I. Policy Statement

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. 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.

III. Definitions

A. “Contraband” is 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 affect an escape or any item that might interfere with the treatment process.

B. “Illegal Items” are 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 device, illicit drugs, paraphernalia, alcoholic beverages, and weapons.

C. “Restricted Items”: 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” is any item that may be used in the prosecution of a violation of federal or state law.

IV. Procedures

A. Staff shall be alert to the possibility of contraband items coming into a Division facility or program.

B. 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.
C. For regulatory purposes, items identified as contraband will be placed into two categories and controlled accordingly.
   1. Illegal Items:
      i. Staff shall confiscate, inventory and act in accordance with Division policy 05-09.
   2. Restricted Items:
      i. These items will be confiscated by staff;
      ii. Properly inventoried (with the inventory list recorded and signed for by the juvenile);
      iii. Stored in a secure location to be returned to the juvenile at the time of release in accordance with Division policy 04-05, or
      iv. released to a parent/guardian.
   v. If there is a belief that the restricted item was used in a crime, law enforcement will be notified. All contacts, notification, or actions shall be documented and maintained at the facility as per Policy 05-09.
   vi. Restricted items that can be used as weapons, such as knives, are not permitted to be released to a juvenile and shall 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 can 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 will follow Division policy 04-05.

D. 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.
   1. All money must be returned to the juvenile upon release or to their parent/guardian.
   2. When a juvenile has more than $200, staff shall notify the APD, secure the money, and a plan shall be established on how to transfer possession (i.e., contact parent/guardian to pick up, etc.)

E. Incident reports, personal inventory forms, daily logs and any additional records related to the confiscation and disposal of contraband items must be maintained at the facility in accordance with Division policy 06-01.
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 Services Executive Management Team, and is approved upon the signature of the Director.

2/20/2021

Brett M. Peterson, Director
Division of Juvenile Justice Services