

**DEPARTMENT OF STATE HOSPITALS  
PROPOSED EMERGENCY REGULATION TEXT  
Contraband Search and Confiscation**

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

**§ 4351. Contraband Searches and Confiscation within the Secured Treatment Area and Patient Living Areas by Non-Peace Officer Staff.**

- (a) Non-peace officer Department of State Hospital staff may conduct searches as appropriate to locate and confiscate contraband and otherwise ensure the safety and security of the facility, patients, staff, contractors, and public.
- (b) Non-peace officer Department of State Hospital staff shall visually monitor for contraband at all times while within the secured treatment area and patient living areas and shall take custody of contraband or alert Hospital Police Officers when discovered. If a non-peace officer Department of State Hospital staff member observes contraband outside of the secured treatment area and patient living areas, Hospital Police Officers must be contacted.
- (c) Non-peace officer Department of State Hospital staff may conduct searches of any room, common area, and/or bathroom within the secured treatment area or patient living areas, at any time, announced or unannounced. Each facility may identify, or limit position classifications of employees authorized to conduct these searches by policy, as needed for the facility. Patients that become intrusive or aggressive during a search may be removed from the area during the search by non-peace officer Department of State Hospital staff, Hospital Police Officers or sworn Investigators.
- (d) If there is a reasonable belief that a patient possesses contraband, non-peace officer Department of State Hospital staff may conduct a pat-down search of the patient, in which a hand search of a patient's body over clothing is conducted. Non-peace officer Department of State Hospital staff may also contact Hospital Police Officers to conduct the pat-down search.

Authority cited: Sections 4005.1, 4011, 4027 and 4101, Welfare and Institutions Code.  
Reference: Sections 4011, 4109 and 7295, Welfare and Institutions Code.

**§ 4352. Contraband Search by Department of State Hospitals Peace Officers.**

- (a) Hospital Police Officers and sworn Investigators of the Office of Special Investigations are peace officers pursuant to Penal Code section 830.3.
- (1) Peace officers may conduct person and property searches throughout the facility and in any location throughout the state while conducting the primary functions of their duties as guided by the laws within Welfare and Institutions Code sections 4138 and 4139 and Penal Code sections 830.3(v) and 830.33.
  - (2) Permitted searches include but are not limited to: visual searches of all areas of the facility, vehicle searches, pat-down and physical examination searches of all persons and property on the facility, K-9 searches, strip searches and body cavity searches of patients with probable cause or a warrant as appropriate.
  - (3) Nothing in these regulations is intended to limit or expand peace officer authority to conduct searches and/or confiscation.

Authority cited: Sections 4005.1, 4011, 4027 and 4101, Welfare and Institutions Code.  
Reference: Sections 4011, 4101, 4109, 4139 and 7295, Welfare and Institutions Code; Sections 830.3, 830.38 and 830.5, Penal Code.

**§ 4353. Contraband Searches and Confiscation of those Entering the Secured Treatment Area, Visiting Centers, and Patient Living Areas.**

- (a) Contraband shall not enter the secured treatment area or patient living areas without written authority from the Executive Director or designee. Contractors with authority to utilize a contraband item, including but not limited to tools, metal items, or electronic devices necessary to perform the contracted work, shall log the item(s) upon entering and confirm their removal upon exiting the secured treatment area, visiting centers, or patient living area .
- (b) All persons entering the secured treatment area, visiting centers, or patient living areas are subject to searches of their person, by means including but not limited to the use of metal detectors, wand searches, K-9, X-ray, cell phone detecting devices, devices to detect controlled substances, and pat down searches.
- (c) All persons entering the secured treatment area, visiting centers, or patient living areas are subject to property searches both visually and physically. This includes, but is not limited to, the removal of items such as hats, shoes, jewelry, jackets or coats for inspection and the search of items such as purses, bags, lunch boxes, and containers. Searches of these items may be conducted using K-9, X-ray, cell phone detecting devices, devices to detect controlled substances, and metal detector or wand searches.
- (d) Contraband considered illegal under state and federal law shall be confiscated. Persons with contraband specific to the Department of State Hospital or the facility shall be instructed to return the contraband to their vehicle, if the person arrived in a vehicle, or remove the contraband from the facility, or a peace officers may agree to hold the item for the person to retrieve when exiting the secured treatment area or patient living area.
- (e) Persons refusing to comply with this section are not permitted within the secured treatment area and patient living areas.

Authority cited: Sections 4005.1, 4011, 4027 and 4101, Welfare and Institutions Code.  
Reference: Sections 4011, 4109, 4139 and 7295, Welfare and Institutions Code.