

State of Vermont, Agency of Human Services Department of Corrections	Interim Procedure on Contraband Classification and Disposition	Page 1 of 5
		Supersedes #408 dated 3/18/85.
Attachments, Forms & Companion Documents: 1. VT Department of Corrections Contraband/Criminal Physical Tag and Chain of Custody Form 2. VT Department of Corrections Confiscation of Inmate Property Form		
Local Procedure(s) Required: No Applicability: All staff, contractors and volunteers. Security Level: "B"- Anyone may have access to this document.		
Approved: <div style="display: flex; justify-content: space-between;"> <div style="width: 30%; border-top: 1px solid black; text-align: center;"> Robert D. Hofmann, Commissioner </div> <div style="width: 30%; border-top: 1px solid black; text-align: center;"> <u>March 18, 2006</u> Date Signed </div> <div style="width: 30%; border-top: 1px solid black; text-align: center;"> <u>March 18, 2006</u> Date Effective </div> </div>		

This Interim Procedure makes changes to current Departmental Policy #408, *Contraband*, dated 3/18/1985. See Sections 4.3, 4.4. and 4.5 of that document. The changes/additions follow.

DEFINITIONS

Chain of Custody: A process to control and document security and handling of contraband and criminal physical evidence.

Contraband: Anything not authorized to be in an inmate's possession; used in an unauthorized or prohibited manner; altered in any way; or in excess of allowable limits.

Criminal Physical Evidence: Any item or substance required to substantiate or challenge any criminal charge or be presented at a due process hearing.

PROCEDURAL GUIDELINES

1. Contraband Classification – The classification of contraband categories are as follows:
 - a. Illegal drugs or non-prescribed pharmaceuticals
 - b. Drug paraphernalia
 - c. Weapons or any item which may be used as a weapon
 - d. Money
 - e. Tobacco
 - f. Appliances (e.g., radios, fans, cell phones, etc.)
 - g. Wearing apparel (items not approved or altered for unauthorized use)
 - h. Miscellaneous property
 - i. Alcohol
 - j. Tools or items that may be used to aid an escape

2. Contraband Storage
 - a. Contraband identified in 2.b. below shall be stored in a secure area under lock with access limited to those individuals designated by a Superintendent.

- b. Contraband classified as drugs or pharmaceuticals, drug paraphernalia, money, weapons or tobacco shall be tagged and classified, utilizing a contraband/criminal physical evidence tag and chain of custody form.
 - c. Contraband having no discernible value, or use, and is not traceable to a specific person must still be tagged or logged, up to the time of its destruction.
 - d. When contraband identified in 1. a-j above is confiscated from an inmate, the inmate shall be issued a *Confiscation of Inmate Property* form, *Attachment 2*. A copy of the form will be placed in the individual's file.
3. Contraband Log – A hard-bound contraband log shall be maintained to include (a) description of confiscated contraband, (b) any identifiable markings, (c) date and time of confiscation, (d) location where found, (e) staff discovering contraband, (f) assigned number in accordance with the section below, (g) disposition of contraband.
 - Log Numbering – each item of contraband shall be identified by a unique number which shall be prefixed by the facility's initials and the calendar date, followed by a dash (-) and sequential and uninterrupted numbers for logged contraband items, e.g., (NWSCF, 02.18. 06-121).
4. Chain of Custody – Any time contraband identified in 2.b. above is stored, handled, inventoried, removed or returned from the secure storage area, the activity shall be noted on the *Contraband/Criminal Physical Tag and Chain of Custody Form, Attachment 1* and in the contraband log to include the following data: (a) employee's name, (b) date and time, (c) reason, and (d) any other relevant information.
5. Contraband Inventory – Contraband and criminal physical evidence identified in 2.b. above shall be inventoried monthly to ensure proper accountability.
6. Disposal of Contraband and Disciplinary Report Evidence – When all administrative and/or applicable legal or due process proceedings requiring the contraband and/or physical evidence have been completed, the Superintendent shall authorize the disposal of contraband and/or physical evidence in accordance with the following:
 - a. Weapons – Confiscated firearms shall be released to the Vermont State Police. Such removal shall be documented in accordance with the chain of custody and the Superintendent shall be properly notified. Sharp weapons shall be disposed by use of a "sharps container." The Superintendent shall ensure other weapons are disposed in a safe and secure manner. In every case, proper documentation shall occur.
 - b. Drugs and Drug Paraphernalia – Confiscated drugs shall only be released to the Vermont State Police. Such removal shall be documented in accordance with the chain of custody.
 - c. Pharmaceutical drugs **not** prescribed by a physician and not in their original container should be treated as Illicit Rx. They shall be confiscated and

- d. documented like any other illegal drug, following the same notification procedures for a criminal offense.
Pharmaceutical drugs that are prescribed and in their original container should be turned over to the Medical Contractor for DOC.
- e. Alcohol (commercial or home made) – Contraband alcohol shall be disposed in the presence of a witness and documented.
- f. Hazardous or Infectious Materials- All hazardous materials shall be disposed in accordance with the Toxic Materials and Hazardous Communication Protocol.
- g. Money- Any confiscated money shall be disposed of according to existing state procedures. Proper documentation shall be completed.
- h. Tobacco Products – Tobacco products shall be disposed of in the presence of a witness and documented.
- i. Other Items- Other items that cannot be returned to the rightful owner shall be disposed of or destroyed in accordance with the Administrative Policy/Directives, *Disposition of Personal Property (#321. and 321.01)*.

ATTACHMENT 1

**VERMONT DEPARTMENT OF CORRECTIONS
CONTRABAND/CRIMINAL PHYSICAL TAG AND CHAIN OF CUSTODY**

Facility/Unit: _____

Classification of contraband/criminal physical evidence: (Check one)

- Weapon
- Drug/drug paraphernalia
- Alcohol (commercial or home made)
- Appliance (e.g., television, radio, stereo, recorder, etc.)
- Currency (money or other commodity of exchange)
- Clothing
- Miscellaneous property
- Other

Brief description of item or substance and any identifying mark(s)

Location found/confiscated _____

By: Staff name _____ Date/Time _____

From: Inmate Name _____

Chain of custody – contraband/criminal physical evidence (signature required)

STAFF FROM	STAFF TO	DATE/TIME	REASON	DISPOSITION
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(CONTINUE ON BACK IF NECESSARY)

ATTACHMENT 2

**VERMONT DEPARTMENT OF CORRECTIONS
CONFISCATION OF INMATE PROPERTY**

This receipt shall verify that the indicated item(s) of valuable property were confiscated for the reason(s) shown below:

ARTICLE IDENTIFYING INFORMATION

ITEM: _____

MAKE: _____ REASON CONFISCATED ()A ()B ()C ()D ()E

OTHER INFO/ID _____

A. Unable to Prove Ownership: No proof of ownership could be established for the above listed item(s). Inmate is given notice that they have thirty (30) days to verify ownership from the date of confiscation. If unable to prove rightful ownership, then property will be disposed of according to procedures outlined in the administrative directive on property.

B. Assigned Segregation Status: The item(s) listed is not allowable property for inmates on segregation status. Confiscated item(s) will be held until release from this status.

C. Illegal Modification: Confiscated property has been altered or modified. Confiscated item(s) must be sent out of the institution within thirty (30) days of the confiscation date. Otherwise, the property will be shipped from the institution at the inmate's expense.

D. Excessive/Unauthorized: Confiscated property has been determined to be in excess of allowable limits or unauthorized. Confiscated item(s) must be sent out of the institution within thirty (30) days of the confiscation date. Otherwise, the property will be shipped from the institution at the inmate's expense.

E. Pending Due Process Hearing: Confiscated property is being held as evidence pending any due process hearing. Disposition will be made according to the administrative directive on property, following the completion of the hearing process and any inmate appeal.

INMATE'S NAME, PRINTED

INMATE'S SIGNATURE

DATE

OFFICER'S NAME, PRINTED

OFFICER'S SIGNATURE

SHIFT

Cc: Original, Property
Inmate

