

YOUTH SERVICES POLICY

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| Title: Contraband Control - Secure Care Facilities | Type: C. Field Operations Sub Type: 2. Security Number: C.2.22 |
| | Page 1 of 9 |
| References: References are listed in Attachment C.2.22 (a) | |
| STATUS: Approved | |
| Approved By: <i>William A. Sommers, Deputy Secretary</i> | Date of Approval: 11/10/2021 |

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405.
Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish policy for defining which items are considered contraband, and the procedures to follow when contraband is discovered.

III. APPLICABILITY:

All YS employees, contract providers, visitors, volunteers and interns.

Facility Directors are responsible for ensuring that Standard Operating Procedures (SOPs) are in place to comply with this policy.

The information contained in this policy must be included in the facility Security Manual pursuant to YS Policy No. C.2.21.

IV. DEFINITIONS:

Accident and Injury (A&I) Form – Form used by contracted health care provider (CHP) staff to record history, physical and clinical assessment/findings, as well as type of injury, as a result of an alleged incident involving any youth in the custody of YS assigned to a secure care facility. (Refer to YS Policy No. B.6.4)

Chain of Custody – The number of persons who handle physical evidence between the time the evidence is located and the final disposition of a case.

Contraband - Any improperly possessed drugs (whether illegal or legal), smartphones and weapons that are expressly prohibited by applicable statutes and/or YS policies, that are introduced or found on facility grounds.

Contraband includes, but is not limited to, the following:

- A controlled dangerous substance defined by LSA-R.S. 40:961 et seq. or any controlled dangerous substances or devices as defined in LSA-R.S. 14:402.(D)(1);
- Weapons or other instrumentalities which could be used as a dangerous weapon or plans to manufacture such, or to aid an escape;
- Unauthorized explosives or combustibles;
- Alcoholic or other beverages producing an intoxicating effect;
- Aerosol products producing an intoxicating effect;
- Glass containers;
- Stolen property;
- Medication (no medication shall be brought onto the grounds of a secure care facility; refer to Section VII.N of this policy for YS employee guidelines regarding medication);
- Unauthorized currency or coin (No money shall be allowed beyond the front entrance gate of the facility. Money may be accepted for a youth's by-line account by secure care staff at the front gate with an issued receipt pursuant to YS Policy No. C.2.8; pursuant to Section VII.M of this policy, YS employees may have a maximum of \$20 on their person);
- Unauthorized articles of food, clothing or toiletries;
- Unauthorized telecommunications equipment, including, but not limited to, smartwatches, cellular phones or global positioning equipment (refer to Section V and Section VII.J of this policy for YS employees);
- Unauthorized tape recorders, cameras and camcorders (refer to Section V. for YS employees);
- Unauthorized electronics such as laptop computers, tablets or thumb drives (refer to Section V and Section VII.J of this policy for YS employees);
- Unauthorized movies, music videos, CDs, DVDs, cassette tapes, VHS tapes, or other devices containing recorded music, images, or other video (refer to Section VII.L of this policy for YS Employees); and
- Nude photographs/pornography/pornographic literature.

Escorted Absence – A temporary absence authorized by the Facility Director, in which a youth is escorted outside the secure perimeter by qualified employees for a therapeutic purpose. (Refer to YS Policy No. C.4.7)

Executive Staff – YS staff that hold the positions of Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Probation and Parole Program Director, Secure Facilities Director, Deputy Undersecretary, Executive Management Advisor, General Counsel, and Regional Directors.

Executive Staff and Investigative Services (IS) staff are exempt from routine searches.

Force - A physical or mechanical intervention that causes someone to act in a manner contrary to his intent or causes him to change his behavior to a desired action or to more desirable conduct. (Refer to YS Policy No. C.2.6)

Gate Entrance Posts (Front, Rear/Back, Pedestrian and Vehicular) – Designated primary points of entry and exit of a YS secure care facility. (Refer to YS Policy No. C.2.16)

Hazardous Material – Any flammable, combustible, toxic, or caustic material (FTCs) as defined in YS Policy No. C.2.15.

Operations Shift Supervisor (OSS) – An employee who is responsible for a range of duties that support management in maintaining a safe, secure facility. An OSS oversees administrative and operational security activities during specific shifts; manages employees during each assigned shift; ensures adequate security coverage; leads count procedures; oversees the custody, supervision and control of secure care youth; manages frontline security employees; assists in controlling youth movement; assists in directing the use and issuance of keys, locks, and security equipment.

Polygraph - The polygraph is an instrument that measures and records certain physiological changes in a person undergoing questioning in an effort to determine the likelihood of truth or deception. (Refer to YS Policy No. A.1.11)

Smartwatch – A wearable computing device usually worn on a user’s wrist that offers functionality and capabilities similar to those of a smartphone. Smart watches are designed to, either on their own or when paired with a smartphone, provide features like connecting to the internet, running mobile apps, making calls, messaging via text or video, checking caller ID, accessing stock and weather updates, providing fitness monitoring capabilities, offering GPS coordinates and location directions, etc. Additional information is available on the following website: <http://www.webopedia.com/TERM/S/smartwatch.html>.

Unusual Occurrence Report (UOR) – A document that must be completed by staff to report incidents or observations of events that may have an impact on any aspect of the agency. UOR forms shall be made available to all employees, working all areas at all times. Employees must complete and submit a UOR prior to the end of their tour of duty on the day the incident was observed or comes to the employee’s attention in any way. If a UOR form is not available, the employee must use any paper available to report the pertinent information. UORs may also be submitted by email in any format. (Refer to YS Policy No. A.1.14)

YS Employee – For the purposes of this policy, a YS employee includes employees and contract providers.

V. POLICY:

The United States and Louisiana Constitutions prohibit unreasonable searches. Louisiana law makes it a crime to bring contraband into a secure care facility (La. R.S. 14:402). Therefore, it is the policy of the Deputy Secretary to respect the prohibition against unreasonable searches while acting in the public interest to halt the flow of contraband into secure care facilities under the jurisdiction of YS.

Since one of the basic requirements for maintaining control in a secure care facility is imposing close controls on the introduction, fabrication, storage, transportation and use of contraband, Facility Directors shall ensure that these control requirements are adhered to.

Searches of youth, their personal property and the physical plant of the facility, vehicles, employees, contract providers, volunteers, visitors, which includes facility tour groups, and interns for contraband are an integral part of facility security. Searches of tour groups shall be conducted in a professional manner that avoids unnecessary force and supports the dignity of each person, while still accomplishing the objectives of the search (refer to YS Policy No. C.1.18).

Effective searches for contraband cannot be done only by remote surveillance or simple cursory inspections, but rather must be done by the personal interactions of trained and professional staff.

Executive Staff and Investigative Services (IS) staff are exempt from routine searches.

YS employees shall be allowed to possess their “state” issued cell phone on their person at all times. A list YS employees entering the facility in possession of a “state” issued cell phone shall be maintained at the front gate.

YS employees conducting official OJJ business within a secure care facility may request approval from the Facility Director to enter the facility with the necessary items to perform their jobs (i.e. thumb drives, laptops, etc.).

VI. GENERAL SEARCH GUIDELINES:

Searches should emphasize the following:

- Detection and prevention of the manufacture of weapons, escape paraphernalia, and other impermissible items;
- Discovery and suppression of contraband traffic among staff and youth;

- Recovery of stolen or lost items;
- Discovery of waste or destruction of state property; and
- Discovery of hazardous areas or circumstances that otherwise might remain undetected in other inspection programs.

VII. PROCEDURES:

- A. Scanning with a metal detector (wand) is required on all persons entering a secure care facility, with the exception of those noted in Section V. above.
- B. Searches for contraband shall be conducted pursuant to YS Policy Nos. C.2.3, C.2.4 and C.2.5. Searches shall be conducted in a professional manner that avoids unnecessary force and supports the dignity of the person while still accomplishing the objectives of the search. (Refer to YS Policy No. C.2.6 for requirements concerning interventions and force.)
- C. Pursuant to YS Policy No. C.2.16, there shall be two (2) staff members assigned to the front gate at critical entrance/exit times each day to ensure that proper searches for contraband are conducted. (Critical times include at least the following: at shift change, during the window of time when "day employees" arrive to and leave from work, visitation, special programs, etc.)
- D. Perimeter searches for contraband shall be conducted by employees assigned to perimeter security (refer to YS Policy No. C.2.18).
- E. All tools, including culinary, medical and vocational shall be stored and used in a safe, economical and secure manner. Necessary supervision shall be provided over tools. Accountability and responsibility shall be established for issue, storage, receipt and disposal of tools. The procedures outlined in YS Policy No. C.2.14 shall be followed for lost, confiscated or contraband tools. Said policy also contains information about searches and investigations concerning tools.
- F. Flammable, combustible, toxic or caustic material (FTCs) as described in YS Policy No. C.2.15, shall be managed, controlled and used in accordance with the procedures outlined therein.
- G. Searching correspondence and packages for contraband shall be conducted pursuant to YS Policy No. C.2.9.
- H. Illegal substances are controlled dangerous substances as defined in La. R.S. Title 40, alcohol, over the counter drugs or any substance declared contraband or prohibited by policy and/or practice. (This includes tobacco products.) YS Policy Nos. A.2.7 and A.2.16 contain the requirements for the YS drug-free work place and no smoking, no vaping and tobacco-free policy. Testing of employees and youth is governed by YS Policy Nos. A.2.7 and C.2.7.

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- I. Telecommunications equipment, cell phones, tape recorders, cameras and camcorders, etc. are contraband as defined in La. R.S. 14:402. Any such items shall be prohibited on the grounds of a secure care facility unless specifically approved in writing by the Facility Director.

A copy of the approval shall be forwarded to front gate staff (refer to YS Policy No. C.2.16). Items of this nature may be kept inside the perimeter fence with specific written approval by the Facility Director; however, the items must be kept in a locked area when not in use.

Smartwatches are also considered contraband (refer to the "Smartwatch" definition.) Any individual found in possession of a smartwatch inside of a secure facility will be subject to criminal charges.

- J. When employees are issued tagged removable read/writeable electronic media by YS Information Technology (IT) staff, this equipment shall be used for YS business only and not loaned or given to other employees. Employees to whom the drive is assigned are responsible for the content of the material stored. A list of approved employees who are authorized to have removable read/writeable electronic media shall be maintained in offices designated by the Facility Director; however, a copy of the list shall be forwarded to Front Gate staff (refer to YS Policy No. C.2.16).

The drives are subject to be inspected and read during searches. The removable read/writeable electronic media shall not be taken off facility grounds without specific written permission from the Facility Director.

An employee who is in possession of an unauthorized removable read/writeable electronic media, or has media which contains material which is not directly related to job duties is considered in possession of contraband, and all appropriate penalties shall apply.

The electronic media is also subject to be inspected by IT staff to ensure that the requirements outlined in this policy are being followed.

- K. Information contained in electronic media related to youth is confidential and shall be treated in the same manner as a youths' case record. Telecommunications media shall not be stored in an area to which youth may have access, or in an area or location which cannot be secured.
- L. Employees shall not be allowed to bring movies, music videos, CDs, DVDs, cassette tapes, VHS tapes or any other item which contains music, recorded images or other audio, unless the item is specifically approved by the Facility Director. Written notification of such approval must be presented by the

employee to front gate staff when any such item is brought onto facility grounds (refer to YS Policy No. C.2.16). Any such item brought on facility grounds without approval shall be considered contraband and shall be disposed of in accordance with Section VIII of this policy.

- M. YS employees are prohibited from possessing more than twenty dollars (\$20) in authorized currency or coin while inside the perimeter fence of the facility. An employee who is found to be in possession of more than \$20 is subject to confiscation of the money and appropriate action taken by the employee's immediate supervisor.

Visitors are prohibited from bringing money beyond the front gate of a secure care facility. Money may be accepted for a youths' by-line account at the front gate with an issued receipt, pursuant to YS Policy No. C.2.8. Snacks and other items available for purchase at the front gate may be brought into the facility; however, currency must be stored in visitor's vehicles following the purchase of items.

Currency or coin in any amount is considered contraband in the possession of a youth (refer to YS Policy No. B.5.1).

- N. YS employees may have prescribed medication by a physician which is in the container issued by a pharmacy and/or diabetic supplies, if approved by the Facility Director and declared by the employee upon entering facility grounds. Such medication shall not be concealed. Insulin syringes shall be kept in a secured location when not in use. Medication amounts should not exceed that required for an employee's tour of duty. Medication shall not be unattended or left in an area where youth might have access.

Employees must advise their immediate supervisors about the required medication.

Visitors are prohibited from bringing medication onto the grounds of a secure care facility.

- O. Possession of firearms and ammunition is strictly prohibited on facility grounds. (YS Policy No. C.2.16 contains information about storing firearms and ammunition at the Front Gate.)
- P. Knives, including pocket knives, are not permitted on facility grounds. Requests for exceptions must be made in writing by the Facility Director, with specific reasons why a pocket knife is needed rather than an approved tool issued by the facility. Any knives which are approved shall not exceed five (5) inches in length with the longest blade extended. A list of employees who have been approved to carry pocket knives shall be maintained at the Front Gate (refer to YS Policy No. C.2.16).

- Q. Possession or introduction of any alcoholic or other beverage which has an intoxicating effect onto facility grounds is strictly prohibited. Any such possession or introduction shall be considered contraband (refer to YS Policy No. C.2.16).
- R. The procedures for conducting searches for contraband for escorted absences shall follow the guidelines established in YS Policy No. C.4.7.

VIII. DISCOVERY/DISPOSITION OF CONTRABAND:

- A. The Facility Director, the IS Office located on the facility grounds or the Director of IS, the Secure Facilities Director, and the OSS shall be notified that contraband has been found regardless of the time of day or the day of week via telephone or email. This includes any mail containing escape plans, etc.
- B. Pursuant to La. R.S.14:402 and YS Policy Nos. C.2.4, C.2.5 and C.4.6, all contraband items shall be placed into evidence and managed by the IS Office located on the facility grounds or the Director of IS, to ensure there is strict accountability for physical evidence/contraband collected in connection with the commission of a crime and/or violation of an employee rule and to preserve the integrity of the disciplinary and/or legal process.

In order to successfully introduce physical evidence, the evidence must be properly identified, the continuity of the chain of custody must be proven, and the evidence must be material and relevant

- C. Physical evidence/contraband shall be disposed of following all guidelines as required by YS policies and state laws governing such destruction and handling. Therefore, the disposal of all physical evidence/contraband shall be accomplished through IS, pursuant to YS Policy No. C.4.6.
- D. Following the completed investigation/litigation, contraband shall be disposed of in one of the following manners noted below, with documentation of the method of disposal:
 - 1. All perishable items shall be destroyed;
 - 2. Items may be donated to a charitable organization;
 - 3. Items of little or no value may be destroyed;
 - 4. Cash may be disposed of in accordance with La. R.S. 14:402(F);
 - 5. Contraband as defined in La. R.S. 14:402 shall be turned over to law enforcement as evidence; or
 - 6. Items may be returned to the employee upon their exit from the grounds of the facility by IS.

IX. REQUIRED NOTIFICATIONS AND DOCUMENTATION:

- A. As noted throughout this policy, written requests and approvals by the Facility Director for particular contraband items to be brought onto facility grounds shall be maintained at the front gate at all times.
- B. Unusual Occurrence Reports (UOR) shall be completed prior to the end of the tour of duty by all employees who discover or are a witness to the discovery of contraband items. IS shall review and investigate incidents as needed. (Refer to YS Policy Nos. A.1.4, A.1.14 and C.2.4 for information concerning the responsibilities of IS.)

X. STAFF DEVELOPMENT:

- A. All current YS employees shall receive training relative to the contents of this policy within 90 days of approval.
- B. New YS employees shall receive this training during pre-service.
- C. This policy shall become part of the annual in-service training curriculums for all YS employees, volunteers and interns.
- D. Training for all YS employees shall be documented in the "Training Records Entry Completed" (TREC) database and/or Louisiana Employees Online (LEO) at the Unit level.
- E. Training for all volunteers shall be maintained by the Volunteer Services Coordinator.
- F. Instructions on how to file complaints must be readily available to all YS employees, volunteers, and visitors, and shall include the use of the Employee Hotline/IS Hotline for anonymous reporting.

XI. NOTIFICATION OF POLICY:

Upon approval of this policy, the Facility Director shall ensure that the facility SOPs are revised, and the following notifications occur:

- A. The policy is posted in all secure care visitation areas at all times; and
- B. All volunteers, interns, and youth's parents/guardians are notified.

Previous Regulation/Policy Number: C.2.22

Previous Effective Date: 10/21/2021

Attachments/References: C.2.22 (a) References September 2019.docx

CONTRABAND CONTROL REFERENCES

LSA-R.S. 40:961 et seq
LSA-R.S. 14:402(D)(1)
CJCA Performance-based Standards (PbS)

Standards for Administration of Correctional Agencies

2-CO-1C-01
2-CO-1C-20
2-CO-3A-01
2-CO-3B-01
2-CO-3B-02
2-CO-3C-01
2-CO-5D-01

Performance-Based Standards for Juvenile Correctional Facilities (Fourth Edition)

4-JCF-1B-04
4-JCF-1B-05
4-JCF-2A-01
4-JCF-2A-03
4-JCF-2A-19
4-JCF-2A-20
4-JCF-2A-21
4-JCF-2A-22
4-JCF-2A-25
4- JCF-2A-29
4-JCF-3A-07
4-JCF-3A-09
4-JCF-3A-11
4-JCF-3A-14
4-JCF-3B-03
4-JCF-3B-08
4-JCF-3B-10
3-JCF-3C-16
4-JCF-3D-01
4-JCF-3D-02
4-JCF-3D-04
4-JCF-3D-07
4-JCF-3D-08
4-JCF-3D-09
4-JCF-4C-06
4-JCF-4C-61
4-JCF-4C-63
4-JCF-6D-01
4-JCF-6D-03
4-JCF-6E-10

U.S. DOJ PREA Standard: 115.364 (a)

YS Policy Nos.

- A.1.4 Investigative Services
- A.1.11 Polygraph Testing of Employees
- A.1.14 Unusual Occurrence Reports
- A.2.7 Drug-Free Workplace
- A.2.16 No Smoking and Tobacco-Free Policy
- A.2.24 Staff Development and Training Plan
- B.5.1 Youth Code of Conduct – Secure Care
- B.6.4 Accident and Injury (A&I) Evaluations
- C.1.18 Facility Tours
- C.2.3 Searches of Youth
- C.2.4 Searches of Employees
- C.2.5 Searches of Visitors – Secure Care
- C.2.6 Use of Interventions – Secure Care
- C.2.7 Youth Drug/Alcohol Testing
- C.2.8 Youth Visitation in Secure Facilities
- C.2.9 Correspondence and Packages
- C.2.14 Tool Control Program
- C.2.15 Control and Use of Flammable, Toxic and Caustic Substances (FTCs)
- C.2.16 Entrance Posts for Secure Care Facilities (Front, Rear/Back, Pedestrian and Vehicular)
- C.2.18 Perimeter Security for Secure Care Facilities
- C.2.19 Youth Counts, Movements and Facility Rounds
- C.2.21 Security Manual – Secure Care Facilities
- C.4.6 Securing Physical Evidence/Crime Scene
- C.4.7 Escorted Absence