

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Rule Development Workshop

October 22, 2020

63E-7.107 Safety and Security.

(1) through (8) No change

(9) Contraband. A residential commitment program shall develop a policy and procedure for contraband. The policy and procedure must address, but is not limited to, the following areas:

(a) Illegal Contraband:- At no time shall illegal contraband, as defined in section 985.711, F.S., be allowed in the facility or on the facility grounds. Such items include: any unauthorized article of food or clothing, non-facility issued electronic equipment or cellular devices, electronic or vaporless cigarettes, any intoxicating beverage or any beverage that causes or may cause an intoxicating effect, any controlled substance, as defined in section 893.02, F.S., marijuana as defined in s. 381.986, hemp as defined in s. 581.217, industrial hemp as defined in s. 1004.4473, or any prescription or nonprescription drug that has a hypnotic, stimulating, or depressing effect, and any firearm or weapon of any kind or any explosive substance. The facility's policy and procedure will address the requirements and limitations for staff use of facility issued cellular phones or portable communication devices. Items that may be used as evidence shall be secured by the discovering staff and hand-delivered to the Facility Administrator or designee. The facility staff shall document the chain of custody for the items and give the information to the responding law enforcement officer. In all instances involving the confiscation of illegal contraband the confiscated item(s) shall be turned over to law enforcement authorities and a report filed.

(b) Prohibited Items: At no time shall contraband be allowed in the facility as more broadly defined in subsection 63E-7.100(20), F.A.C., which items include: sharps, escape paraphernalia, tobacco products, lighters or matches, ~~electronic or vaporless cigarettes, non facility issued electronic equipment or devices,~~ metals, ~~personal non facility issued cellular devices,~~ unauthorized currency or coin, and non-facility issued keys. At the discretion of the Facility Administrator, contraband that is not illegal shall be discarded, returned to its original owner, mailed to the youth's home or stored and returned to the youth upon release. ~~In all instances involving the confiscation of illegal contraband the confiscated item(s) shall be turned over to law enforcement authorities and a criminal report filed.~~

(c) Program staff: Including school district employees, subcontracted staff, visitors, and volunteers are prohibited from introducing any item deemed contraband inside the residential facility. All DJJ and Department of Children and Family personnel

conducting official State business shall be allowed to maintain their State issued cellular devices. All program staff, visitors, vendors, and contracted providers shall be searched prior to entering the facility.

(d) Electronic Equipment: The facility must use electronic equipment ~~use of electronic equipment being used~~ to search youth, staff, and visitors prior to entering the facility. The procedure should include visual inspection, emptying of all pockets, and the verbal verification that the individual is not in possession of any illegal or prohibited contraband. ~~The facility's policy and procedure will address the requirements and limitations for staff use of cellular phones, audio recording devices and video and photography devices.~~

(e) Searches: The Facility Administrator shall ensure that the primary function of any search is to locate contraband and to identify any item or situation that may be hazardous or otherwise compromise safety or security.

(f) Posting of Notices: Notices shall be prominently posted advising youth, staff, and visitors that the introduction of illegal contraband into a residential commitment program is punishable as a felony by a term of up to fifteen (15) years per section 985.711, F.S.

(g) Documentation: The program must develop a process for documenting contraband incidents, searches, and the result of each search. Any item or situation which may compromise safety or security shall be reported immediately to the Facility Administrator or designee. Programs must ensure that a staff member is designated for this purpose 24 hours per day, seven days a week. An incident report identifying findings and the disposition of the contraband shall be completed;

(h) Incident Reporting: Incidents must be reported to the Central Communications Center (CCC) in accordance with chapter 63F-11, F.A.C. In the event that a contraband related incident involves contacting law enforcement, the program must contact the residential regional director, in addition to the CCC.

(10) through (21) No change

Rulemaking Authority 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441, 985.711 FS. History—New 5-30-19 Amended _____.