

CF OPERATING PROCEDURE
NO. 70-12

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, October 15, 2012

Facilities Acquisition and Management

CONTRABAND CONTROL

1. Purpose. This operating procedure defines contraband and describes the policy and procedures for the control of contraband.

2. Scope. This operating procedure applies to all state owned offices and facilities operated by the department, including client residential facilities, and to all offices and facilities leased by the department. This operating procedure does not apply to offices and facilities operated by contractors of the department, except privatized mental health treatment facilities to which CFOP 155-8 applies.

3. References.

- a. Section 394.458, F.S., Introduction or removal of certain articles unlawful.
- b. Chapter 397, F.S., Substance Abuse Services.
- c. Section 402.18(4), F.S., Welfare trust funds created; use of.
- d. Chapter 409, F.S., Social and Economic Assistance.
- e. Chapter 790, F.S., Weapons and Firearms.
- f. Chapter 893, F.S., Drug Abuse Prevention and Control.
- g. Chapter 916, F.S., Mentally Deficient and Mentally Ill Defendants.
- h. Chapter 932.701-.707, F.S., Florida Contraband Forfeiture Act.
- i. Article 1, Section 8, Florida Constitution.
- j. CFOP 60-55, Chapter 1, Standards of Conduct and Standards for Disciplinary Action for Department Employees.
- k. CFP 60-1, Employee Handbook.

4. Definition of Contraband. For the purposes of this operating procedure, contraband is an item or article on state-owned or leased property, or in the possession of a client, employee, visitor, or other person on state-owned or leased property that:

- a. Is an intoxicating beverage or beverage which causes or may cause an intoxicating effect;
or,
- b. Is a controlled substance as defined in Chapter 893, F.S., unless legally possessed pursuant to Chapters 465 or 499, F.S.; or,

This operating procedure supersedes CFOP 70-12 dated June 1, 1999.

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c. Is any “weapon” as defined in section 790.001(13), F.S.; or,

d. Is any instrument or device customarily used or designed to be used as a dangerous weapon (including any “firearm” as defined in section 790.001(6) or “antique firearm” as defined in section 790.001(1), F.S.), or any explosive substance (including fireworks as defined in section 791.01, F.S.), except tools and instruments required for use on work assignments; or,

e. Has been specifically prohibited in writing from introduction onto the department’s state owned or leased property by Department rule, or by the secretary, regional managing director, facility administrator, or designee.

NOTE: An item or article that was issued or dispensed by the department, or that was approved for purchase or donation, or that was authorized and approved for delivery by mail or other delivery service, or that was authorized and approved to be brought onto state owned or leased property, is not contraband for the purposes of this operating procedure.

5. Policy. Contraband items and articles are prohibited from introduction onto the department’s state-owned or leased property. If the possession of the contraband (for example, crack cocaine) is a violation of law, local law enforcement must be immediately notified.

a. Unless otherwise prohibited, intoxicating beverages may be stored and consumed on the premises of staff residential housing units. If a staff residential housing unit is located in the same building with client quarters and is accessible to clients, intoxicating beverages will neither be stored nor consumed at such location.

b. Except as prohibited by CFOP 155-8, firearms may be stored in a client’s, employee’s, visitor’s, or other person’s vehicle on state-owned or leased property.

c. Unless otherwise prohibited, firearms belonging to persons residing in staff residential housing units may be stored on the premises. If a staff residential housing unit is located in the same building with client quarters, firearms will not be permitted at such location. Firearms retained in staff residential housing units must be secured from view and must be stored under lock and key. Firearm ammunition and other projectiles must be secured from view in such a manner as to assure the safety of clients and others who have access to staff residential housing units and preferably not in the same room as the firearm itself.

d. In addition to whatever review and approval is required by the region or institution, all new or revised region or institution operating procedures addressing contraband control shall be reviewed and approved by the Office of the General Counsel in Tallahassee prior to implementation by the region or institution.

6. Procedures. All violations of law (for example, the possession of crack cocaine) shall be immediately reported to the local law enforcement agency.

a. The procedures for the control of contraband at the state operated or privatized mental health treatment facilities of the Department are contained in CFOP 155-8.

b. Employees found in possession of contraband are subject to the disciplinary standards described in the Employee Handbook (CFP 60-1). The unauthorized taking of any property or financial instrument by an employee will subject that employee to the disciplinary standards described in the Employee Handbook.

c. Visitors or clients (except clients in residence at a Children and Families institution) in possession of contraband may not be allowed onto the department’s state owned or leased property.

Visitors or clients (except clients in residence at a Children and Families institution) who are already on the department's state-owned or leased property prior to being found in possession of contraband must be requested to leave the property; such visitors or clients may be permitted to return to the property provided the contraband is no longer in their possession. The return of such visitors to a Children and Families institution may be controlled by Department or institution operating procedures. If a visitor or client (except client in residence at a Children and Families institution) in possession of contraband refuses to leave the property, the local supervisor will call local law enforcement (or the property's security staff, if applicable) for assistance.

d. Depending on the nature of the contraband, contraband found in possession of a client in residence at a Children and Families institution, if not required to be turned over to law enforcement, shall be secured and properly stored at the institution and returned to the client upon discharge, or shall (where lawful to do so) be confiscated and liquidated, and the proceeds deposited in the appropriate welfare trust fund in accordance with section 402.18(4), F.S.

7. Searches. All violations of law (for example, the possession of crack cocaine) shall be immediately reported to the local law enforcement agency. See paragraph 6 above

a. Searches at the state operated or privatized mental health treatment facilities of the Department will be conducted in accordance with CFOP 155-8.

b. All state-owned or leased property (except client residence rooms), including (but not limited to) offices, desks, computers, file cabinets, maintenance areas, tool boxes, food service areas, common areas and grounds, may be inspected or searched by Children and Families staff at any time, except that where a resident or an employee justifiably has or maintains a reasonable expectation of privacy, such inspection or search may be conducted only upon probable cause or reasonable suspicion depending upon the nature of the contraband suspected. Client residence rooms may be searched in accordance with applicable statutes, rules and Department and institution operating procedures. Where an inspection or search is conducted by law enforcement personnel, the inspection or search shall be conducted using the appropriate standard for the law enforcement personnel conducting the inspection or search.

c. The person or personal property, including (but not limited to) purses, brief cases, clothing and vehicles [whether or not on, or temporarily stored in, state-owned or leased property], of employees, visitors and clients (except employees, visitors and clients at Children and Families institutions) may not be searched, except as provided by law. The person or personal property of employees, visitors and clients at Children and Families institutions may be searched in accordance with applicable statutes, rules and Department and institution operating procedures.

8. Notification to Employees at Children and Families Institutions. All employees who work in client residential facilities will be advised that the introduction of contraband onto any Children and Families institution is strictly prohibited and that any employee found to be in possession of contraband, or to have introduced contraband onto the institution, is subject to disciplinary action as described in the Employee Handbook (CFP 60-1). Upon reviewing the provisions of this operating procedure with an employee, the supervisor or trainer will complete form CF 1586 (available in DCF Forms). The original CF 1586 will be placed in the employee's official personnel file and a copy will be given to the employee.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

SUZANNE M. VITALE
Deputy Secretary

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This operating procedure has been updated to reflect the department's current procedures for contraband control.