

**DEPARTMENT OF STATE HOSPITALS
REGULATIONS TEXT**

Contraband Disposition

California Code of Regulations
Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 16. State Hospital Operations
Article 3. Safety and Security

Section 4354. Definitions

- (a) The following definitions only apply to Section 4354.1.
- (b) **Criminal Contraband.** Items that are illegal to possess pursuant to State and/or Federal Law, except for items specified in Subsection (c). This includes any item prohibited as a condition of parole/probation as it applies to any patient on active parole/probation while housed in a Department of State Hospitals facility.
- (c) **Non-Criminal Contraband.** Items not otherwise prohibited by State and/or Federal Law or prohibited as a condition of parole/probation as it applies to any patient on active parole/probation while housed in a Department of State Hospitals facility, but are prohibited on the Department of State Hospitals Statewide Property Contraband List, and/or items on hospital-specific contraband lists pursuant to Section 7295 of the Welfare and Institutions Code.
- (d) **Hazardous Contraband.** Criminal Contraband or Non-Criminal Contraband that can potentially expose Department of State Hospitals staff, patients, and/or the public to a risk of loss or harm to their person or property. These items may include, but are not limited to, hazardous waste, Electronic Devices with Communication and Internet Capabilities, as defined in Section 4350, drugs, chemicals, perishable goods, and potentially unsafe food items that are prohibited on the Department of State Hospitals Statewide Property Contraband List and/or items on hospital-specific contraband lists.
- (e) **Recipient.** A person designated by the patient to receive Non-Criminal Contraband.

Authority cited: Sections 4005.1 and 4101, Welfare and Institutions Code.
Reference: Section 4109 and 7295, Welfare and Institutions Code.

Section 4354.1. Contraband Disposition

- (a) The hospital shall hold onto Non-Criminal Contraband for a minimum of 30 calendar days from the date the patient receives their written notice of the seizure. The written notice shall include patient name, staff name, list of seized items, date of seizure, holding period, and the location of the items seized. Hospital staff shall not dispose of Non-Criminal Contraband prior to informing the patient except in the following circumstances:
 - (1) If the item is deemed Hazardous Contraband, the item is not subject to the minimum 30 calendar day hold and may be disposed of immediately.
 - (2) If the item is deemed Criminal Contraband, Non-Criminal Contraband, and/or Hazardous Contraband, the item may be held by the hospital as evidence for investigations, litigation, and/or pursuant to court orders until the completion of all proceedings.
- (b) Criminal Contraband and Hazardous Contraband found at the hospitals that are not subject to Subsection (a)(2), shall be disposed of by hospital staff. The item may be transferred to a waste management facility, disposed of according to the manufacturer recommended disposal method, or disposed of as hazardous waste by hospital staff.
- (c) Non-Criminal Contraband found at the hospitals that are not subject to Subsection (a)(2), shall be disposed of in accordance with one of the following methods:
 - (1) The patient may choose to mail Non-Criminal Contraband to a Recipient.
 - (A) Non-Criminal Contraband found on hospital grounds that the patient requests to keep will be inventoried and boxed by hospital staff and mailed at the patient's expense. If the patient has insufficient funds in their Patients' Personal Deposit Fund and meets the requirements of Section 4136(a) of the Welfare and Institutions Code, the item will be stored at the hospital -designated storage locations until the patient notifies hospital staff that funds are available, at which time the hospital staff will mail out the Non-Criminal Contraband item.
 - (B) Patients shall not send Non-Criminal Contraband to any government agency, including but not limited to patients, incarcerated persons, and staff in an official capacity.

- (C) Incoming and outgoing packages, as defined in Section 881(q), containing Criminal Contraband, Hazardous Contraband, and/or Non-Criminal Contraband that has been tampered with is subject to investigation pursuant to Subsection (a)(2). If hospital staff determine that the incoming or outgoing package(s) or any item within the package has been tampered with, the whole package will be disposed of pursuant to Subsection (b).
- (2) The patient may choose to donate the Non-Criminal Contraband item to a Department-designated charitable organization that accepts the item.
- (3) The patient may choose to release the Non-Criminal Contraband item to visitors.
- (4) Non-Criminal Contraband not disposed of pursuant to Subsections (c)(1) through (c)(3) may be transferred to a waste management facility, disposed of according to the manufacturer recommended disposal method, or disposed of as hazardous waste by hospital staff.
- (d) Contents of Electronic Devices with Communication and Internet Capabilities shall be scanned by hospital staff for Criminal Contraband. If the patient does not consent to the scanning of the device, hospital staff shall dispose of the device pursuant to Subsection (b). If the patient consents to the scanning of the device and the device contains Criminal Contraband, then the device may be held pursuant Subsection (a)(2). If the patient consents to the scanning of the device and the device contains Non-Criminal Contraband, the patient may choose to dispose of the device pursuant to Subsection (c).
 - (1) Hospital staff shall obtain consent to scan the contents of the Electronic Devices with Communication and Internet Capabilities by utilizing a written document which shall include the printed name of the patient giving consent, date of seizure, list of seized items, patient signature, date of patient signature, staff member witness printed name, staff member witness signature, and date of staff member witness signature. A hospital staff member shall be present when the patient gives consent.

Authority cited: Sections 4005.1 and 4101, Welfare and Institutions Code.

Reference: Sections 4109, 4136, 7281, and 7295, Welfare and Institutions Code.