

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURES

Policy No.: 05-02	Effective Date: 05/05/04	Revision Date: 04/09/18
Subject: Searches of Person, Room, State Vehicle		

I. Policy Statement

Recognizing the intrusiveness of searches on individual privacy, Division staff shall conduct searches only with proper justification, and with due recognition and deference for the dignity of those being searched. Searches will be conducted in accordance with procedural guidelines set forth in this policy and the Search Matrix. Every effort shall be made to minimize the discomfort and embarrassment of the juvenile during a search. Strip searches will **never** be conducted in a group setting. A search shall **never** be performed to punish, harass or humiliate the juvenile being searched.

II. Rationale

The purpose for searches authorized through this policy is to discover and confiscate contraband. Searches shall be conducted in such a manner as to ensure safety and security, while preserving the dignity of the juveniles or visitors involved.

III. Definitions

“Contraband” items are those for which possession by a juvenile is either illegal by federal or state law or prohibited by the policy of the Division or a particular Division facility/program. Contraband items include, but are not limited to: tobacco, illicit drugs, paraphernalia, alcoholic beverages, weapons, jewelry, money, electronic devices, cell phones, items capable of being used to effect an escape, or any item that might interfere with the treatment process.

“Reasonable Suspicion” as used in this policy, is suspicion, based on specific and clearly articulated facts, that a particular juvenile is concealing contraband, and that a search is likely to result in the discovery of the contraband.

“Wand search” is a search of a person who is fully clothed, by using a hand-held or walkthrough metal detector to detect metal objects.

“Frisk search” is a search of a juvenile conducted with the juvenile clothed, by using the searcher’s hands to perform a quick but thorough search for contraband by “rubbing” the outer layer of clothing, and avoiding direct contact with the juvenile’s skin. The juvenile shall be wearing at least one outer layer of clothing.

“Strip search” is a search of a juvenile in which the juvenile is required to remove all their clothing and expose all parts of their body to a *visual* search for contraband. The searcher conducts a careful *visual* examination of the nude juvenile, and a thorough visual and hand search of the juvenile’s removed clothing. Staff shall not touch the juvenile during a strip search.

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“Body cavity search” is an intrusive search requiring physical probing of the vagina or anus, for the purpose of discovering contraband. **Body cavity searches are prohibited in Division facilities.** (Removal of an object by licensed medical personnel is not considered a body cavity search).

“Room search” is a thorough visual and physical search of a juvenile’s assigned room in either a Division facility or community placement, for the purpose of discovering contraband.

“Search matrix” is the Division’s reference guide that allocates permissible types of searches, based upon each facility/program or office function.

“Secure area” of a correctional facility is the portion of that facility where the general population of juveniles congregates and engages in their daily activities, and which is not generally accessible to visitors.

“Community-based programs” are non-secure residential or nonresidential programs designated to supervise and rehabilitate juvenile offenders in the least restrictive setting, consistent with public safety, and contracted for or operated by the Division. Control and supervision of non-adjudicated juveniles placed with the Division for temporary services in receiving centers, youth services, and other programs established by the Division are also considered community-based programs.

IV. Procedures

Staff shall conduct all searches of persons, rooms, and state vehicles in accordance with the current crisis intervention training system, and in compliance with the Division’s search matrix.

- A. When reasonable suspicion of the presence of contraband exists, staff shall use the least intrusive method of search likely to discover the contraband. Some factors which could be considered case-by-case to determine whether reasonable suspicion exists, include, but are not limited to:
 1. Statements by the juvenile or reports from other sources.
 2. Behavior of the juvenile, e.g., excessive nervousness or unusual conduct.
 3. Discovery of clues in earlier less intrusive searches, indicating the likely presence of contraband
 4. Obvious drug use or intoxication.

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5. Evasive or contradictory answers to questions.

B. Wand search

1. Staff may conduct a wand search of a juvenile at any time. Staff conduct a wand search of a visitor prior to entry into a Division facility/program.
2. When conducting a wand search, a staff member shall use a hand-held or walkthrough metal detector to “scan” the entire body of the juvenile or visitor.
3. Staff shall not make physical contact with the searched individual during the search.
4. If the metal detector sounds, staff shall instruct the searched person to remove any metal objects and then staff shall repeat the scan.
5. In the event that a juvenile is found with contraband, staff shall confiscate the contraband and complete an incident report in accordance with the Division policy 05-10.
6. In the event that a visitor is found with contraband which is not illegal, staff shall ask the visitor to take the contraband to their car or secure it in the lockers provided, and once the contraband is so secured, shall allow the visitation. If the contraband found on the visitor is *illegal*, staff shall deny the visitation, call law enforcement to report the incident, and document the incident in accordance with Division policy 05-15.

C. Frisk search

1. Staff shall conduct a frisk search of a juvenile when:
 - a. a juvenile is being admitted to detention and does not meet the criteria required for a strip search,
 - b. A juvenile is in a detention or secure facility and is returning from any non-professional visit or vocational program.
 - c. prior to a secure transport, and/or
 - d. when there is reasonable suspicion a juvenile may be in possession of contraband. A wand search may also be conducted in conjunction with a frisk search.
2. Staff may conduct a frisk search of a juvenile prior to entry into a Division facility/program in accordance with the Search Matrix.

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3. When conducting a frisk search, staff shall be sensitive to the discomfort or embarrassment of the juvenile and do so with the utmost respect.
4. A frisk search shall be conducted while the juvenile is wearing at least one outer layer of clothing, not to include underwear.
5. Cross-gender frisk searches are permissible only when a search is required and there is no other staff of the same gender available, and only with a witness (Division staff, allied agencies, law enforcement, or facility video and audio surveillance) present to observe the search.
6. A juvenile in a secure setting who expresses concerns about being touched in the process of a frisk search may request to have a strip search conducted instead of a frisk search. Staff shall be sensitive to and accommodate such requests to prevent trauma and/or re-victimization.
7. Staff shall maintain professional communication during the frisk search and avoid conversation that distracts staff. Staff shall not allow personal embarrassment to compromise a complete and thorough search.
8. Staff shall ask the juvenile to remove all personal belongings other than the outer layer of clothing, and staff shall conduct a visual and hand search of such belongings (e.g., wallet, keys, money, jewelry, belt, hat, shoes, etc).
9. Staff shall ask the juvenile to face away from the staff and assume a safety position as trained by the current crisis intervention training.
10. Staff shall conduct a thorough frisk search from the head to the feet of the juvenile. This is a clothing search and staff shall avoid contact with the skin. Staff shall conduct a thorough search of ;
 - a. Hair and/or wig;
 - b. Head: mouth, ears, and nostrils. Simply visually observe, do not touch these areas of the juvenile's body.
 - c. Neck: shirt collars.
 - d. Hands: examine hands, fingers spread and extended.
 - e. Arms: from the armpits and shoulders to cuffs.
 - f. Chest and abdomen: shirt pockets, seams, under bra band, straps, metal push-up wires.
 - g. Waistline: back of belts and belt buckles.
 - h. Shoulder blades & middle of the back to the waist: search sides and seams, be careful to check for blades taped to flat areas or sewn into seams.

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- i. Abdomen: front pockets, seams, hips, back pockets, groin area, vertical seams.
- j. Legs: pockets, outside and inside of legs, cuffs.
- k. Feet: instruct the juvenile to remove shoes and socks, check inside lining, sole and heel, turn socks inside out. Check the bottom of both feet.

11. Staff shall document all frisk searches using form 05-02A (attached to this policy).

D. Strip search

1. Staff *shall* conduct a strip search on every juvenile upon admission and/or entry into a *secure care* facility.
2. Staff *shall* conduct a strip search on a juvenile who is being admitted to a *detention* facility when any of the following conditions exist:
 - a. The juvenile is in Division custody.
 - b. The juvenile is brought in by law enforcement for a drug related offense and/or currently under the influence of alcohol or a controlled substance.
 - c. The juvenile is being admitted for a weapons offense.
 - d. The juvenile requested a strip search in lieu of a frisk search.
3. Staff *may* conduct a strip search of a juvenile being admitted to, or already placed in a detention facility when the juvenile does not meet the above criteria (Section D- 2), but there is reasonable suspicion that the juvenile may be concealing contraband that could not be detected by a frisk search or hand-held metal detector.
4. With prior approval from the Assistant Program Director (APD), or designee, staff *may* conduct a strip search of a juvenile being admitted to or already placed in an ALTA/Gemstone programs when there is reasonable suspicion that the juvenile may be concealing contraband that could not be detected by a frisk search or hand-held metal detector.
5. Strip searches shall **not** be conducted outside of a Division facility, and shall only be done in accordance with the Search Matrix.
6. Staff shall explain the strip search process to the juvenile in an appropriate and professional manner. Every effort shall be made to minimize the discomfort and embarrassment of the juvenile during a strip search.

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7. A strip search shall never be performed to punish, harass or humiliate the juvenile being searched.
8. Same gender staff shall perform strip searches (cross-gender strip searches are not permitted). Strip searches shall be conducted in the presence of two staff or one staff with another staff monitoring via security video surveillance with audio. If surveillance is used, staff conducting the search shall be in camera view and the juvenile being searched shall not be in camera view.
9. Staff shall complete the Division's "Strip Search Checklist" (form 05-02 A, attached to this policy) for all strip searches. Staff shall indicate the purpose of the strip search and complete a statement of "reasonable suspicion" if the justification for the search is other than "admission into a secure care facility or a detention facility."
10. Prior to the juvenile removing their clothing, staff shall visually examine the head: including hair for lice, nose, ears, and mouth. Look under the tongue and around teeth.
11. Staff shall respectfully instruct the juvenile to remove their clothing and then staff shall perform a thorough search of the removed clothing.
 - a. Turn the shirt inside out: check seams, cuffs, collars and pockets.
 - b. Shoes and socks: check sole and heel, examine inside foot and turn socks inside out.
 - c. Pants: turn inside out, examine waistband, cuffs, seams and pockets.
 - d. Underwear: turn inside out, check waistband and seams.
12. Staff shall conduct a thorough visual search of the juvenile (with clothing removed) and avoid physical contact with the juvenile's body.
 - a. Arms and shoulders: Require the juvenile to raise arms and check arm pits and breasts. Examine hands with fingers spread and extended. If needle tracks, evidence of previous suicide attempts, personal injuries or other abnormalities are present, a referral to medical and/or clinical staff shall be made.
 - b. Legs and feet: Check inside the legs and bottom of the feet and in between the toes.
 - c. Bandages and casts: Examine any prostheses or false teeth. If staff have questions, they shall request assistance from the facility medical personnel or other qualified medical personnel.
 - d. Groin and buttocks:
 - i. Examination of areas difficult to see shall be conducted by instructing the juvenile to reposition to make that portion of the body visible.

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- ii. Instruct the juvenile to squat down and then return to standing position. Instruct the juvenile to bend over and spread the cheeks of the buttocks. If a female is wearing a sanitary napkin, instruct her to remove it and issue a new one.
- iii. If an object is seen protruding from the anus or vagina, or the juvenile reports the presence of an object in such area, staff shall not retrieve the object. Staff shall call trained and licensed medical personnel who will determine appropriate course of action. Staff shall contact the facility supervisor or APD. If medical is not available, staff shall call 911 for assistance. Staff shall calmly instruct the juvenile to lay on their side and call on the radio for a blanket to provide cover and preserve the dignity of the juvenile while awaiting assistance. Staff shall document the incident in accordance with Division policy 05-15.

E. Body cavity search

Body cavity searches are prohibited at any Division facility/program.

F. Personal Property Search

Staff shall conduct a thorough search of all personal property that accompanies a juvenile at the time of admission into a Division facility or residential program, regardless of the prior placement. Staff shall search purses, wallets, clothing, bags, crutches, slings, casts, and any other property that may conceal contraband. Staff shall inventory the incoming property and document it on an inventory form in accordance with Division policy 04-05. When a contraband item which is illegal is found, staff shall temporarily secure the item as potential evidence in accordance with Division policy 05-09.

G. Room search

Staff shall perform a thorough visual and physical search of a juvenile's assigned room (when required and as described in facility/program Operations Manuals), whether in a facility, community placement, or home.

1. Staff shall conduct room searches with two staff when possible, or one staff and a witness (proctor parent, tracker, etc.), in community placement or home.
2. Staff shall conduct and document regular and random room searches in Division facilities utilizing Guardtour.

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3. All room searches shall be conducted in a systematic manner with respect to the juvenile's property. The room shall be left in an orderly condition. Items shall not be intentionally damaged or destroyed.

- H. Contraband found during the search will be confiscated in accordance with Division policy 05-10. Vehicle search

A thorough visual and physical search of a State vehicle shall be conducted before and after transporting a juvenile, to remove any contraband (particularly any items that could be used as a weapon or to effect an escape), in accordance with Division policy 05-04.

I. Search Matrix

This matrix is designed to inform Division staff which person searches are allowed at facility/programs. Please refer to the full written Policy and Procedure for clarification of what each search entails.

Secure Facilities	Type of Person Search Allowed		
	Wand Search	Frisk Search	Strip Search
Secure Care	Yes	Yes	Yes
Detention Centers	Yes	Yes	Yes

*Strip searches are to be conducted within the appropriate Division facility. Strip searches are never to be conducted outside of a facility.

Community-Based Programs	Type of Person Search Allowed		
	Wand Search	Frisk Search	Strip Search
ALTA/Gemstone	Yes	Yes	With Reasonable Suspicion
Day Skills Intervention	Yes	Yes	NO
In Home O&A	Yes	With Reasonable Suspicion	NO
Home Detention	Yes	With Reasonable Suspicion	NO
Receiving Centers	Yes	With Reasonable Suspicion	NO
Youth Services	Yes	With Reasonable Suspicion	NO
Shelter	Yes	With Reasonable Suspicion	NO
Brief Community Intervention (BCI)	Yes	With Reasonable Suspicion	NO
School Based Outreach (SBO)	Yes	NO	NO

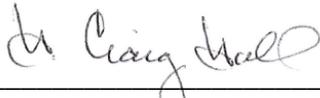
V. Continuous Renewal

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This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Board of Juvenile Justice Services and is approved upon the signature of the Director.



H. Craig Hall, Chair
Board of Juvenile Justice Services

4/9/18

Signature Date



Susan V. Burke, Director
Division of Juvenile Justice Services

4/9/18

Signature Date