

DISPOSITION OF CONTRABAND

- AUTHORITY:** California Penal Code Section 4030
Administrative Directive
- RESCINDS:** Procedure Manual Item 3-1-004, dated 06/13/18 (RENUMBERED)
- FORMS:** Special Incident Report (F057-7018)
Evidence Locker Property Record Form (F057-3012.4)
- PURPOSE:** To standardize the control, handling, and transportation of items deemed to be (1) illegal, (2) considered detrimental to the health, safety, or general welfare of youth in residence, or (3) presenting a fire hazard or other potential danger to the building, premises and/or occupants.

I. GENERAL INFORMATION

Contraband includes:

- A. Narcotics
- B. Items believed to be narcotics
- C. Narcotics paraphernalia
- D. Alcohol in any form
- E. Tobacco, matches and lighters, combustibles, intoxicating inhalants, etc.
- F. Any item not identified as approved property for a youth to possess

II. PROCEDURE**A. Controlled Substances**

- 1. Staff confiscating controlled substances will:
 - a. Apply Personal Protective Equipment (PPEs) including nitrile gloves, face mask and goggles available in each unit prior to handling any suspicious substance.
 - b. Place the substance in two plastic evidence bags and seal them.
 - c. Notify Supervising Juvenile Correctional Officer (SJCO) or Duty Officer (DO) immediately of the confiscation.
 - d. Read the Miranda Warning to the youth (in presence of another) and get a waiver prior to any questioning. If the youth is under 18

years old, staff must contact the attorney of record or **Public Defender's Office** for the Miranda advisement.

- (1) Complete Evidence Locker Property Record Form (F057-3012.4)
- (2) Place the evidence and the white and yellow copy of form F057-3012.4 inside a clear plastic bag and seal it securely.
- (3) Place the evidence in an empty evidence locker located in the [REDACTED]
[REDACTED] Place pink copy of property record in youth's file.
- (4) A Special Incident Report (SIR) must be completed for all evidence booked into the lockers.

e. Staff may be instructed to:

- (1) Maintain control of the contraband until the chain of custody has been transferred to the Orange County Sheriff's Department (OCSD) or secure the contraband in the evidence locker and notify the Duty Officer or unit SJCO prior to the end of **their** shift.
- (2) Transport the substance to the Crime Lab/Forensic Services, located at 330 N. Flower, Santa Ana [REDACTED]).
- (3) Complete the requested paperwork and advise the OCSD deputies that you will await the results of the analysis.
- (4) Submit a completed Special Incident Report immediately to the SJCO or DO.

2. The SJCO or DO will:

- a. If handling the confiscated items, the SJCO will also write on the clear plastic bag his/her name, the date and time of handling.
 - (1) This procedure shall be followed each time the clear plastic bag is passed from one staff member to another in order to legally account for its whereabouts.
 - (2) Care should be taken to avoid any unnecessary handling of evidence.
 - (3) Contact the OCSD for disposal of any drugs, narcotics, or controlled substances.
- b. Hand carry Special Incident Reports (SIRs), applications for petition, and crime lab analysis (if available) to Custody Intake.

3. If the controlled substance was confiscated from a youth during the booking process:
 - a. Return the evidence to the arresting officer if still on the premises.
 - b. Be sure to document the name, agency, and badge number of the officer receiving the evidence into ICMS.
 - c. Notify the arresting police agency if officer has left the premises. If they do not wish to take the evidence into custody, complete applicable sections of Part II of this directive.
 4. If the controlled substances were confiscated from a youth brought into custody by a Probation or Parole Officer, or upon return from a temporary release or furlough:
 - a. Notify the youth's probation or parole officer for disposition of evidence if possible.
 - b. If the officer does not wish to take custody of said evidence, complete applicable sections of Part II of this procedure.
 5. If the controlled substances were found on the premises but not in the possession of any specific youth:
 - a. A Special Incident Report (SIR) shall be written describing the substance(s) found and any investigation that was done.
 - b. Notify OCSD for disposal of the evidence. You must obtain a DR# if you want additional charges brought forward.
 6. Vitamins, aspirin, etc., will not necessitate a Special Incident Report but are to be listed on the Personal Property Sheet.
 7. Any prescriptions in the youth's name will be booked into their property and noted on the Personal Property Sheet as to their location.
 8. Paraphernalia will be dealt with as established by the individual facilities.
- B. For contraband items other than controlled substances.
1. Staff are to exercise care at all times to prevent contraband items from being available to the youth.
 - a. Strong efforts should be made to see that visitors or youth entering the **facility** do not smuggle contraband items into the building or grounds.
 - b. All non-confidential packages mailed to a youth may be searched for illegal contraband.
 - c. Incoming mail may be examined for contraband in order to ensure the safety and security of the facility (PMI 3-9-001).

- d. Youth may be searched in a manner consistent with the law, departmental policies and procedures, and specific court order (PMI 3-7-002).
 - (1) Facility searches are designed to preserve the safety and security of staff and youth and in order to maintain an environment as free as possible of contraband PMI 3-7-001
 - (2) **Searches shall be conducted in a manner that preserves the privacy and dignity of the person being searched, and shall not be conducted for harassment or as a form of discipline or punishment.**
 - (3) All youth will be searched every time they return to or enter the facility from off grounds.
 - (4) In addition, youth shall be searched whenever a staff member at the facility has **reasonable** cause to believe that a youth is in possession of contraband and visitors shall be warned not to bring any contraband into a facility.
 - (5) Room searches are to be conducted routinely on a single randomly selected room and periodically **throughout** a unit.
- 2. Any staff member who discovers contraband will:
 - a. Notify DO/SJCO of the contraband item. The DO/SJCO will determine how it should be handled in order to maintain a chain of evidence if necessary.
 - b. Read the Miranda Warning to any youth involved before questioning. If the youth is under 18 years old, staff must contact the attorney of record **or Public Defender's Office** for the Miranda advisement.
 - c. Complete an SIR.
- 3. A staff member who has reason to suspect the presence of contraband material on the premises will **immediately** notify the DO/SJCO.
- 4. All SIRs related to contraband are to be forwarded to the ADD overseeing the ISU function for contraband tracking.

REFERENCES:

Procedures:	3-2-005	Control of Weapons, Ammunition and Explosives in Facilities
	3-5-001	Juvenile Hall Intake
	3-5-006	Youth Housing and Classification
	3-7-001	Facility Searches/Area and Room Inspection: Damage Control
	3-7-002	Personal Searches and Control of Contraband

3-9-001 Youth's Mail
3-9-006 Youth's Personal Property
3-15-001 Special Incident Reports/Routing SIR and DHO
Paperwork

Policies: D-6 Transportation of Probationers and Custody
Transportation
D-7 Search and Seizure
F-4 Visits with Minors in Juvenile Institutions;
Placements
F-7 Personal Property of Minors in Juvenile Institutions

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APPROVED BY: