



**Administrative Policies and Procedures: 27.21**

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| <b>Subject:</b>  | <b>Contraband and Preservation of Physical Evidence</b>   |
| <b>Authority:</b>  | TCA 37-5-105 (3); 37-5-106  |
| <b>Standards:</b>  | <b>ACA:</b> 4-JCF-2A-20, 4-JCF-2A-21; <b>DCS Practice Standard:</b> 8-306   |
| <b>Application:</b>  | To All Department of Children's Services Youth Development Center Employees   |
| <b>Policy Statement:</b>   |   |
| Youth Development Center (YDC) designated employees shall properly and safely dispose of all confiscated contraband and ensure that physical evidence is preserved for an investigation or legal process.  |   |
| <b>Purpose:</b>  |   |
| To provide guidelines to ensure a process for control and disposal of contraband to maintain the safety of employees, youth and visitors and to preserve physical evidence collected in connection with a criminal incident and/or regulation violation occurring at a YDC to preserve the integrity of an investigation or legal process. |   |
| <b>Procedures:</b>   |   |
| <b>A. Written local procedures for handling, identifying, storing and disposal of contraband</b>   | The Superintendent/designee must ensure that local procedures are written to identify the proper method of handling, identifying, storing and disposing of contraband. The procedures must be reviewed annually and documented.   |
| <b>B. Notification</b>   | Each Superintendent/designee must notify the youth, staff, or visitors of items that are contraband. They will be notified as follows: <ol style="list-style-type: none"> <li><b>1. Informing youth</b><br/>The youth handbook lists items that are not permitted and those considered contraband. Staff must discuss this information with the youth during the orientation process.</li> <li><b>2. Informing visitors</b><br/>A notice of the exclusion of listed contraband, along with a notification of facility search regulations posted at the entrance to all facilities.</li> </ol> |

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|                                     | <p><b>3. Informing staff</b></p> <p>Staff will be informed during orientation of the facility regulations regarding contraband.</p>  |
| <p><b>C. Storage procedures</b></p> | <p>All contraband must be identified, tagged and stored properly until it is no longer necessary for disciplinary or evidentiary purposes, at which time it must be disposed of immediately. Reports from the YDC's will be filed with Internal Affairs.</p>   |
| <p><b>D. Local procedures</b></p>   | <p>The Superintendent/designee will ensure local procedures are written for disposing contraband to include the following:</p> <p><b>1. Drugs</b></p> <p>Drugs, narcotics, and non-prescribed medication must be disposed of as prescribed by law.</p> <p><b>2. Currency</b></p> <p>United States currency obtained through illegal means and confiscated from a youth must be deposited into the State of Tennessee general fund account.</p> <p><b>3. Weapons/ammunition</b></p> <p>Designated staff must:</p> <ul style="list-style-type: none"> <li>a) Transport firearms and/or ammunition to the local law enforcement agency or contact local law enforcement agency, as applicable, for disposal;</li> <li>b) Obtain a receipt for firearms from the receiving agency;</li> <li>c) Destroy other weapons (e.g., knives, clubs, etc.); and</li> <li>d) Notify Internal affairs.</li> </ul> <p><b>4. Alcohol</b></p> <p>Dispose of alcoholic beverages by pouring it down a drain or flushing it down a toilet.</p> <p><b>5. Valuables</b></p> <ul style="list-style-type: none"> <li>a) When valuables (other than currency) are confiscated from youth, the Superintendent/designee must determine whether the item is to be retained at the facility or returned to the youth's nearest relative or guardian.</li> <li>b) Valuables confiscated from employees and visitors must be returned to the owner(s) after completion of any disciplinary or evidentiary proceedings.</li> </ul> <p><b>6.</b> The Superintendent/designee must ensure that local procedures are written to provide for the preservation, control and disposition of all physical evidence obtained in connection with a violation of a law and/or facility regulation.</p> <p><b>7.</b> The procedures must be reviewed annually, documented and must address at a minimum:</p> |

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|                                | <ul style="list-style-type: none"> <li>◆ Chain of custody;</li> <li>◆ Evidence handling; and</li> <li>◆ Location and storage requirements</li> </ul>  |
| <p><b>E. Documentation</b></p> | <p><b>1. Witnesses</b></p> <p>The Superintendent/designee must designate at least two (2) other staff members to witness the disposal of any contraband.</p> <p><b>2. Documentation of contraband items</b></p> <p>Designated staff members must prepare a list of all confiscated contraband, witnesses, and disposition.</p> <p><b>3. Filing</b></p> <p>Documentation is immediately sent to the Superintendent and will be maintained on file for three (3) years.</p> |

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| <p><b>Forms:</b></p> | <p><i>None</i></p> |
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| <p><b>Collateral documents:</b></p> | <p><i>None</i></p> |
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| <p><b>Glossary:</b></p>         |  |
| <p><b>Term</b></p>              | <p><b>Definition</b></p>   |
| <p><b>Chain of custody:</b></p> | <p>Refers to the proper handling and tracking by obtaining proper signatures of confiscated property that may be used as evidence.</p> |