

	Corrections and Community Supervision DIRECTIVE		TITLE Contraband Drug Analysis (Community Supervision)	NO. 9433
				DATE 09/24/18
SUPERSEDES DOP P&P Manual Item 9431.01	DISTRIBUTION A	PAGES PAGE 1 OF 3	DATE LAST REVISED	
REFERENCES (Include but are not limited to) Directives #9025, #9220 ACA Expected Practices: 4-APPFS-3B-11		APPROVING AUTHORITY 		

- I. **PURPOSE:** To instruct Parole Officers (PO) in the requirement to obtain analysis of substances suspected of being contraband drugs.
- II. **POLICY:** It is the policy of the Department of Corrections and Community Supervision (DOCCS) that whenever Parole Officers discover substances suspected of being contraband drugs, appropriate actions will be taken to have those substances analyzed.
- III. **DEFINITION**
 Contraband Drug: For purposes of this directive, contraband drugs shall include all suspected illegal drugs and controlled substances.
- IV. **PROCEDURE**
 - A. Parole Officers
 1. When a suspected substance is found, the Parole Officer will ensure the following steps are taken:
 - a. Secure the suspect(s)/parolee(s), the substance, and the area where the substance was found;
 - b. Provide a property receipt if appropriate; and
 - c. Contact local law enforcement and request analysis of the substance
 2. If the substance **is** found to be a contraband drug(s), the Parole Officer will conference with the Senior Parole Officer (SPO)/Bureau Chief as to the next appropriate course of action.
 3. If the substance is **not** found to be a contraband drug(s), and does not constitute a crime or violation of any Condition of Release, the Parole Officer will return the substance to the suspect/parolee.
 4. If assistance and/or analysis of the substance is not available through local law enforcement, the Parole Officer will notify the SPO/Bureau Chief immediately for further instructions.
 5. All activities and efforts must be documented in the Case Management System (CMS) in accordance with DOCCS Directive #9025, "Case Management System (CMS) Operational Guidelines."

B. Senior Parole Officers

1. If a substance **is** found to be a contraband drug(s), a case conference with the Parole Officer must be held in order to make a determination regarding the next appropriate course of action.
2. If assistance and/or analysis of the substance is not available through local law enforcement, the SPO will immediately notify the Bureau Chief for further direction.

C. All Staff – Chain of Custody: At all times, proper protocols for preserving chain of custody should be observed.

1. The PO seizing the property shall document the following elements of the seizure on [Form # 4099CS](#), "Report of Search:"
 - a. Address at which the property was seized;
 - b. Date on which the property was seized;
 - c. Time of day when the property was seized;
 - d. Item(s) seized;
 - e. Location on the premises where the item(s) were found;
 - f. Name of the person who found the item(s); and
 - g. Name of the persons present at the search scene.
2. The PO seizing the property shall prepare a "Property Receipt," [Form #4096CS](#), which shall include:
 - a. Date of search;
 - b. Time and day of search;
 - c. Address of premises searched;
 - d. Case name and New York State Identification (NYSID) number of the parolee in question;
 - e. Item(s) seized; and
 - f. Signature of the PO seizing the property, any person claiming ownership, or of the person receiving the receipt.
 - g. The original receipt shall be retained in the case record. A copy of the receipt shall be provided to the person from whom the property was seized and/or who signed the receipt.
3. The PO shall document transfer of custody of seized property on [Form #4100CS](#), "Disposition of Property," which shall include:
 - a. Date of transfer;
 - b. Time of transfer;
 - c. Name of person or agency receiving transfer; and
 - d. Purpose of transfer.

4. The PO will document Disposition of Property on [Form #4100CS](#), "Disposition of Property," as follows:
 - a. Property, the possession of which is, or may be, a crime shall be turned over to a law enforcement agency having jurisdiction.
 - b. Property, which may be evidence of, or instrumentality of, or proceeds of, a crime must be turned over to a law enforcement agency having jurisdiction.
 - c. Property, the possession of which is, or may be, evidence of a violation of parole/release, shall be inventoried and retained in the Area Office.
 - d. Under no circumstances will handguns/long guns be inventoried and retained at the Area Office.

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PROPERTY RECEIPT

The below listed items were removed from the person, residence, or other location as a result of a search conducted on _____ at _____ in the presence of _____ No. _____ or in (parolee's/releasee's name) the presence of the person who granted permission to search, _____.
(Signature of/or identity of person)

Property items are listed:

Description

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

Parole Officer

Date

Witnessed:

Signature of Accompanying Officer

Date

Original to parolee / releasee or person permitting search

Copy to file

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REPORT OF SEARCH

PAROLE OFFICER _____ SENIOR PAROLE OFFICER _____ AREA OFFICE _____

CASE NAME _____ CASE NUMBER _____

DATE OF SEARCH _____ TIME OF SEARCH _____

PRIOR APPROVAL FOR SEARCH _____

PURPOSE OF SEARCH _____

PERSONS SEARCHED – REASON

1. _____
2. _____
3. _____
4. _____

RESIDENCE SEARCHED – ADDRESS AND SPECIFIC AREAS OF DWELLING SEARCHED

1. _____
2. _____
3. _____

PROPERTY SEARCHED – (e.g. car, locker, or place of employment)

PERMISSION FOR SEARCH OF RESIDENCE OR PROPERTY (e.g., parolee present or person who authorized search)

PERSONS CONDUCTING SEARCH (names of all Parole Officers, Police officers present)

1. _____
2. _____
3. _____
4. _____

RESULTS OF SEARCH property removed – receipt (identify person who was given receipt)

1. _____
2. _____
3. _____
4. _____

DISPOSITION AND CURRENT LOCATION OF PROPERTY:

Witnessed:

Parole Officer

Date

Accompanying Officer

Date

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DISPOSITION OF PROPERTY

The following items which were removed from the person, residence, or other location as a result of a search conducted on _____ at _____ have been returned/turned over to _____.

Property items listed:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

Person Receiving Property

Witnessed:

Parole Officer

Date

Accompanying Officer

Date

Original to Parole Officer and File
Copy to Person Receiving Property