

**DISPOSITION OF CONTRABAND**

- AUTHORITY:** California Penal Code Section 4030  
California Code of Regulations Title 15, Section 1360  
Administrative Directive
- RESCINDS:** Procedure Manual Item 3-1-004, dated 01/21/16
- 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. Notify Supervising Juvenile Correctional Officer (SJCO) or Duty Officer (DO) immediately of the confiscation.
- b. Read the Miranda Warning to the youth (in presence of another) and get a waiver prior to any questioning.

**(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]. Use locker [REDACTED]. Place pink copy of property record in youth's file.
- c. You may be instructed to:
- (1) Control item(s) until picked up by the Sheriff's Department or until the end of your shift at which time give the bagged contents to the Duty Officer or unit's SJCO; or,
  - (2) Transport the substance to the Crime Lab/Forensic Services, located at 330 N. Flower, Santa Ana (714-834-4510).
  - (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 is to be followed each time the clear plastic bag is passed from one staff member to another in order to legally account for its whereabouts at all times.
    - (2) Care should be taken to avoid any unnecessary handling of evidence.
  - b. Hand carry Special Incident Reports, 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. 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.
  - c. Be sure to **document** the name, agency, and the badge number of the officer receiving the evidence in **ICMS**.

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, 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) should be written describing what was found and any investigation that was done.
    - b. Notify the Orange County Sheriff's Department for disposal.
  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 taken to the Medical Unit and a notation is to be made 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 effort should be made to see that visitors or youth entering the center 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 3-1-024).
    - d. **Youth** may be searched in a manner consistent with the law, departmental policies and procedures, and specific court order (PMI 3-1-054).
      - (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 3-1-013).
      - (2) All youth will be searched every time they return to or enter the facility from off grounds.

- (3) In addition, youth shall be searched whenever a staff member at the facility has cause to believe that a youth is in possession of contraband and visitors shall be warned not to bring any contraband into a facility.
  - (4) Room searches are to be conducted routinely on a single randomly selected room and periodically on 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.
  - c. Complete an SIR.
3. A staff member who has reason to suspect the presence of contraband material on the premises will notify the DO/SJCO.
4. All SIRs related to contraband and are to be forwarded to the ADD overseeing the ISU function for contraband tracking.

**REFERENCES:**

|             |         |  |
|-------------|---------|--|
| Procedures: | 3-1-002 | Control of Weapons, Ammunition and Explosives in Facilities  |
|             | 3-1-013 | Facility Searches  |
|             | 3-1-024 | Youth's Mail   |
|             | 3-1-030 | Returning Youth To Juvenile Hall - Medical Holds, Courtesy Holds, Administrative Removals, Psych Holds, Disciplinary Removal |
|             | 3-1-054 | Personal Searches and Control of Contraband  |
|             | 3-1-303 | Special Incident Reports   |
|             | 3-2-011 | Intake   |
|             | 3-2-016 | Property Control-Juvenile Hall   |
|             | 3-2-025 | Visiting-Juvenile Hall   |
|             | 3-3-021 | Visiting - Youth Guidance Center   |
|             | 3-4-016 | Visiting Joplin Youth Center   |
|             | 3-8-021 | Visiting Youth Leadership Academy  |
| 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:**