

**County of San Bernardino
Department of Behavioral Health**

Forensic Contraband Policy and Procedure

Effective Date 04/18/13
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Policy Department of Behavioral Health (DBH) employees shall adhere to this policy and procedure when conducting searches of Conditional Release Program (CONREP) clients and their residences or identifying contraband of Supervised Treatment After Release (STAR) clients.

Purpose To mitigate the risk of harm to the public, DBH staff and Forensic clients with the following DBH programs: CONREP and STAR.

Definition **CONREP:** Conditional Release Program is the State Department of Mental Health system of community based treatment, evaluation and supervision services for judicially committed individuals and Mentally Disordered Offenders.

Independent Living: Movement from an environment of dependence and reliance to a less restrictive environment. An example includes, but is not limited to housing arrangements in the community where the client is self-sufficient and free to make his/her own decisions. Housing arrangements include but are not limited to renting a house, apartment or room; renting a room from a room and board operator; sharing a house, apartment or room with friends or family members.

Terms and Conditions of Outpatient Treatment (T&Cs): Document signed by CONREP clients where the person agrees to follow the court-sanctioned provisions for involuntary outpatient services, and formally specifies the conditions of that treatment and supervision.

Contraband: Any weapon, drug or alcohol that a Forensic client possesses that violates the Terms and Conditions of Outpatient Treatment for CONREP or the terms of probation for STAR.

PC 12020 through 12040: Penal Code sections regarding the unlawful carrying and possession of a weapon and an applicable section of the Penal Code included in the 2008 Dangerous Weapons Control Law.

STAR: Supervised Treatment After Release is a voluntary court-referred treatment program, which is a condition of probation for participants.

Continued on next page

County of San Bernardino Department of Behavioral Health

Forensic Contraband Policy and Procedure, Continued

Requirements for Adult Forensic Programs

DBH staff shall adhere to the following requirements to ensure safe and effective searches:

- Two DBH staff is required to be in attendance when searching a client's independent living housing, which includes shelter bed services and Rooms and Boards.
- One DBH staff person is required to conduct searches at licensed Board and Care or Skilled Nursing Facilities.

CONREP Search Requirements

DBH staff conducting searches of CONREP clients' residences shall be knowledgeable with and refer to the T&Cs regarding what a client may/may not possess. CONREP clients cannot have any type of weapon or contraband in their possession, and at no point may a client conceal a weapon or contraband on him/herself or at his/her residence. Staff shall adhere to the following requirements when conducting a search and contraband is suspected or found:

- Do not handle or confiscate contraband that is considered illegal
- Contact CONREP Clinic Supervisor (CS) or designee first for guidance regarding advisement of contraband or suspected contraband and notification to 911 or local law enforcement (LE) if it cannot be determined that an item is contraband (Examples: unknown substance, unidentified pills, unknown blade length to determine if considered a weapon, etc.,)
- Call CONREP CS or designee and LE immediately if search of the Forensic client is necessary
- Notify LE immediately for the following conditions:

If...	Then...
<p>If it appears the contraband may have been used in the commission of a crime,</p>	<ul style="list-style-type: none"> • Remove yourself from the residence and immediately call 911 • After reporting to LE, contact the immediate Supervisor. CONREP CS or designee will be dispatched to the location • Wait outside the residence for LE to arrive and remain at the site until released by the CONREP CS or designee • CONREP CS or designee to notify PM II immediately • PM II to notify Deputy Director • CONREP or designee to notify CONREP liaison immediately

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County of San Bernardino Department of Behavioral Health

Forensic Contraband Policy and Procedure, Continued

**CONREP
Search
Requirements**
(continued)

If...	Then...
If it appears the contraband may have been used in the commission of a crime, (continued)	<ul style="list-style-type: none"> • CONREP Special Incident Report (SIR) to be completed within 72 hours (follow SIR Policy) • DBH Incident Report to be completed within 24 hours
If the contraband is alcohol, which is in violation of the T&Cs	<ul style="list-style-type: none"> • Dispose of or the client dispose of the contraband (alcohol) in your presence • Immediately notify the CONREP CS or designee • Immediately arrange for urinalysis • Document the incident on a DBH Unusual Occurrence/Incident Report • Document the contraband in the client medical record • CONREP CS or designee to notify PM II • Complete DBH Incident Report within 24 hours
If the contraband is not illegal, but in violation of the T&Cs and not alcohol,	<ul style="list-style-type: none"> • Take a picture of the item • If safe to do so, confiscate the contraband complete following steps: <ul style="list-style-type: none"> ○ Immediately call the CONREP CS or designee ○ Take the contraband to the CONREP clinic where the CS or designee will notify LE for pickup ○ Document the incident on a DBH Unusual Occurrence/Incident Report ○ Document the contraband in the client medical record • If the DBH employee feels threatened, determines imminent danger exists or the client escalates, <ul style="list-style-type: none"> ○ Call LE ○ Call the CONREP CS or designee immediately

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County of San Bernardino Department of Behavioral Health

Forensic Contraband Policy and Procedure, Continued

**CONRAP
Search
Requirements**
(continued)

If...	Then...
<p>If the contraband is not illegal, but in violation of the T&Cs and not alcohol, (continued)</p>	<ul style="list-style-type: none"> • A clinical assessment must be performed whether the contraband is confiscated or not, to determine the appropriate treatment or revocation for the CONREP client with the following considerations: <ul style="list-style-type: none"> ○ Concern regarding item(s) in client's possession, even if it is not a violation of the T&Cs ○ Violation of the T&Cs • Refer to the Revocation Policy and Procedure regarding the appropriate next steps • Contact the CONREP CS or designee for consultation prior to leaving the premises if there is a concern regarding the possession of an item(s) that does not violate the T&Cs, but may incite re-offense or lead to violation • Provide the CONREP CS or designee with the following current/recent information about the client, at minimum: <ul style="list-style-type: none"> ○ Mental status ○ Level of adherence with the T&Cs ○ Date of last violation, if any ○ Behavior concerns • CONREP CS or designee to notify PM II immediately • Complete DBH incident report within 24 hours

Important Note: When searches are conducted, significance shall be placed on the mental status of the client in addition to the concern or violation.

Continued on next page

County of San Bernardino Department of Behavioral Health

Forensic Contraband Policy and Procedure, Continued

STAR Search Requirements

DBH staff shall only conduct visual review searches of STAR clients' residences. Staff is required to be knowledgeable with each client's terms of probation. Staff shall adhere to the following requirements when conducting a visual review search:

If...	Then...
If the visual review reveals contraband that is not illegal,	<ul style="list-style-type: none"> • Call the STAR Clinic Supervisor or designee and Probation Officer • STAR CS or designee to notify Forensic PM II • Complete DBH Incident report within 24 hours
If the visual review reveals illegal contraband and/or if the DBH employee feels threatened or in imminent danger,	<ul style="list-style-type: none"> • Remove yourself from the residence • Immediately call 911, the STAR Clinic Supervisor or designee, and Probation Officer • STAR CS or designee to notify PM II immediately • Forensic PM II to notify Deputy Director • Complete DBH incident report within 24 hours

Related Procedure

Standard Procedures Manual (SPM) SFT7016 [Special Incident Reporting Procedure-Client Related](#)

References

2008 Dangerous Weapons Control Law
 California Forensic Conditional Release Program Terms and Conditions of Outpatient Treatment
 County of San Bernardino Policy 09-08, Violence and Threats in the Workplace – Zero Tolerance
 Penal Code Sections 12020 – 12040
 State of California Department of Mental Health CONREP Policy and Procedure Manual, Volume 1, Program Services