

HANDLING AND DISPOSITION OF CONTRABAND

- AUTHORITY:** California Penal Code Section 4030
Administrative Directive
- RESCINDS:** Procedure Manual Item 3-1-004, dated 09/08/23
- 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, (3) presenting a fire hazard or other potential danger to the building, premises and/or occupants, **or (4) identified as suspected controlled substances.**

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, tear gas or tear gas weapon, etc.
- F. Weapons, knives or any items modified into a weapon**
- G. Any item not identified as approved property for a youth to possess

II. PROCEDURE

- A. Contraband at Booking
 - 1. **It is unlawful and a felony for a person to knowingly bring into or send into a Juvenile Facility any type of contraband pursuant to WIC 871.5. Should this situation occur, the following procedure will be followed:**
 - a. **Law enforcement booking- the officers will take the material as evidence and add a new charge of possession. Otherwise, the Juvenile Hall Duty Officer (DO) will follow the department's Handling and Disposition of Contraband Policy.**

- b. **Probation Violation booking- The Deputy Probation Officer (DPO) will take the material as evidence and may add a new charge.**

B. **Controlled Substances**

- 1. **Staff confiscating suspected controlled substances located on the facility grounds will:**
 - a. **Notify the Supervising Probation Correctional Officer (SPCO) or Duty Officer (DO) immediately. The SPCO/DO will determine how the suspected substance should be handled in order to maintain the chain of evidence; as required by 871.5 WIC and detailed in PMI 3-15-006, Procedure for Filing Facility Applications for Petition.**
 - b. **The DO or SPCO is responsible for the collection of the contraband, storage of the contraband, and follow-up including notifying law enforcement and the assigned DPO if the person is on probation.**
 - c. **If a person is in possession of contraband in violation of WIC 871.5, is not in-custody, the DO will notify law enforcement and collect the contraband. If the person leaves before the arrival of law enforcement, staff will attempt to gain a suspect and vehicle description for law enforcement follow-up.**
 - d. **Apply Personal Protective Equipment (PPE) including nitrile gloves, face mask, and goggles before handling any suspicious substance.**
 - e. **If testing of an unidentified substance and/or suspected controlled substance is necessary, only Deputy Probation Correctional Officers who have successfully completed training shall operate the TruNarc Analyzer.**
 - f. **Naloxone (Narcan) shall be made available (Refer to PMI 1-4-125, Intranasal Naloxone Administration.)**
 - g. **Every effort shall be made to maintain the suspected controlled substance/contraband in its original packaging without opening the package for visual inspection.**
 - h. **All evidence received or recovered shall be properly packaged, weighed, tagged, described, and documented in a special incident report according to PMI 3-7-003, Disposition of Contraband**
 - i. **Place the substance in two plastic evidence bags and seal them.**
 - j. **When suspected substance/contraband is found, it should be minimally handled by only one officer whenever possible, (This is vital to maintain the chain of evidence). When working with another officer, it should be established in advance who**

is to handle contraband to avoid compromising the evidence chain.

- k. All DPCOs involved must write a Special Incident Report (SIR) documenting what was located, where and referencing the evidence locker number where the contraband is stored. If evidence is handled by more than one officer, the chain of custody, including handling of evidence by the additional officer, shall be documented in a supplemental report. Reference PMI 3-15-006.
- l. Information must also be logged in the Integrated Case Management System (ICMS).
- m. Ensure photos are taken for documentation.
- n. The handling SPCO/DO is to advise the Intake and Release (IRC) SPCO that suspected contraband/controlled substance was placed in the evidence lockers, so IRC can forward to the Orange County Crime Lab if appropriate.
- o. If suspected substance/contraband is found in a youth's possession read the Miranda advisement to the youth (in presence of another DPCO) 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 inside a clear plastic bag, seal it securely **and staple the white and yellow copy of form F057-3012.4 outside the bag.**
 - (3) Place the evidence in an empty evidence locker located in the IRC. Use locker numbers **1 through 12. Secure** the locker with the **corresponding** key and place key through locker vent. Place the pink copy of the property record in the youth's file.
 - (4) A Special Incident Report (SIR) must be completed for all evidence booked into the lockers.
- p. 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 **SPCO** prior to the end of **the** shift.
 - (2) **The IRC SPCO will create a work order through the Orange County Crime Lab (OCCL). Once instructions**

are provided from OCCL, arrangements will be made to transport the substance to the Crime Lab/Forensic Services, located at 330 N. Flower, Santa Ana (714-834-4510).

- (3) **The results of the analysis will be sent electronically to the IRC SPCO or the SPCO who created the work order.**
2. Submit a completed Special Incident Report **before the end of the shift** to the **SPCO** or DO2. The **SPCO, DO or Property Officer** shall:
 - a. **Write an SIR if handling the confiscated items.**
 - (1) Care should be taken to avoid any unnecessary handling of evidence to preserve the chain of custody.
 - (2) **The Property Officer will** 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.
 - 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, **the Unit SPCO or DO shall be notified, the evidence is to be booked into the evidence lockers and a Special Incident Report must be completed.**
4. If the controlled substances were confiscated from a youth brought into custody by a probation **officer**, or upon return from a temporary release or furlough:
 - a. Notify the youth's probation **officer** for disposition of evidence if possible.
 - b. If the officer does not wish to take custody of said evidence, **the DO shall be notified, the evidence is to be booked into the evidence lockers and a Special Incident Report must be completed.**
5. If the controlled substances were found on the premises but not in the possession of any specific youth:
 - a. **The DO shall be notified, the evidence is to be booked into the evidence lockers and a Special Incident Report must be completed.**

- b. A Special Incident Report (SIR) shall be written describing the substance(s) found and any investigation that was done.
- 6. **After confirmation via the TruNarc Analyzer that suspected items are vitamins, aspirin, etc., the handling officer will notify the SPCO or DO and transport items to the Medical Unit as they can dispose of identified over-the-counter medication according to their procedure. The officer will document the incident via a Special Incident Report.**
- 7. Any prescriptions in the youth's name will be **noted on the personal property sheet and provided to the Medical Unit.**
- C. 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 **and the mail scanner shall be utilized.** (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/SPCO** of the contraband item. The **DO/SPCO** 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/SPCO**.
4. All SIRs related to contraband are to be forwarded to the **ADD of the division** and 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
	3-15-006	Procedure for Filing Facility Applications for Petition
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: