

DEPARTMENT OF HUMAN SERVICES
JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURES

Policy No.: 05-02	Effective: 05/05/2004	Revision Date: 12/01/2021
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 shall 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 minor during a search. Strip searches shall never be conducted in a group setting. A search shall never be performed to punish, harass, or humiliate the minor being searched.

II. Rationale

The purpose of 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 minors or visitors involved.

III. Definitions

“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).

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

“Contraband” is illegal items or items prohibited by Division policy, a Division facility or a program operation manual. Contraband items may include, but are not limited to: weapons, jewelry, money, electronic devices, cell phones, items

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capable of being used to effect an escape or any item that might interfere with the treatment process.

“Frisk search” is a search of a clothed minor conducted 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 minor’s skin. The minor shall be wearing at least one outer layer of clothing.

“Illegal items” are identified as illegal under federal or state law and possession of them by a minor may result in criminal charges. These items include any items that may have been used in a crime. Examples of such items include, but are not limited to, sexual images of a minor, tobacco, vaping device, illicit drugs, paraphernalia, alcoholic beverages, and weapons.

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

“Room search” is a thorough visual and physical search of a minor’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 minors congregates and engages in their daily activities, and which is not generally accessible to visitors.

“Strip search” is a search of a minor in which the minor 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 minor, and a thorough visual and hand search of the minor’s removed clothing. Staff shall not touch the minor during a strip search.

“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.

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IV. Procedures

Staff shall conduct all searches of persons, rooms, and state vehicles in accordance with current Division training, 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 search method likely to discover the contraband. Some factors to determine whether reasonable suspicion exists, include, but is not limited to:
1. Statements by the minor or reports from other sources;
 2. Behavior of the minor, 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; and
 5. Evasive or contradictory answers to questions.
- B. Wand Search
1. Staff may conduct a wand search of a minor at any time. Staff shall 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 minor 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 person being searched to remove any metal objects, and then staff shall repeat the scan.
 5. In the event that a minor is found with contraband, staff shall confiscate the contraband and complete an incident report in accordance with Division policy 05-10.

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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. A wand search shall be conducted prior to a frisk search.
 2. Staff shall conduct a frisk search of a minor when:
 - a. A minor is being admitted to detention and does not meet the criteria required for a strip search;
 - b. A minor is in a secure facility and is returning from any non-professional visit or vocational program;
 - c. Prior to secure transport; or
 - d. When there is reasonable suspicion, a minor may be in possession of contraband.
 3. Staff may conduct a frisk search of a minor prior to entry into a Division facility/program in accordance with the Search Matrix.
 4. A frisk search shall be conducted with utmost respect. Staff shall be sensitive to the discomfort or embarrassment of the minor.
 5. A frisk search shall be conducted while the minor is wearing at least one outer layer of clothing.
 6. Frisk searches shall be conducted in the presence of two staff or one staff with another staff monitoring via security video surveillance with audio.
 7. 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.

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- a. Cross-gender frisk searches shall be documented with an incident report.
8. A minor 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.
 9. 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.
 10. Staff shall ask the minor 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).
 11. Staff shall ask the minor to face away from the staff and assume a safety position as trained by the current crisis intervention training.
 12. Staff shall conduct a thorough frisk search from the head to the feet of the minor. 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. Visually observe, do not touch these areas of the minor'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 wires.
 - g. Waistline: remove the belt, check the back of the belt and belt buckle and search the waistband seams of the pants.
 - h. Shoulder blades and 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.
 - i. Abdomen: front pockets, seams, hips, back pockets, groin area, vertical seams.

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- j. Legs: pockets, outside and inside of legs, cuffs.
- k. Feet: instruct the minor to remove shoes and socks, check inside lining, sole and heel, turn socks inside out. Check the bottom of both feet.

13. Staff shall document all frisk searches using form 05-02A.

D. Strip Search

1. Staff *shall* conduct a strip search on every minor upon admission or entry into a *secure care* facility.
2. Staff *shall* conduct a strip search on a minor who is being admitted to a *detention* facility when any of the following conditions exist:
 - a. The minor is in Division custody;
 - b. The minor is brought in by law enforcement for a drug-related offense and currently under the influence of alcohol or a controlled substance;
 - c. The minor is being admitted for a weapons offense;
 - d. The minor requested a strip search in lieu of a frisk search.
3. Staff *may* conduct a strip search of a minor being admitted to, or already placed in, a detention facility when the minor does not meet the above criteria (Section D- 2), but there is reasonable suspicion that the minor may be concealing contraband that could not be detected by a frisk search or metal detector.
4. With prior approval from the Assistant Program Director (APD), or designee, staff may conduct a strip search of a minor being admitted to, or already placed in, an ALTA/Gemstone program when there is reasonable suspicion that the minor may be concealing contraband that could not be detected by a frisk search or 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.

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6. Staff shall explain the strip search process to the minor in an appropriate and professional manner. Every effort shall be made to minimize the discomfort and embarrassment of the minor during a strip search.
7. A strip search shall never be performed to punish, harass, or humiliate the minor 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 minor being searched shall not be in camera view.
 - a. All strip-searches shall be documented.
9. Staff shall complete the Division's "Strip Search Checklist" (form 05-02A) 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 minor removing their clothing, staff shall visually examine the head: including hair for lice, nose, ears, and mouth. Look under the tongue and around the teeth.
11. Staff shall respectfully instruct the minor 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 minor (with clothing removed) and avoid physical contact with the minor's body. 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.

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- a. Arms and shoulders: Require the minor to raise arms and check armpits and breasts. Examine hands with fingers spread and extended.
- 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 minor to reposition to make that portion of the body visible.
 - ii. Instruct the minor to squat down and then return to a standing position. Instruct the minor to bend over and spread 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 minor reports the presence of an object in such an area, staff shall not retrieve the object. Staff shall call licensed medical personnel who will determine an appropriate course of action. Staff shall contact the facility supervisor or APD in such a circumstance. If medical staff is not available, staff shall call 911 for assistance. Staff shall calmly instruct the minor not to remove the object and to lay on their side. Staff will stay with the youth and call on the radio for a blanket to provide cover and preserve the dignity of the minor while awaiting assistance. Staff shall document the incident in accordance with Division policy 05-15.

13. Body cavity searches are prohibited at any Division facility or program.

E. Body cavity searches are prohibited at any Division facility or program.

F. Personal Property Search

1. Staff shall conduct a thorough search of all personal property that accompanies a minor at the time of admission into a Division facility or residential program, regardless of the prior placement.

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2. 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.
 3. 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.
 4. Staff shall not inspect the contents of personal cell phones of minors who are not in Division custody or on probation or parole.
- G. Room Search
- Staff shall perform a thorough visual and physical search of a minor'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 (e.g., proctor parent, tracker), in community placement or home.
 2. Staff shall conduct and document regular and random room searches in Division facilities utilizing Guardtour.
 3. All room searches shall be conducted in a systematic manner with respect for the minor'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.
- I. Vehicle Search
- A thorough visual and physical search of a State vehicle shall be conducted, before and after transporting a minor, to remove any contraband (particularly any items that could be used as a weapon or to attempt to leave without authorization), in accordance with Division policy 05-04.

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J. Search Matrix

This matrix is designed to inform Division staff which person searches are allowed at facilities/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 and APD approval
Day Skills Intervention	Yes	Yes	NO
In-Home O&A	NO	NO	NO
Home Detention	NO	NO	NO
Youth Services Centers	Yes	With Reasonable Suspicion	NO
School-Based Outreach (SBO)	NO	NO	NO

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VI. Continuous Renewal

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 Division of Juvenile Justice Services Executive Management Team, and is approved upon the signature of the director.



Brett M. Peterson, Director
Division of Juvenile Justice Services

12/01/2021

Signature Date