

**DIVISION OF JUVENILE JUSTICE**

Policy, Procedures, Programs And Regulations  
P.O. Box 942883  
Sacramento, CA 94283-0001



February 24, 2011

TO: WHOM IT MAY CONCERN

The following regulations were filed with the Secretary of State on February 18, 2011 and will become effective on March 20, 2011.

**Title 15, California Code of Regulations,  
Division 4, Subchapter 2, Article 2**

**§ 4710. Definition and Possession of Contraband.**

Each superintendent shall define contraband for his facility following the general guidelines that contraband is an item which, if possessed, could by its very nature be injurious to persons or property, would adversely affect program objectives or institutional security, or would require an inordinate amount of staff resources to keep secure or supervise. The definition shall include the legal definition as set forth by Division 10 (commencing with Section 11000) of the Health and Safety Code, Section 1001.5 of the Welfare and Institutions Code, and Section 4502 of the Penal Code. To enforce conformity with the rules governing contraband the superintendent shall:

- (a) Post a notice which states that all visitors, staff, volunteers, and guests, including their property and vehicles entering the facility, are subject to being searched on either a regular or random basis.
- (b) Post a notice which states that any person who knowingly brings in, or assists in bringing into the facility, any restricted dangerous drug, alcoholic beverage, firearm, weapon or explosive, shall be guilty of a felony.
- (c) Ensure that notices are printed in both English and Spanish and be located in a conspicuous place at entrance and/or departure points of the institution or camp.
- (d) Prohibit the entrance of contraband including weapons, firearms or explosives into the security area unless there is an extreme emergency.
- (e) State and publish for youths, visitors, and staff the institution's definition and standards regarding contraband.
- (f) Prohibit youths from receiving or possessing materials which fall into the following categories:

- (1) Pictures depicting explicit sexual activity.
- (2) Pictures and written material whose sale is prohibited to minors or which can be purchased only at an "adult only" bookstore in the community in which the institution is located.
- (3) Material which cannot be legally sold and sent through the U .S. mail.
- (4) Pictures which show the subject or his genitals in a state of sexual excitement.
- (5) Sex oriented objects, devices or appliances.

(g) Restrict or regulate the display of sex-oriented pictures, which are not otherwise prohibited by this article, outside of a youth's locker or individual room.

(h) Permit youths' access to educational material on human sexuality under the direction of the program coordinator.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1001.5, 1002, 1004 and 1752, Welfare and Institutions Code; and Section 4502, Penal Code.

#### **§ 4711. Search for Contraband or Evidence.**

Staff may search the person, premises, property, or room of a youth for contraband or for evidence in the investigation of an incident.

(a) Searches shall be conducted:

- (1) In a positive and non-demeaning manner.
- (2) With the youth present, when possible.
- (3) By two staff members, if the search is non-routine or sensitive.

(b) Upon completion of a search:

- (1) The youth's property shall be left in a neat and orderly condition.
- (2) The youth shall be given a receipt for any items removed during the search.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1001, 1001.5, 1002, 1004 and 1752, Welfare and Institutions Code; and Section 4502, Penal Code.

#### **§ 4712. Contraband Seizure and Disposal.**

When contraband is withheld or confiscated from a youth:

(a) The youth shall be given a written notice within 48 hours covering the following:

- (1) A description of the property withheld/confiscated, including the approximate value, if known.

(2) The reasons for withholding/confiscating the property and its intended disposal.

(3) The right to appeal either the decision to withhold/confiscate the property and/or the intended means of disposal.

(b) Withheld/confiscated property shall not be finally disposed of until the youth has had the opportunity to exercise his right of appeal.

(c) The contraband shall be returned to its rightful or previous owner, mailed to the youth's home, stored and returned to the youth upon release on parole, discarded, or turned over to law enforcement authorities, as appropriate.

(d) Money. Youth may not possess money. If a youth finds money and voluntarily surrenders it, and the rightful owner does not claim it within 30 days, it will be credited to the youth's trust account.

(e) Any money that is confiscated from a youth housed in a DJJ facility shall not be deposited into the youth's individual trust account unless it is obtained according to subsection (d). Confiscated monies not the subject of criminal prosecution shall be processed through the Division of Juvenile Justice, Contraband, General Institutional Management, CN 301, December 22, 2008 process, with confiscated monies deposited into the facility Ward Benefit Account. Division of Juvenile Justice Staff shall complete a Youth Property Receipt, Form DJJ 4.744 (New 08/09) if monies are found in a youth's possession.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1001, 1001.5, 1002, 1004 and 1752, Welfare and Institutions Code; and Section 4502 of the Penal Code; Section 11469 of the Health and Safety Code.

### **§ 4713 Skin Searches.**

When there is reason to believe that a youth has contraband concealed upon his or her person, he or she may be required to remove his or her clothing and submit to a skin search. Such searches shall be conducted with:

(a) Maximum concern for the youth's privacy and personal dignity.

(b) Only those staff required to conduct the search and to assure health and safety of the youth shall be present.

(c) Only staff who are employed in peace officer classifications and who are of the same sex as the youth or who are licensed medical personnel, shall be present or participate in a skin search.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1001, 1001.5, 1002, 1004 and 1752, Welfare and Institutions Code; and Section 4502, Penal Code.

**§ 4714. Rectal/Vaginal Searches.**

When there is probable cause that a youth has concealed contraband in the rectal/vaginal cavity, a rectal/vaginal search may be conducted. Such searches shall be conducted under the following conditions:

- (a) When administered in a medically approved manner.
- (b) With maximum concern for the youth's dignity and privacy.
- (c) Performed only by licensed medical personnel.
- (d) With only persons of the same sex who are employed in peace officer classifications and/or licensed medical personnel present during the search.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1001, 1001.5, 1002, 1004 and 1752, Welfare and Institutions Code; and Section 4502, Penal Code.