

**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**DIVISION OF JUVENILE JUSTICE**

**Title 15, California Code of Regulations**

**Sections 4710, 4711, 4712, 4713, 4714**

**Contraband and Searches**

**INITIAL STATEMENT OF REASONS**

Section 1712 of the Welfare and Institutions Code assigns responsibility of the California Department of Corrections and Rehabilitation (CDCR) to make and enforce all rules appropriate to the proper accomplishment of the functions of the DJJ.

Section 1004 of the Welfare and Institutions Code establishes that the DJJ shall have charge of the youth committed to or confined in each such institution, and shall provide for their care, supervision, education, training, employment, discipline and government.

The California Department of Corrections and Rehabilitation (CDCR) policy and procedures relative to asset forfeiture are appropriately covered in the CDCR Department Operations Manual (DOM) Policy No. 08-31, dated 7-23-08. The procedures in this policy outline the asset forfeiture process to be utilized by staff within the CDCR, the Division of Adult Institutions, the Division of Adult Parole Operations the Division of Juvenile Justice, the Office of Internal Affairs and the Office of Correctional Safety Standards.

Health and Safety Code Section 11469 through 11495 annotate State statute, which provide guidelines for utilizing seizure and forfeiture, which includes provisions to allow for 65 percent of forfeited proceeds to go to the participating law enforcement agencies.

Current DJJ regulations pertaining to Contraband and Searches specify that DJJ conduct random searches of youth and facility premises, including rooms and property to prevent contraband from entering and circulating at a youth correctional facility, and to locate stolen property.

**SPECIFIC PURPOSE AND FACTUAL BASIS**

July 2005, Senate Bill (SB) No. 737, Chapter 10, abolished the Youth and Adult Correctional Agency. SB 737 then created the Department of Corrections and Rehabilitation, consisting of the Division of Adult Operations, the Division of Adult Programs, the Division of Juvenile Justice, Corrections Standards of Authority, the Board of Parole Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority and the Prison Industry Board.

Section 224.70(e) of the Welfare and Institutions Code (W&I), states... “*youth means any person detained in a facility of the Division of Juvenile Justice.*” Per Section 224.70(e), the DJJ will now identify a “ward” as a “youth”.

The amendments will change the word “ward(s)” to “youth(s)” throughout Sections 4710, 4711, 4712, 4713 and 4714.

**Subsection 4710 is unchanged.**

**Subsection 4710 (a) is unchanged.**

**Subsection 4710 (b) is unchanged.**

**Subsection 4710 (c) is unchanged.**

**Subsection 4710 (d) is unchanged.**

**Subsection 4710 (e) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4710 (f) (Reserved) is repealed.**

**Subsection 4710 (g) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4710 (g) (1) is unchanged.**

**Subsection 4710 (g) (2) is unchanged.**

**Subsection 4710 (g) (3) is unchanged.**

**Subsection 4710 (g) (4) is unchanged.**

**Subsection 4710 (g) (5) is unchanged.**

**Existing Subsection 4710 (g) is relocated and renumbered 4710 (f)**

**Subsection 4710 (h) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Existing Subsection 4710 (h) is relocated and renumbered 4710 (g)**

**Subsection 4710 (i) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Existing Subsection 4710 (i) is relocated and renumbered 4710 (h)**

**Subsection 4711 is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4711 (a) is unchanged.**

**Subsection 4711 (a) (1) is unchanged.**

**Subsection 4711 (a) (2) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4711 (a) (3) is unchanged.**

**Subsection 4711 (b) is unchanged.**

**Subsection 4711 (b) (1) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4711 (b) (2) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4712 is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4712 (a) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4712 (a) (1) is unchanged.**

**Subsection 4712 (a) (2) is unchanged.**

**Subsection 4712 (a) (3) is unchanged.**

**Subsection 4712 (b) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4712 (c) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4712 (d) is amended and new language adopted** to reflect that any money confiscated from a youth housed in a DJJ facility that was obtained illegally and/or through a violation of DJJ policy, shall not be deposited into the youth’s individual trust account. The money will be handled according to CDCR Department Operations Manual (DOM) Policy No. 08-31, dated 7-23-08 and/or processed through the DJJ DDMS process with confiscated monies deposited in the facility Ward Benefit Fund account after staff completes a Youth Property Receipt, Form DJJ 4.744 (New 08/09).

**Subsection 4712 (e) is added and adopted** to reflect that if a youth finds money and voluntarily surrenders the money and the rightful owner does not claim the money within 30 days, it will be credited to the youth’s trust account.

**Subsection 4713 is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth(s)”.

**Subsection 4713 (a) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth”.

**Subsection 4713 (b) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth”.

**Subsection 4713 (c) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth”.

**Subsection 4714 is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth”.

**Subsection 4714 (a) is unchanged.**

**Subsection 4714 (b) is amended** to reflect the replacement of all language that reads “ward(s)”, and shall now read “youth”.

**Subsection 4714 (c) is unchanged.**

**Subsection 4714 (d) is unchanged.**

### **REASONABLE ALTERNATIVES**

No other alternatives have been considered by the DJJ.

### **REASONABLE ALTERNATIVES HAVING A SIGNIFICANT ADVERSE IMPACT ON BUSINESS**

The DJJ has not identified any alternatives that would lessen any adverse impact on small businesses.

**IDENTIFICATION OF STUDY, REPORT, OR DOCUMENT RELIED UPON**

Welfare and Institutions Code, Section 1712. CDCR Department Operations Manual (DOM) Policy No. 08-31 Asset Forfeiture Program which outlines the procedures and process to be utilized by staff within CDCR. Health and Safety Code Section 11469 through 11495 annotate State statute, which provide guidelines for utilizing seizure and forfeiture, including provisions to allow for 65 percent of forfeited proceeds to go to the participating law enforcement agencies.