

CF OPERATING PROCEDURE
NO. 155-8

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, September 15, 2021

Mental Health/Substance Abuse

CONTRABAND CONTROL IN THE MENTAL HEALTH TREATMENT FACILITIES

1. Purpose. This operating procedure is established to strengthen safety and security through the control of contraband. This operating procedure incorporates the requirements and procedures of CFOP 70-12 and extends those requirements and procedures to meet the needs of the state operated and state contracted mental health treatment facilities of the Department.
2. Scope. This procedure applies to residents, employees, and visitors on all state operated or state contracted mental health treatment facilities of the Department, including the Florida Civil Commitment Center in Arcadia.
3. References.
 - a. Section 394.458, Florida Statutes (F.S.), Introduction or removal of certain articles unlawful.
 - b. Chapter 465, F.S., Pharmacy.
 - c. Section 791.01, F.S., Sale of Fireworks, Definitions.
 - d. Chapter 893, F.S., Drug Abuse Prevention and Control.
 - e. Section 916.1085, F.S., Introduction or Removal of Certain Articles Unlawful; Penalties.
 - f. Children and Families Operating Procedure 60-55, Chapter 1, Standards of Conduct and Standards for Disciplinary Action for Department Employees.
 - g. Section 65E-5.200, Florida Administrative Codes (F.A.C.), Mental Health Act Regulation, Right to Care and Custody of Personal Effects.
 - h. Section 65E-20.013, F.A.C., Forensic Client Services Act Regulation, Contraband Control.
 - i. Section 112.0455, F.S., Public Officers and Employees: General Provisions, Drug Free Workplace Act.
 - j. Section 402.18, F.S., Health and Human Services, Miscellaneous Provisions, Welfare Trust Funds Created.
 - k. Section 790.001, F.S., Definitions.

This operating procedure supersedes CFOP 155-8 dated December 15, 2017.

OPR: SMF

DCF Tracker Assignment Number: A21-004121.

4. Definitions.

a. Contraband. For the purpose of this operating procedure, contraband is a prohibited item or article that:

(1) Is an intoxicating beverage or beverage which causes or may cause an intoxicating effect; or,

(2) Is a controlled substance as defined in Chapter 893, F.S., unless legally possessed pursuant to Chapter 465, F.S.; or,

(3) Is any "weapon" as defined in section 790.001(13), F.S.; or any instrument or device customarily used or designed to be used as a dangerous weapon; any "firearm" as defined in section 790.001(6) or "antique firearm" as defined in section 790.001(1), F.S.; any "destructive device" as defined in 790.001(4), F.S.; any "explosive compound" as defined in 791.01(3), F.S.; or any "fireworks" as defined in 791.01(4), F.S.; or,

(4) Is any item as determined by the Department, and as designated by Department rule or by the administrator of any facility, and designated by written institutional policies, to be hazardous to the welfare of residents or the operation of the facility. Contraband may also include any item or object found to be altered from its original state or used outside of its original intent.

b. Department. Means the Department of Children and Families.

c. Reasonable Suspicion. For the purpose of this operating procedure, reasonable suspicion means specific, articulable facts, when taken together with reasonable inferences from those facts, which would lead a reasonable person to suspect that a person might have contraband contrary to Department and facility policies.

d. State Owned or State Contracted Facilities. For the purpose of this operating procedure, state owned or state contracted facilities means any and all resources, including but not limited to, facility grounds, buildings, outbuildings, vehicles, offices, desks, computers, file cabinets, maintenance areas, vehicles, tool boxes, food service areas, and residential housing.

5. Policy.

a. Contraband items and articles are prohibited from introduction onto/into the Department's state owned or state contracted facilities and grounds. All individuals or vehicles entering the grounds of any facility under the supervision or control of the Department may be subject to reasonable search and seizure of any contraband materials within their possession or control.

b. Employees shall take reasonable precautions to secure state and personal equipment or other personal items that might be designated as contraband within the work or living areas frequented by residents. All employees and visitors will make certain that personal and state vehicles are properly locked while on the grounds and the keys are secured for the safety of staff, visitors, and residents.

c. If specifically authorized by the facility administrator, intoxicating beverages, tobacco products, and firearms may be stored or consumed in staff residential housing. Firearms may be stored in residential housing if the housing is outside a secure perimeter. The firearms shall be registered with the security department, maintained in the residence in an unloaded condition, and locked in a gun safe or gun locker. Ammunition must be secured and in a room separate from any firearms.

d. All mental health treatment facilities are tobacco free. However, tobacco products may be stored and secured in employee, volunteer, vendor, or visitor vehicles, if the products are not used in violation of facility policies.

e. Each facility will develop and maintain contraband lists for employees, residents, and visitors, as appropriate to meet facility needs which may not be addressed in this operating procedure.

6. Procedures.

a. Possession of contraband specifically designated by law will result in immediate notification to local law enforcement.

b. Employees found in possession of contraband are subject to discipline, including dismissal, or as otherwise described in the Employee Handbook (Children and Families Pamphlet 60-1).

c. Visitors in possession of contraband will not be allowed onto/into the Department's state owned or privatized facilities. Visitors found in possession of contraband will be requested to leave immediately. The facility administrator or designee has the discretion to permit the visitor to return after the contraband has been properly secured if possession of the contraband was not in violation of law. If a visitor in possession of contraband refuses to leave the property at the request of security, the administrator or designee will call local law enforcement for assistance.

d. Contraband in possession of a resident, if not possessed in violation of law or otherwise required to be turned over to law enforcement, will be secured and properly stored at the facility for return to the resident upon discharge, or confiscated and disposed as appropriate, or confiscated and liquidated with the proceeds deposited in the appropriate welfare trust fund in accordance with Section 402.18(4), Florida Statutes.

e. Upon entering the grounds of a forensic facility, at the time of a resident's admission, transport officers shall surrender any firearm, deadly weapon or contraband item to facility security staff, in accordance with Rule 65E-20.013(1)(a), Florida Administrative Code, Contraband Control.

f. Facility policies and procedures that address contraband control shall ensure the proper accountability for and safeguarding of contraband seized from the possession of residents. Facility policy shall include minimum records maintenance including:

- (1) Description of the seized contraband;
- (2) Date the contraband was seized;
- (3) Date and manner of disposition; and,
- (4) Witnesses to the disposition.

7. Searches.

a. All state owned or privatized facilities, including offices, desks, computers, file cabinets, maintenance areas, vehicles, tool boxes, food service areas, common areas and grounds, may be inspected or searched by appropriate staff at any time.

(1) Employees working in non-secure areas of a facility, and residents within civil units, may justifiably have or maintain a reasonable expectation of privacy within certain work or living areas. Inspection or search in areas to which individuals may have an expectation of privacy shall be

conducted only upon reasonable suspicion, depending upon the specific area to be searched and the nature of the contraband suspected.

(2) Facility administration shall be consulted regarding reasonable suspicion if a search is anticipated, particularly when the requested search is for an area designated to or under the exclusive control of a particular individual. When law enforcement personnel conduct an inspection or search, it will be conducted according to the appropriate standard for the law enforcement personnel.

b. The person or personal property of employees, visitors, and residents at a facility may be searched at any time, as needed to protect the security of the facility, and the safety and well being of residents and employees.

(1) The facility administrator may authorize that all employees, visitors, or residents submit to a visual, metal detector or other non-intrusive search of the clothed body when entering or exiting a secure area of a facility when such action is reasonably needed to maintain security or safety of staff and residents.

(2) An individual or an individual's personal items, including but not limited to purses, briefcases, backpacks, vehicles, clothing, duffel bags and totes, may be subjected to search upon reasonable suspicion that the item may contain contraband, or the inspection and search may be part of a previously authorized search procedure of individuals entering or exiting a specific area of the facility.

(3) The search procedure may include the use of x-ray technology to examine items.

(4) In the event an employee or visitor discovers they are in possession of an item defined as contraband, the employee or visitor should immediately notify the supervisor or security so that proper precaution can be taken to either secure the contraband or permit safe removal.

(5) The person or personal property of employees, visitors, and residents at a forensic facility may be searched in accordance with Rule 65E-20.013, Florida Administrative Code, in addition to the search set out in this operating procedure.

c. All searches of person or property must be conducted in the physical presence of at least one other witness or performed under video surveillance. All reasonable efforts should be made to preserve the dignity and privacy of the person being searched.

(1) A pat-down search of employees, visitors, and residents in a non-secure area may be conducted when authorized by the administrator or designee upon reasonable suspicion that the person or persons is in possession of contraband, which might threaten the safety or well being of others or put the security of the facility at risk, or there is evidence of a criminal offense.

(2) Any search utilizing physical contact in order to frisk or pat-down any or all of an individual's clothed body must be conducted by a member of the same gender who is properly trained in the pat-down procedure.

(3) The person to be searched should first empty all pockets and may be requested to remove shoes and accessories, as well as submit other personal items to examination.

d. As used in this paragraph, the term "strip search" means having a person remove or arrange some or all of his or her clothing so as to permit a visual or manual inspection of the genitals; buttocks; anus; breasts, in the case of a female; or undergarments of such person. A body strip search of a resident which requires the removal of any or all articles of clothing, except outerwear, must be

conducted in a private room or exam area, and only in the presence of employees of the same sex as the individual to be searched.

(1) Employees or visitors will not be subjected to a body strip search by facility staff, which requires removal of clothing, other than outerwear, such as jackets or coats, unless such search is ordered and performed by law enforcement upon reasonable suspicion of a criminal offense.

(2) A body strip search requires the written authorization of the administrator or designee after determining there is probable cause to believe the individual is concealing a weapon, controlled substance or stolen property, or any contraband item or object that might result in serious injury to resident or staff.

e. Body orifice or body cavity searches of residents will be conducted only when there is reasonable belief derived from confidential information and/or observation of behavior or physical symptoms that the resident has concealed contraband in a bodily orifice.

(1) The body orifice or body cavity search must be specifically authorized in writing, by the administrator or designee and must be conducted by a physician in the presence of a registered nurse. Either the physician or registered nurse must be of the same gender as the resident and any other staff member or security present during the search must be the same gender as the resident.

(2) Employees will observe appropriate clinical and/or sanitary procedures in conducting any search which may involve physical contact between the employee and the resident's body.

(3) Employees or visitors will not be subjected to body orifice or body cavity searches unless such searches are completed by law enforcement upon reasonable suspicion of a criminal offense.

f. All searches must be documented to include a detailed summary of the facts and observations which comprise the reasonable suspicion to support the search, the time, date, and method of search, written confirmation by the administrator or designee authorizing the search, the participants, witnesses and subjects of the search, and a description of any contraband discovered as a result of the search.

(1) The facility will take possession of any suspected illegal contraband and will take such steps needed to secure it as evidence for distribution to law enforcement.

(2) In the event that the contraband is not illegal, but cannot otherwise be returned to the owner, the facility will take proper steps to secure the contraband for distribution to management and appropriate administrative disposition as described in paragraph 6d of this operating procedure.

g. If established in facility policy, facility administrators may organize random and routine searches without strip searches, body orifice searches, or cavity searches, unless indicated and authorized in accordance with paragraphs 7e or 7f of this operating procedure.

h. Privatized facilities may perform random drug testing of employees. Department employees are also subject to drug testing. Department employees may be required to submit to drug testing in accordance with section 112.0455, Florida Statutes, and Department policy, or any federal regulations or legal decisions which supersede the Florida Statutes and Department policy. Refusal to participate in testing could result in denied employment or disciplinary action.

8. Notification to Employees in the Facility. All employees who work in residential facilities, forensic or civil, are on notice that the introduction of contraband onto any state operated or privatized facility is strictly prohibited. Any employee who fails to cooperate with a search request or who is found to be in

possession of contraband, or to have introduced contraband, is subject to disciplinary action including dismissal. Upon reviewing the provisions of this operating procedure with an employee, the supervisor or trainer reviewing this operating procedure will complete a Contraband Control Acknowledgment (form CF 1586, available in DCF Forms). The original Acknowledgment form 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)

JACQUELINE A. YOUNG
Director, State Mental Health Treatment Facilities, Policy and Programs

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

Changed term privatized to state contracted.