

BRANCH COUNTY
JAIL SECURITY
ORDINANCE 2005-16

Adopted March 2, 2005

Ordinance # 16

COUNTY OF BRANCH

JAIL SECURITY ORDINANCE

ORDINANCE NO. 16

AN ORDINANCE TO PROHIBIT CONTRABAND IN BRANCH COUNTY JAIL FACILITIES; TO PROHIBIT UNAUTHORIZED COMMUNICATION WITH BRANCH COUNTY JAIL INMATES; AND TO ADOPT PENALTIES FOR VIOLATION.

THE PEOPLE OF THE COUNTY OF BRANCH, MICHIGAN, DO ORDAIN:

Article 1. Purpose and Authority. Deeming it advisable in the interest of the citizens of Branch County, as authorized by Section 46.11(j) of the Michigan Compiled Laws, and for the safety and protection of Branch County employees and property, and that of the general public, and to secure the orderly rehabilitation of Branch County Jail inmates, the County of Branch, Michigan, adopts this Jail Security Ordinance.

Article 2. Ordinance Title. The title of this Ordinance is the Branch County Jail Security Ordinance.

Article 3. Definitions.

3.1. *Communicate* means to make any shout, cry, or other spoken words; any handwritten or typed note, letter, or sign, regardless of whether it is electrically or electronically transmitted or enhanced; or any signal or other motion or gesture; or to create any public disturbance or disorder.

3.2 *Contraband* means any of the following described items, including any imitation, counterfeit, or toy version of the item:

- A. Any firearm or ammunition, including gas and air guns, and all gas emitting devices;
- B. Any electric stunning device, and any other instrumentality capable of storing or discharging electrical energy of any form;
- C. Any axe, cleaver, knife, scissors, shears, or other edged or cutting instrument of any sort or size;
- D. Any telephone, cellular telephone, two-way radio, pager, or any other signaling or communications device which an inmate could reasonably utilize to communicate with unauthorized persons outside of jail premises, including sound or vision, magnification, amplification or enhancement devices.

- E. Any other device reasonably adapted to use by an inmate to pass, transmit, or communicate signals of any form to any person(s) outside Branch County Jail premises;
- F. Any pointed instrument or spear, including pins and needles, regardless of size;
- G. Any rocks, stones, pieces of paving, cement, or building material, or lumps of metal, or any bat, club or other item capable of inflicting damage or injury if used as a striking instrument;
- H. Any form of narcotics, controlled substance, syringes or other drug paraphernalia, prescription or non-prescription drugs, tobacco products, alcoholic beverages, or any pornographic or other sexually explicit printed material, or any film, tapes, videos, discs, or other items carrying such material, including any device adapted to the playing or listening thereof;
- I. Any codes or cipher, and any plan, map, picture, drawing, tape, disc, or other data relating to the location, shape, dimensions or other characteristics of any Branch County buildings, property or equipment, or any other materials showing or marking escape routes from the jail premises;
- J. Any tools, including but not limited to heating, melting, cutting, prying, or grinding tools, saw files, climbing gear, lock picks, keys, or key making material, keyless entry devices or other tools or equipment reasonably suited for use in a jail escape or custody break, or the attempt thereof, including any mask, protective gloves, clothing or footwear;
- K. Any flammable, corrosive or explosive material or substance, including matches, fuses or other initiating devices, grenades, bombs, and all forms of fireworks and pyrotechnics;
- L. Any clocks, chronometers, watches or timing devices;
- M. Any electric, electronic or photo-optical parts or components, including cameras, recording devices, computers, planners, calculators and their accessories;
- N. Any chemical or substance capable of disabling, poisoning, sickening, or killing another person, including related handling or delivery systems;
- O. Any unauthorized clothing, footgear, blankets, sheets, bags, boxes, ropes, lines, pipes, hardware, cable, chains or ladders, regardless of size, weight, length or function;

- P. Any compass, transit or any other locating, positioning or navigational device;
- Q. Any cameras, binoculars, telescopes, or night vision devices;
- R. Any laser device or other device capable of emitting any type of beam, ray, or wave;
- S. Any kind of radioactive substance or device;
- T. Any aircraft, rocket, or other type of flying or lifting device, regardless of size, lifting capacity, range or function, and any motor-powered or pedal or hand-operated vehicle or craft meant for surface or water transportation;
- U. Any precious stones or gems, and any and all United States or foreign money or currency, regardless of form or amount;
- V. Any material, or items capable of use in concealing, altering the appearance of, or disguising the human face or body, including masks, makeup, dyes, canes, crutches and prostheses;
- W. Any license, permit, passport, visa, false court document, any cards or documents of identity, and any and all ATM cards, credit or debit cards, and other financial transaction devices;
- X. Any infectious or bio-hazardous items, substance or equipment;
- Y. Any stock or bond certificate or any other negotiable instrument or letter or card of credit, such as might be useable to obtain favors, services, goods, or property; and
- Z. Any material constituting any component or part of any item of contraband, and any materials or instructions for the making or use thereof.

3.3. *Jail inmate* means any person who is sentenced to a term of incarceration in the Branch County Jail, any pre-trial detainee or arrestee held in the Branch County Jail, and any other person who is housed as an inmate in the Branch County Jail by contract with another jurisdiction.

3.4. *Jail premises* means the Branch County Jail and any indoor or outdoor premises of the Branch County Jail, any Branch County lockup facilities, or other facilities leased or owned by Branch County for the housing, confinement, training, transportation or movement of jail inmates, including motor vehicles.

3.5 *Secrete* means to deposit an item in a hiding place.

Article 4. Prohibited Conduct -- Contraband.

4.1. Except as otherwise permitted by written authorization of the Branch County Sheriff's Office, no person entering or attempting to enter any portion of the Branch County Jail premises shall possess, attempt to possess, or secrete any item of contraband.

4.2. No person shall deposit, store, place, secrete, throw in or upon, or leave any item of contraband in or on any Branch County Jail premises.

4.3. No person shall ship, send, mail or otherwise transmit any item of contraband to any Branch County Jail premises for the possible use or benefit of any jail inmate.

4.4. No Branch County Jail inmate shall order, procure, receive, possess, or make any item of contraband, or attempt to do so, while incarcerated in Branch County Jail premises.

Article 5. Prohibited Conduct – Communication.

5.1. Except as specifically permitted by the written rules and policies of the Branch County Sheriff's Office, no person shall, from any location within the Branch County Jail premises, or from any public street, sidewalk or way adjacent to or contiguous with Branch County Jail premises, communicate or attempt to communicate with any jail inmate.

Article 6. Penalty for Violation -- Misdemeanor. Violation of this Ordinance is punishable as a misdemeanor, with a maximum penalty of 90 days in jail and/or a \$500 fine.

Article 7. State Laws. Nothing in this Ordinance shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility for any criminal offense under Michigan law.

Article 8. Construction. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include a feminine and neuter. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted as defined in statutes, regulations, or codes to which they apply or if not so defined shall be defined in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any section of this Ordinance.

Article 9. Severability. The various parts, sections, subsections, paragraphs, sentences, phrases, and clauses of this Ordinance are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it shall be considered severed from this Ordinance and shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Article 10. Repeal. All ordinances or parts of ordinances inconsistent herewith are hereby repealed

Article 11. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Article 12. Effective Date of Ordinance. This Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County.

Approved and adopted by the Branch County Board of Commissioners at its regular meeting on March 2, 2005.

I, Terry Kubasiak, Branch County Clerk, certify that this Ordinance was adopted by the Branch County Board of Commissioners and published on March 10, 2005.



Terry Kubasiak, Branch County Clerk

Branch County Board of Commissioners



Ted Gordon, Chairperson