

UTAH DIVISION OF JUVENILE JUSTICE AND YOUTH SERVICES POLICY AND PROCEDURES		
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CONTRABAND		
<p>RATIONALE: Contraband items shall be confiscated and controlled, to ensure the safety and security of juveniles and staff, and to minimize disruptions to treatment or program needs.</p> <p><i>Related Policy, Rule, Statute: JJYS policy: UCA 76-10-503; JJYS Policy 04-05 Juvenile Property Control; 05-09 Evidence; 06-01 Creation, Storage, and Retention of Juvenile Records;</i></p>		
Original Effective: August 11, 2004	Revision: April 4, 2024	Next Review Due: April 5, 2027

I. DESCRIPTION

Contraband items shall be classified as either illegal or restricted and shall be processed and controlled accordingly. Items considered contraband shall be made inaccessible to juveniles.

II. DEFINITIONS

The following terms are defined for this policy as:

- A. **Contraband:** Illegal items or items prohibited by Division policy, a Division facility or a 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.
- B. **Illegal Contraband:** items identified as illegal under federal or state law and possession of them by a juvenile 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.
- C. **Contraband - Program Prohibited:** These items might not be illegal;

however, possession of them by a juvenile is prohibited by Division policy or facility or program operations manuals. 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. Staff shall be alert to the possibility of contraband items coming into a Division facility or program.
- B. Incident reports, personal inventory forms, daily logs and any additional records related to the confiscation and disposal of contraband items shall be maintained at the facility in accordance with Division policy 06-01 Creation, Storage, and Retention of Juvenile Records.

IV. PROCEDURE

- A. Staff shall immediately confiscate contraband items when discovered. If it is determined that the items could be considered as evidence, staff shall act in accordance with Division policy 05-09 Evidence
- B. For regulatory purposes, items identified as contraband shall be placed into two categories and controlled accordingly.
 - 1. Illegal Contraband:
 - a) Staff shall confiscate, inventory and act in accordance with Division policy 05-09 Evidence.
 - 2. Contraband - Program Prohibited: These items shall be:
 - a) Confiscated by staff;
 - b) Properly inventoried (with the inventory list recorded and signed for by the juvenile);
 - c) Stored in a secure location to be returned to the juvenile at the time of release in accordance with Division policy 04-05 Juvenile Property Control, or
 - d) Released to a parent/guardian.
 - e) If there is a belief that the restricted item was used in a crime, law enforcement shall be notified. All contacts, notification, or actions shall be documented and maintained at the facility as per Policy 05-09 Evidence.
 - 3. Contraband - Program Prohibited items that can be used as weapons, such as knives, may not be returned to a juvenile upon release and may only be released to the parent or guardian after the parent or guardian has signed for the item(s).
 - a) The parent or guardian confirms by receiving the item and

- signing the form that they are not a restricted person and can legally accept the item identified (UCA 76-10-503).
- b) If a parent or guardian does not want the item or refuses to sign the form, they may give permission to the Division to destroy the item. Verbal approval from the parent or guardian shall be documented on the form.
 - c) If a parent or guardian does not respond within 90 days, the APD shall follow Division policy 04-05 Juvenile Property Control.
4. Money in the possession of the juvenile or received by the juvenile via visitors, mail, or another source, is a restricted item, and must immediately be deposited into the facility or program safe or designated secure area and documented in the juvenile's personal property inventory.
- a) All money must be returned to the juvenile upon release or to their parent/guardian.
 - b) When a juvenile has more than \$200, staff shall notify the APD, secure the money, and establish a plan on how to transfer possession (such as contacting parent/guardian to pick it up).

V. Continuous Renewal

This policy shall be reviewed every three (3) 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

04/04/2024

Signature Date