

	JUVENILE JUSTICE SERVICES Safety and Emergency Operations	Effective Date: 8/15/2010
		Issue Date: 8/15/2010
	Title: Contraband Control	
	Procedure #: P.5.28	

1 ISSUING AGENCY Children, Youth and Families Department (CYFD)

2 SCOPE Juvenile Justice Service (JJS)

3 STATUTORY AUTHORITY NMSA 32A-2-1, 32A-2-2.E

4 FORMS None

5 APPLICABLE POLICY: NMAC 8.14.5.28

CONTRABAND CONTROL: Juvenile Justice Services considers any item found inside the perimeter of a facility or in possession of a client, staff member or visitor inside the perimeter of a facility, contraband if it is illegal to possess by law, illegal for minors to own or possess, or specifically listed in the Department’s Prohibited Item List. Seized items of contraband will be disposed of in accordance to New Mexico State Statute or as detailed in applicable procedures, and may be turned over to law enforcement for prosecution.

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7 DEFINITIONS

7.1 **“Class A Contraband”** refers to prohibited items that are illegal to possess or potentially dangerous to the clients, staff and visitor of a facility, including any item prohibited to be manufactured, transported, transferred, sold, possessed or owned by New Mexico State Statute or regulation, federal law or local ordinance where the facility is located; any item, substance, material or object designed for or used to kill, injure or disable, including but not limited to weapons, ammunition, poisonous gases or aerosols, explosives, knives, pepper sprays, batons and electrical shock devices.

7.2 **“Class B Contraband”** refers to prohibited items that are controlled or a threat to the safe, secure or orderly operation of a facility, including any item where the manufacture, transport, transfer, selling, possession or ownership is controlled by New Mexico State Statute or regulation, federal law or local ordinance where the facility is located, including but not limited to over-the-counter medications, controlled substances and intoxicants or any item that has not been issued to the client in furtherance of educational,

facility employment, custody, treatment or rehabilitative efforts; any item introduced that is reasonably likely to aid in the escape of a client, including but not limited to tools, wire/bolt cutters, maps, masks or disguises, extra clothing or false identification; any item where the manufacture, transport, transfer, selling, possession or ownership by a juvenile is prohibited or controlled by New Mexico State Statute or regulation, federal law or local ordinance where the facility is located, including but not limited to pornography and tobacco; and any item legal to possess or own by a juvenile or client in a facility, which is brought to the facility by a visitor and is reasonable to assume is being transferred to, sold to, given to or otherwise provided to a client in violation of the facility rules, including but not limited to jewelry, photographs, shoes and money.

7.3 **“Class C Contraband”** refers to approved items that are in excess of approved amounts or items that might be generally available that are not to be retained by a visitor during visitation periods or passed to a client during visitation, including any item that has been altered or manufactured in a manner that makes it difficult to examine or search, any pencils, pens, electronic or digital video play or recording devices, personal hygiene or make-up, gum or consumables, or any other item not required as part of a visit that has not been declared by the visitor and approved by the facility superintendent or on-call manager in charge; and any item, substance, material or object approved to be retained by a client but exceeds approved amounts, any item that has been altered, any item approved for another client, any item not listed on a client’s property list, or any item possessed or used in an unauthorized location or location other than the approved location.

8 VISITOR NOTIFICATION

8.1 The Director of JJS shall direct each facility superintendent to provide conspicuous notification at the entrance to each facility of CYFD’s right to search persons, vehicles and property before entering, while on the property of, or while exiting a JJS facility.

8.1.1 The notification must be in large enough print to be reasonably seen from the vehicle location and be printed in both English and Spanish.

8.1.2 The notification must include that consent to being searched is implied by entrance onto Juvenile Justice Services’ property.

8.1.3 The notification must include that criminal violators may be detained by facility staff or arrested for possible criminal prosecution by local or state law enforcement authorities.

9 CLIENT NOTIFICATION

9.1 Facility staff, through initial orientation and transferred client intake, shall provide documented notification to each client of the contraband and prohibited item procedures.

9.1.1 The notification must be available in English and Spanish and translated into additional languages if required.

9.1.2 The notification must include that criminal action can be taken for violations of the contraband and prohibited items procedure.

10 CLIENT PROPERTY LIST

10.1 The facility superintendent shall allow clients to retain State issued and personal items consistent with a safe and organized facility. In addition clients may maintain personal property established by program levels/phases, rehabilitative efforts and for personal comfort and enjoyment. Items, materials and substances not received, issued or procured through approved procedure are considered to be contraband and prohibited.

10.1.1 The intake or orientation staff member is responsible for starting a client property list.

- 10.1.1.1 The list shall include all personal property and any State issued property provided to or retained by the client upon their entrance into the facility.
- 10.2 Each unit manager or area supervisor is responsible for ensuring that a system is in place for updating the client property list as items are approved or deleted.
- 10.3 The client property list shall be the guiding document in determining if contraband or prohibited items are present.
 - 10.3.1 Consumable items do not have to be listed on the client property list, however each unit manager or area supervisor shall have a system to determine what items have been approved and appropriate for client possession or use.
- 10.4 A copy of the client property list shall be retained by the client, the unit manager and the client's classification officer.

11 CLIENT CONFISCATED CONTRABAND

- 11.1 Unapproved items, substances, materials or objects discovered during the initial orientation or intake process, if legal to possess or own and non-perishable, shall be stored by the facility for a maximum of 30 days.
 - 11.1.1 Clients will have 30 days to find a disposition for the property at their own expense. At the conclusion of 30 days, the items will be considered abandoned and destroyed.
 - 11.1.1.1 Clients can request additional time for property disposition by providing cause to the facility superintendent.
 - 11.1.2 Perishable items will be destroyed.
 - 11.1.3 Items illegal to possess or own considered Class A Contraband shall be confiscated and reported to law enforcement authorities.
 - 11.1.4 Items illegal to possess or own considered Class B Contraband shall be confiscated and reported to the client's case manager or probation officer for further disposition.
- 11.2 Items, substances, materials or objects discovered after the initial orientation or intake process shall be seized and handled in accordance with JJS Procedure
 - 11.2.1 If Class A Contraband is discovered a report shall immediately be forwarded to law enforcement authorities.
 - 11.2.2 If Class B Contraband is discovered, and it is reasonable to believe that it is associated with another criminal offense, a report shall immediately be forwarded to law enforcement authorities.
 - 11.2.3 If Class C Contraband is discovered the client may be subject to sanction.

12 CLIENT DECLARED CONTRABAND

- 12.1 The Deputy Director of Facility Operations (DFO) reserves the ability to specifically declare items prohibited or contraband at all JJS facilities if determined that the item(s) are dangerous, unsafe or not conducive to a rehabilitative environment.
 - 12.1.1 If the items have been previously approved, the DFO shall determine if pre-existing items shall be retained (grandfathered) or if upon a specific date all such items shall be declared contraband.
 - 12.1.2 All clients shall be informed of any specifically prohibited item and allowed reasonable time to determine a disposition of the item(s) if previously approved.
 - 12.1.2.1 Client who failed to find a disposition for a declared prohibited item(s) shall have the item seized, but shall not be subject to disciplinary action.

- 12.1.2.2 Client who failed to find a disposition for a declared prohibited item(s) and take efforts to retain or conceal the item shall have the item seized and be subject to disciplinary action.

13 STAFF PROHIBITED ITEMS

- 13.1 JJS prohibits staff members from possessing items in the security compound and other administrative areas that are illegal to possess or own; present a hazard to our clients, staff or visitors; distract staff members from performing their duties; displays images or content not representative of the CYFD Department's values, philosophies or goals or otherwise is prohibited by policy, procedure or directive.
- 13.2 Any item illegal to possess or own under New Mexico State Statute, federal law or applicable regulatory standard is prohibited from being carried, transferred or otherwise possessed on any JJS property or vehicle.
- 13.3 Any alcoholic beverage is prohibited from being carried, transferred or otherwise possessed on any JJS property or vehicle.
- 13.4 Any firearms, ammunition, explosives (i.e., fireworks etc) or other projectile weaponry is prohibited from being carried, transferred or otherwise possessed on any JJS property or vehicle.
 - 13.4.1 This prohibition does not apply to law enforcement personnel during the legal performance of their duties.
- 13.5 Any controlled substance or material not previously declared and approved by the facility superintendent, Health Services Administrator (HSA) or on call manager in charge is prohibited from being carried, transferred or otherwise possessed on any JJS property or vehicle.
- 13.6 Any personal restraining equipment (i.e., handcuffs, handcuff keys etc.) is prohibited from being carried, transferred or otherwise possessed on any JJS property or vehicle.
 - 13.6.1 This prohibition does not apply to law enforcement personnel during the legal performance of their duties.
- 13.7 Any staff member found in possession of a prohibited item may be subject to disciplinary action, including dismissal and referral for prosecution or both.

14 STAFF RESTRICTED ITEMS

- 14.1 JJS restricts staff members from possessing items in the security compound and other administrative areas that present a hazard to our clients, staff and visitors; distract staff members from performing their duties; displays images or content not representative of the CYFD Department's values, philosophies or goals or that are otherwise restricted by policy, procedure or directive.
- 14.2 Any personal self-defense items (i.e., irritants, electronic disablers, key batons, knives etc.) are restricted in the security compound and must be locked in a personal vehicle or secured in a designated location.
- 14.3 Any adult-content literature or media (nudity, gang related, extremist, tattoo magazines, brewing magazines, explicit language or lyrics or material otherwise deemed not suited for a professional or youth oriented environment) are restricted in the security compound and must be locked in a personal vehicle or secured in a designated location.
- 14.4 Any security concerned materials or periodicals (firearm, weapon or bomb making magazines, atlases, road maps, locksmithing magazines etc.) are restricted in the security compound and must be locked in a personal vehicle or secured in a designated location.
- 14.5 Any personal computers, laptops, disks, drives, CD ROMs, palm pilots, net-books, personal digital assistants, smart-phones, electronic book readers or other personal

electronic computing or storage devices are restricted in the security compound and must be locked in a personal vehicle or secured in a designated location.

14.5.1 This restriction does not apply to law enforcement personnel during the legal performance of their duties, contract personnel requiring such equipment to carryout the provisions of the contract or staff members approved to retain such an item by the facility superintendent.

14.6 Any personal cellular-telephones, personal transmitting pagers, personal communication devices (2-way radios, etc.) are restricted in the security compound and must be locked in a personal vehicle or secured in a designated location.

14.6.1 This restriction does not apply to law enforcement personnel during the legal performance of their duties, contract personnel requiring such equipment to carryout the provisions of the contract or staff members approved to retain such an item by the facility superintendent.

14.7 Any tobacco products as defined by JJS' Clean Indoor Act procedure, matches, lighters, rolling papers, pipes or cigar cutters are restricted in the security compound and must be locked in a personal vehicle or secured in a designated location.

14.8 Any personal grooming or cleaning items that might present a hazard (flammable aerosols, perfumes, mouthwashes, polishes, nail polish removers etc.) are restricted in the security compound and must be locked in a personal vehicle or secured in a designated location.

14.9 Any personal metal utensils (knives, forks, etc.), personal tools (scissors, handyman type multi-tools, pocket knives, screwdrivers etc.) or glass containers are restricted in the security compound and must be locked in a personal vehicle or secured in a designated location.

14.10 Any personal video or audio recording equipment, portable play gaming device, desktop or console gaming device, DVD, MP3, transistor type or digital personal play media (ear phones) items are restricted in the security compound and must be locked in a personal vehicle or secured in a designated location.

14.10.1 This restriction on video or audio recording equipment does not apply to law enforcement personnel during the legal performance of their duties, contract personnel requiring such equipment to carryout the provisions of the contract or staff members approved to retain such an item by the facility superintendent.

15 STAFF MEDICATIONS

15.1 JJS recognizes the need for certain medications to be held on the person of the staff member, or in a readily accessible but secure location, during the staff member's tour of duty.

15.1.1 Prescription and over-the-counter medications that can be stored and appropriately accessed from a personal vehicle or designated location generally shall not be approved as a "keep on person" medication.

15.1.2 "Keep on person" medications are medications that must be immediately administered to avoid the risk of an adverse medical condition or consequence (nitrate pills, epi-pens, rescue inhalers, etc.).

15.2 With prior approval from the facility superintendent, HSA or on call manager in charge, a staff member may retain prescribed or over the counter medication on their person, or in a secure location approved by their immediate supervisor.

15.2.1 Approved "keep on person" medications must:

15.2.1.1 be limited to a one-day supply, or sufficient supply to cover the duration of the scheduled work period,

15.2.1.2 never be left unattended or otherwise stored where accessible to clients;

- 15.2.1.3 be self-administrable;
 - 15.2.1.4 not be shared, transferred or possessed by other staff members, clients or visitors; and
 - 15.2.1.5 with the exception of an urgent or emergency issue, not be taken or otherwise used in front of clients.
- 15.3 Insulin syringes must remain in a personal vehicle or designated secure location outside of the secure compound and are not approved as a “keep on person” medication.
- 15.3.1 Supervisory staff members shall allow appropriate time for staff members requiring injectable medications to self administer the medication in a discrete manner.

16 STAFF MONITORED ITEMS

- 16.1 JJS recognizes and approves certain personal items in the workplace that promote a harmonious and convenient environment for its employees.
- 16.2 Items such as refrigerators, personal data assistants (PDA), radios (not 2-way), electric appliances, coffee pots, microwaves, personal decorations, lamps, personal pictures/photographs, book/magazines and other personal effects routinely found in a professional or office environment are not prohibited through this procedure.
- 16.2.1 JJS reserves the right to monitor, inspect, search or restrict these personal items.
- 16.2.2 Monitored items are primarily approved for administrative areas only and must be approved by the facility superintendent for use in any area located in the security compound.
- 16.3 Delivery items (flowers, food etc) must comply with this procedure and should be for consumption during the work period or removed from the work stations within a reasonable duration.
- 16.3.1 JJS reserves the right to inspect and reject a personal delivery (wrapped package) or hold a delivery and provide the delivery to the staff member at the conclusion of their work period.
- 16.4 Each staff member is responsible for completing a personal property inventory for any personal items being retained at the work station and submitting the inventory to their immediate supervisor for approval.
- 16.4.1 The completed and approved inventory will be retained by both the supervisor and staff member.
- 16.5 The supervisor can reject any items that do not conform to this procedure or that in their determination are not appropriate for the work station. In addition, the supervisor can reject previously approved personal items if the items have become inappropriate or otherwise a distraction to the work station.
- 16.6 JJS is not responsible for the upkeep, maintenance or replacement of personal property approved for the work station.

17 CONTINUOUS QUALITY IMPROVEMENT

- 17.1 Each facility superintendent shall complete and forward to the Deputy Director of Facility Operations a quarterly contraband report detailing the total number of special, scheduled, random and reasonable suspicion searches conducted during the quarter. The report shall include the following:
- 17.1.1 The contraband description and class of any discovered contraband;
 - 17.1.2 Visitor, client or staff known or suspected involvement;
 - 17.1.3 Location of discovery;
 - 17.1.4 If the discovery was the result of a special search, schedule search, screening, random search or reasonable suspicion search;
 - 17.1.5 The total number of searches refused by category

- 17.1.6 A comparison to the previous quarter(s) to indicate possible trends;
- 17.1.7 Any special intervention efforts (i.e., special searches, increase or decrease in searches, change in search locations) proposed for the up-coming quarter.
- 17.2 The report shall also include an approved or proposed suspended visitor list.

18 AUTHORIZED SIGNATURE:



APPROVED: _____

**Bill Dunbar, Cabinet Secretary
Children Youth and Families Department**

_____ **08/04/10** _____
Date