

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

HANDLING OF CONTRABAND AND EVIDENCE

Authority:

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Purpose:

To establish guidelines for the proper handling and preservation of contraband and evidence within Detention Correction and Assessment Centers (JDACs) and Treatment Facilities (TFs).

Definitions:

Evidence: Testimony, writings, material objects, etc. presented to prove the existence or nonexistence of a fact.

Contraband: The possession of forbidden, illegal or prohibited goods.

Discovery Staff: Staff who first come into physical possession of evidence.

Responsibilities:

I. Probation Correction Officer (PCO):

- A. Secure the scene where the contraband was discovered:
 - 1. Ensure no one walks in and out of the immediate area.
 - 2. All items should be left as is for evidentiary purposes.
 - 3. Take pictures of the scene, including the area where the contraband was found.
 - a. Scale all items, in the picture, with a common item whenever possible.
- B. Notify the area supervisor of the contraband confiscated.
- C. Discovery staff will secure the contraband and/or evidence directly into the evidence locker with the on duty Watch Commander (WC) present.
- D. Complete an Incident Report (IR):
 - 1. Specify circumstances surrounding the confiscation of contraband and/or evidence.

II. Probation Corrections Supervisor I (PCSI):

- A. Notifying the WC of confiscated contraband.
- B. Ensure contraband/evidence is photographed in the discovered location and independently:
 - 1. Attach photos to the incident reports.
 - 2. If applicable upload in a youth's CE>Documents.
- C. Arrange/Provide relief for discovery staff to log and secure the contraband in the facility evidence locker.

III. Watch Commander (WC):

- A. Make an initial determination of "contraband" or "evidence".
 - 1. Evidence:
 - a. Complete any needed supportive paperwork.
 - b. Enter the evidence into the Evidence Log.
 - c. Supervise the discovery staff's placement of the evidence secured in the evidence locker:
 - i. Within a sealed and labeled envelope, folder or container.

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- d. May release evidence/contraband directly to a Law Enforcement Agency (LEA) during the "intake" process.
 - e. Release of evidence/contraband should be documented in the youth's file.
2. Contraband:
- a. Document the decision regarding return to others, destruction, or retention.

IV. Training Unit:

- A. Ensure PCSs and PCOs are trained in evidence preservation, securing the scene, notification of appropriate authorities and handling contraband.

Guidelines:

- A. PREA § 115.321 Evidence Protocol and Forensic Examinations. Probation shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceeding and criminal prosecutions.
- B. Scene Preservation:
 - a. Initiate the on-scene log that documents all parties that travel in and out of the scene.
 - b. Any clothing items that must accompany a minor to the hospital for forensic evidence shall be placed in a brown paper evidence bag.
- C. Chain of Evidence:
 1. One person will be designated to document every handler of the evidence, to be submitted to the area supervisor/incident commander along with all other pertinent reports.
 2. Evidence should not be examined, released to others, destroyed or disposed of in any way without the written consent of the responsible Division Director.
 3. Written receipts shall be obtained for all release of evidence whether it be for further processing, evaluation or destruction.
 4. Items deemed illegal or substances weapons (firearms, ammunition, explosives) per Penal and Health and Safety Code may not be destroyed by Probation Department personnel and must be released to the San Bernardino Sheriff's Department, the legal entity for such purpose.
 5. Discovery staff shall make every attempt to remain the sole possessor of the evidence.
- D. The Director will make all determinations regarding cash monies and properties deemed to be valuable.
- E. No variations in the above stated procedures shall be made without written authorization from the responsible Deputy Chief Probation Officer.

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Procedures:

Collection of Forensic Evidence
Evidence
Evidence Processor Procedure
Evidence Storage & Disposition

References:

Penal Code Section 135
Evidence Code Section 140
National Standards to Prevent, Detect, and Respond to Prison Rape Under Prison Rape Elimination Act (PREA) Section 115.321 Evidence Protocol and Forensic Examinations and 115.331 Employee Training

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Issued by: Michelle Scray Brown 8-16-17
Michelle Scray Brown, Chief Probation Officer Date

Original Issue Date: February 2, 1997

Revised: July 16, 2003
Revised: February 25, 2008
Revised: December 11, 2012
Revised: August 18, 2017