

<b>UTAH DIVISION OF JUVENILE JUSTICE AND YOUTH SERVICES POLICY AND PROCEDURES</b>		
<b>Policy: 04-05</b>	<b>Page 1 of 4</b>	
<b>PERSONAL PROPERTY OF MINORS</b>		
<p><b>RATIONALE:</b> The purpose of this policy is to protect the property of minors and ensure that it is returned to them when they are released from custody. The inventories also serve as a record of the minor's personal belongings in case they are lost or damaged while in police custody.</p> <p><i>Replaces: 04-05 Juvenile Personal Property</i></p> <p><i>Related Policies, Applicable Standards, Statutes: JJYS Policy Property Inventory Form 04-05A; 05-02 Searches of Person, Room, State Vehicle; 05-09 Evidence; 05-10 Contraband</i></p>		
<b>Original Effective: July 2005</b>	<b>Revision: October 8, 2024</b>	<b>Next Review Due: October 9, 2027</b>

**I. DESCRIPTION**

This policy ensures that Division staff document and secure the personal property of minors who are required to surrender their personal property to the Division’s control.

**II. DEFINITIONS**

The following terms are defined for this policy as:

- A. **Illegal Contraband:** Items identified as illegal under federal or state law and possession of them by a minor may result in criminal charges. These items include any items that may have been used in a crime. Examples of such items include, but are not limited to, sexual images of a minor, tobacco, vaping devices, illicit drugs, paraphernalia, alcoholic beverages, and weapons.
- B. **Contraband:** Items for which possession by a minor is either illegal by federal or state law but the minor's possession of the item has not resulted in criminal charges after being reported to law enforcement; items prohibited by Division policy; or items prohibited by a Division facility or program operation manual. Contraband items may include, but are not limited to: weapons,

jewelry, money, electronic devices, cell phones, items capable of being used to effect an escape, or any item that might interfere with the treatment process.

- C. **Restricted Items:** Items that might not be illegal; however, possession of them by a minor is prohibited by Division policy or Operations Manual. These items include, but are not limited to: money, jewelry, knives, lighters, matches, and other property as designated in the facility or program operations manual.
- D. **Evidence:** Items that may be used in the prosecution of a violation of federal or state law.

### III. POLICY

- A. Minors who are placed in Division facilities or programs and are required to surrender control of their personal belongings shall have the right to have their personal belongings, with the exception of contraband, safely secured while in the care, custody or control of the Division.

### IV. PROCEDURE

- A. When a minor is admitted into a Division Facility or Program:
  - 1. Staff shall search the belongings and complete a detailed inventory of everything in the minor's possession using the Property Inventory Form (04-05A). Staff may photograph a minor's property or belongings as means of further documentation.
  - 2. Staff shall conduct a property search in accordance with Division policy 05-02 Searches of Person, Room, State Vehicle.
  - 3. Items which are illegal shall be treated as potential evidence and shall be secured according to Division policy 05-09 Evidence.
  - 4. Contraband shall be inventoried by staff and documented as such, then properly handled according to Division policy 05-10 Contraband.
  - 5. The Property Inventory Form shall be signed by the minor and staff at the time of intake. Except for contraband or illegal contraband, approved items shall be returned to the minor after being inventoried.
  - 6. Items the minor is not allowed to possess while in the facility or program, shall be stored in a locked and secure area. Money, jewelry and electronics shall be secured in a safe. The property inventory form shall note that these belongings are being held in the safe and shall be retrieved when the youth is released.
  - 7. A Property Inventory Form shall be generated and signed by the

- staff and minor. It shall then be uploaded to the youth's file in CARE. A printed copy of the Property Inventory Form shall be placed with the property in storage at the facility or program.
8. When staff encounters personal property such as jewelry that cannot be removed without damaging the property or potentially harming the minor, staff shall document it on the Property Inventory Form and consult the facility or program Assistant Program Director (APD) or designee to determine appropriate action to take.
- B. While a minor is in the care, custody of a Division Facility or Program:
1. Personal property included in the minor's property inventory may be released to the minor's parent or guardian after completing and signing the Property Inventory Form 04-05A.
  2. Additional property may be allowed or brought into a facility or program if approved, and a description of it will be added to the minor's property inventory.
  3. Additional property being brought into the facility shall be searched in accordance with procedure. Restricted items shall be returned to the parent or guardian as specified in Policy 05-10 Contraband. If the item is illegal, it will be secured as evidence per policy 05-09 Evidence.
  4. Changes of personal property shall be documented on the Property Inventory Form and signed by the staff, minor and parent or guardian (if property is released to a parent or guardian).
- C. When a minor is released from a Division facility or program:
1. Personal property (other than illegal contraband) stored at the facility (as documented on the Property Inventory Form) shall be released to the minor or parent or guardian.
  2. Property being released shall be checked against the Property Inventory Form by staff, the minor, and the receiving individual (if other than the minor).
  3. Staff shall sign and ensure that the minor or the individual receiving the property, signs the Property Inventory Form (form 04-05A) documenting the release.
  4. The signed Property Inventory Form shall be maintained in the minor's file.
- D. If personal property of a minor is not released when the minor is released from or leaves the program or facility for any reason:
1. The Division shall continue to store such property left in a facility or program for up to 90 days after the minor is released from the program or terminated from custody.
  2. The Division shall make and document on the Property Inventory Form 04-05A good-faith effort(s) to contact the minor or parent or guardian during the 90 days referenced in IV.D.1. The minor or parent or guardian may claim the stored property at any time during

- the 90 days.
3. Property not claimed after 90 days shall be considered abandoned, and the APD or designee shall arrange to donate the property to a charitable organization or otherwise properly dispose of it. Donation or disposal of property shall be documented.
  4. Minors shall be notified about this policy at time of discharge from a facility.
- E. Item(s) maintained at the facility that belong to past residents shall be identified and a plan for returning those items will be developed.
1. All attempts need to be exhausted to return the item(s) to the minor or to their parent or guardian and shall be documented on form 04-05A.
  2. If the item is not able to be returned, the facility will maintain it for 90 days and then donate or destroy the item(s).
  3. This will be documented in the minor's file on the Property Inventory Form 04-05A.
  4. If it is determined to dispose of property, it shall be documented on the Property Inventory Form 04-05A and a witness shall be present during destruction.
- F. Money that is not able to be returned shall be submitted to the Division State Office to the attention of the designated Financial Analyst, or designee, for the money to be sent to Utah Unclaimed Property. Documentation shall identify the minor's name, date of birth, address, and dates of attempted resolution.

## **V. Continuous Renewal**

This policy shall be reviewed every three years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Division of Juvenile Justice and Youth Services Executive Management Team and is approved upon the signature of the director.

  
Brett Petersen, Director  
Division of Juvenile Justice & Youth Services

10/08/2024  
Signature Date