



Ohio Administrative Code Rule 5120-9-55 Contraband.

Effective: September 7, 2015

(A) There shall be two classes of contraband as defined in this rule. Contraband shall be classified as "major" or "minor" contraband. This distinction shall determine the method or manner of disposition of such contraband.

(1) "Major contraband," as used in this rule, shall refer to items possessed by an inmate which, by their nature, use, or intended use, pose a threat to security or safety of inmates, staff or public, or disrupt the orderly operation of the facility. Major contraband also includes any material related to unauthorized group activity that is found in the possession of an inmate. Any items referred to in section 2921.36 of the Revised Code shall also be considered major contraband, including deadly weapons or dangerous ordnance, drugs of abuse, intoxicating liquor and cash.

(2) "Minor contraband," as used in this rule, shall refer to items possessed by an inmate without permission and:

(a) The location in which these items are discovered is improper; or

(b) The quantities in which an allowable item is possessed is prohibited; or

(c) The manner or method by which the item is obtained was improper; or

(d) An allowable item is possessed by an inmate in an altered form or condition.

(B) Any staff member who confiscates contraband from an inmate shall enter the fact of such confiscation on a log designed for such a purpose. The log shall specify the date of the confiscation, the person or inmate from whose possession the contraband was taken, if known, and a brief description of the contraband.

(C) Disposition of contraband: any item considered contraband under this rule may be confiscated.



(1) Minor contraband.

(a) When appropriate, such items should be returned to their proper locations or to their original owners. However, if the item came into the inmate's possession through a violation of the rules by the original owner, such item may not be returned to the owner, if the original owner is an inmate.

(b) Minor contraband received in the mail may be returned to the sender if the inmate agrees to pay postage costs.

(c) Minor contraband, valued at one hundred dollars or less, may, thirty days after confiscation, be destroyed, donated, utilized by the institution for training or other official purposes, or utilized in non-monetary offers to compromise in accordance with rule 5120-9-32 of the Administrative Code, by the order of the warden when the institution has attempted to contact or identify the owner of the personal property and those attempts have been unsuccessful or the inmate who owns the personal property agrees in writing to the disposal of the property in question.

(d) Minor contraband, valued at over one hundred dollars, which cannot be returned to the original owner if either an inmate or unknown and cannot be returned to sender, may, upon the issuance of an order of forfeiture by the court of common pleas in the county in which the institution is located, be destroyed or utilized by the institution for training or other official purposes, sold at public auction, or utilized in non-monetary offers to compromise in accordance with rule 5120-9-32 of the Administrative Code. The warden may file a petition for forfeiture with the court, asking the order be issued. The petition shall attach a list of the property involved and shall state briefly why the property cannot be returned. Each institution shall record the manner in which the contraband was disposed. In the event a court of common pleas issues an order that forfeited contraband be sold at public auction, the institution shall deposit any money received in the inmates' industrial and entertainment fund and record the date of disposition, the amount the forfeited contraband was sold for, and the name of any person who purchased the forfeited contraband at public auction.

(2) Major contraband.

(a) When criminal prosecution or disciplinary action is contemplated with respect to the contraband,



it shall be locked in a secure area designated for contraband or turned over to local or state law enforcement authorities. Institutional personnel shall minimize any handling of such items until turned over to law enforcement authorities.

(b) When such items are no longer needed for disciplinary or criminal action, they shall be disposed of in accordance with the provisions of this rule.

(3) Contraband such as rings, watches, radios, televisions and tape players shall be stored in a secure place. Reasonable attempts should be made to return such items to their rightful owner if an inmate, or sent to the inmate's home at the inmate's expense. Contraband obtained in violation of the rules of the Administrative Code shall be subject to confiscation. If valuable contraband cannot be returned to the rightful owner, the warden may initiate forfeiture consistent with this rule.

(4) Confiscated money shall be processed in accordance with rule 5120-5-08 of the Administrative Code.