

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 2/15/16
Subchapter: Security and Control	
Rule: Control of Seized Contraband or Potential Evidence	Page: 1 of 2
ACA: 4-JCF-2A-21	Replaces: GAP.380.9711, 11/8/05
Statute(s): N/A	

RULE

(a) **Purpose.**

This rule establishes requirements for the preservation, control, and/or disposition of all contraband, including physical evidence obtained in connection with a violation of law and/or rule violation.

(b) **Applicability.**

This rule applies to TJJD-operated residential facilities.

(c) **Definitions.**

Contraband--has the meaning assigned by [§380.9107](#) of this title.

(d) **Contraband Used as Evidence.**

(1) **Contraband Used in a Due Process Hearing.**

Seized contraband that may be used as evidence in a TJJD due process hearing and not used in a criminal investigation must be properly identified, documented, and submitted to the facility's evidence custodian.

(2) **Contraband Used in a Criminal Investigation.**

Seized contraband that may be used as evidence in a criminal investigation is properly identified, documented, and submitted to the Office of Inspector General (OIG) evidence submission box. Criminal evidence is accessible only to the OIG staff. OIG maintains the chain of custody until proper case disposition.

(3) **Contraband/Evidence Disposal.**

(A) After all administrative/legal proceedings have been concluded, one of the following must occur:

- (i) destroy firearms and drugs in accordance with the Code of Criminal Procedure; or
- (ii) send contraband item(s), other than contraband firearms and drugs, to the youth's home; or
- (iii) return contraband item(s) to include contraband money (if applicable) to the owner; or
- (iv) deposit contraband money possessed by a youth into the student benefit fund pursuant to [§385.9971](#) and [§380.9555](#) of this title.

(B) After all OIG investigations, evidence will be disposed of as per court disposition.

(e) **Contraband Not Used as Evidence.**

Seized contraband that is not used as evidence in a TJJD due process hearing or in a criminal investigation is destroyed or sent to the youth's parent or guardian at the youth's discretion.

(f) **Contraband/Evidence in a Crime Scene.**

Staff discovering a potential crime scene must immediately notify the facility administrator and the Incident Reporting Center. A crime scene could be a death, major injury, sexual assault, and/or major property damage. The area must be immediately secured and access prohibited into the potential crime scene or area containing potential evidence. Staff must not enter the area to clean or disturb the potential evidence, clothing, and/or body fluids. Only the OIG personnel or another investigating law enforcement agency will handle the evidence of a crime scene.
