

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: KRS 218A KRS 520.050 1-JDTP-3E-08</b>
<b>CHAPTER: Day Treatment Services</b>		<b>AUTHORITY: KRS 15A.0652</b>
<b>SUBJECT: Contraband, Seizure, and Chain of Custody</b>		
<b>POLICY NUMBER: DJJ 1018</b>		
<b>TOTAL PAGES: 3</b>		
<b>EFFECTIVE DATE: 4/05/2019</b>		
<b>APPROVAL: Carey D. Cockerell , COMMISSIONER</b>		

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall ensure the safety of the students and the program, by controlling the introduction of contraband. When contraband is discovered, DJJ staff shall ensure seizure, and security of the contraband, maintaining chain of custody and appropriate documentation.

**II. APPLICABILITY**

This policy shall apply to each Department of Juvenile Justice (DJJ) operated day treatment program.

**III. DEFINITIONS**

Refer to Chapter 1000.

**IV. PROCEDURES**

- A. Each DJJ program shall have a sign posted, in a visible location on the grounds of the facility, to advise all persons that it is a violation of Kentucky Law to bring weapons, intoxicants, drugs, and other contraband onto the grounds or into the premises. The Office of Legal Counsel shall approve the content of each sign.
- B. Confiscated dangerous contraband shall be placed in a plastic bag or envelope, sealed, and immediately secured in a designated, locked area.
- C. Chain of Custody
  - 1. Confiscated contraband shall be secured in a designated area until it can be controlled by the Superintendent or law enforcement.
  - 2. The securing of the contraband shall be documented by listing the date, time, and the name of the staff securing the contraband. Any transfer of the contraband shall be included in the documentation.

<b>POLICY NUMBER</b> <b>DJJ 1018</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>2 of 3</b>
---	---	-------------------------------------

3. The Superintendent or law enforcement shall take control of the contraband as soon as possible. The Superintendent shall secure the item in a locked or secure area with limited access.
  4. The Superintendent shall notify the Facilities Regional Administrator (FRA) of dangerous contraband to determine proper disposition of the item.
  5. The Superintendent shall make contact with law enforcement for the following situations:
    - a. To transfer illegal contraband;
    - b. When charges will be filed; or
    - c. When the item is suspected of being evidence of a crime.
  6. Chain of custody documentation of the confiscated item shall include:
    - a. A description of the confiscated item;
    - b. From whom it was confiscated;
    - c. The date, time, and location of confiscation;
    - d. The name and signature of the staff member who confiscated the item;
    - e. The name and signature of witnessing staff member, when applicable;
    - f. Transfer of confiscated item from one (1) staff to another with signature of transferring and receiving staff;
    - g. The date, time, location, and disposition of the confiscated item; and
    - h. The date, time, and name of the law enforcement agency the item was transferred to, including the signature of the receiving officer, if applicable.
- D. The illegal possession of any controlled substances may be subject to the penalties of Kentucky Revised Statutes (KRS) Chapter 218A and KRS 520.050.
1. Controlled substances shall be immediately confiscated by staff, observing procedures for chain of custody.
  2. These controlled substances shall be sealed in an envelope and labeled, placed under lock and key, and the Superintendent or Administrative Duty Officer (ADO) shall be notified immediately.
  3. The Superintendent shall up-line through the FRA, to determine the need for law enforcement involvement. After consultation between the Superintendent and the FRA, law enforcement may be notified by the Superintendent or designee, and requested to pick up the controlled substance for storage or disposal.
  4. The facility shall document if law enforcement fails to pick up the controlled substance. The Superintendent shall up-line through the appropriate chain of command, to determine the disposition of the controlled substance.
- E. Deadly instruments or weapons shall be confiscated.
1. When confiscating a deadly weapon, procedures for chain of custody shall be observed.

<b>POLICY NUMBER</b> <b>DJJ 1018</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>3 of 3</b>
---	---	-------------------------------------

2. The Superintendent shall ensure the safety of students and staff in confiscating a deadly weapon. Emergency services shall be contacted, if necessary.
  3. The Superintendent shall notify the FRA immediately.
  4. Immediate action shall be taken upon the direction of the FRA or Regional Division Director, with the appropriate law enforcement agency.
- F. An incident report shall be completed as described in accordance with DJJPP Chapter 10 (Incident Reporting).
- G. Examination or removal of evidence retained at the facility shall be conducted as follows:
1. When the evidence is viewed, examined, or taken from the secured area for a specific legitimate purpose, there shall be two (2) staff present; and
  2. The removal of evidence from the secured area shall be recorded following the chain of custody procedures, with both persons' names and signatures.
- H. Staff shall document the confiscation of non-dangerous contraband by listing a description of the item, from whom it was confiscated, the date, time, and, name of the staff securing the contraband, and disposition. Any transfer of the contraband shall be included in the documentation.

**V. MONITORING MECHANISM**

This activity shall be monitored by the Superintendent, FRA or Regional Division Director, and the Quality Assurance (QA) Branch.