the attached Consent to Search forms.

All Workers that will be on site will be required to read and complete the information front and back. Employees and personnel are required to carry picture identification at all times.

The Contractor will return the completed forms to the assigned CDOC Project Representative, Physical Plant Manager, Project Inspector, or in some cases the ECCPC Prison Operations. Forms may be copied as long as the front and back accompany the employee or personnel information and his or her signatures. This helps to assure the CDOC that the employee has read both sides of the form.

A designee of the ECCPC Prison Operations will perform the security checks. The ECCPC Warden will make the final determination of employees that will/will not be allowed access to the site. The facility will process the forms as quickly as possible. Any employee that is deemed not acceptable by the warden, based on the background information, will not be permitted access to the ECCPC.

The ECCPC Prison Operations will assign badge identification to the Workers that pass the background checks and issue the list on to the Contractor of approved and un-approved Workers. The Contractor will be responsible to keep a complete list, updated on a weekly basis, as to the status of Workers who will continue to access the ECCPC. Contractor employees that have been terminated, or Workers who will no longer be accessing the ECCPC, must return the identification badges to the Contractor who will return to the facility security manager. The updated list will be given to the Project Representative, Physical Plant Manager, Project Inspector and/or the ECCPC Prison Operations, when requested, to help them with their security operations.

If you have any question, please contact the Colorado Department of Corrections, office of Facility Management Services Project Representative for this project. Thank you for your cooperation.