

## Searches

### 955.1 PURPOSE AND SCOPE

The purpose is to establish and implement written policy and procedures addressing the searching of youth, visitors, and the facility. This policy applies to all juvenile facility staff.

#### 955.1.1 DEFINITIONS

Definitions related to this policy include:

**Clothing/property search** – A search of the youth’s clothing or property, separate from their person.

**Contraband** – Any object, writing or substance, the possession of which would constitute a crime under the laws of the State of California, pose a danger within a juvenile facility, would interfere with the orderly day-to-day operation of a juvenile facility, or violate facility rules.

**Cross-gender pat-down search** – A search performed by staff who is the opposite gender of the youth and in which the staff uses their hands to search the youth’s clothing for contraband or weapons.

**Exigent Circumstances** – an urgent and unanticipated event that requires immediate action.

**Intersex** - A person whose sexual reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female.

**Metal detector search** – A search requiring the individual to pass through a metal detector, and/or the waiving of a hand-held metal detector wand over and around the individual.

**Pat-down** – A physical search of the youth while they are clothed. The search requires the movement of the searcher’s hands over the entire body, pressing the clothing in an attempt to detect any concealed weapons or contraband. A pat-down search includes a search of the youth’s clothing (e.g.: jackets, shirts, pants, shoes, pockets, sleeve cuffs, etc.).

**Physical body cavity search** – Physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity. Only medical personnel shall conduct the search.

**Reasonable suspicion** – Knowledge sufficient to induce an ordinarily prudent and cautious person under the circumstances to suspect criminal or unauthorized activity. A “hunch” or a “guess” alone does not constitute reasonable suspicion. Factors for determining reasonable suspicion include, but are not limited to:

- (a) Nature of offense/allegation (Does the offense involve violence, controlled substances and/or weapons? If yes, what were the circumstances surrounding the offense? Why do these circumstances create reasonable suspicion?);
- (b) Circumstances surrounding offense, incident and/or action;
- (c) Discovery of incriminating matter in less intrusive search;
- (d) Access/opportunity to obtain weapons or contraband;

## Searches

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- (e) Excessive nervousness;
- (f) Appearance and unusual conduct;
- (g) Evasive or contradictory answers to questions;
- (h) Needle marks/indication of drug use; and
- (i) Prior history (criminal history, violent behavior, self-mutilation, mental health, suicidal efforts/ ideation, possession, use or sale of contraband).

**Strip search** – A search which requires the youth to remove all their clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, and/or genitalia. A strip search may include a visual body cavity search. A strip search requires documented, specific, individualized, articulated reasonable suspicion, and prior written authorization from a duty officer (DO) or a supervising probation officer (SPO).

**Visual body cavity search** – Visual inspection of body cavities, including the genitalia, without any physical contact. A visual body cavity search requires documented, specific, individualized, articulated reasonable suspicion, and prior written authorization from a duty officer (DO) or an SPO.

### 955.2 AUTHORITY AND REFERENCES

- Board of State and Community Corrections Title 15 §§ 1352.5 & 1360;
- California Penal Code § 4030 (f);
- Policy 914: Control of Firearms, Other Weapons, Ammunition and Explosives;
- Policy 937: Admittance Procedures;
- Policy 938: Personal Property;
- Policy 945: Separation Policy;
- Policy 968: Visiting;
- Policy 1008: Prison Rape Elimination Act (PREA) of 2003;
- Policy 1054: Transgender and Intersex Youth

### 955.3 POLICY

Searches shall be conducted to ensure the safety and security of the facility, public, visitors, youth and staff. Searches shall, to the greatest or most reasonable extent possible, be conducted in a manner that preserves the privacy and dignity of the person being searched. All youth taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband. Searches shall not be conducted for harassment or as a form of discipline or punishment. Staff shall take into account potential trauma histories of youth and use respectful and professional communication.

## Searches

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### **955.4 SEARCH PROCEDURES**

Staff shall use universal precautions and wear gloves when conducting searches.

All pat-down, strip, and visual body cavity searches on youth shall be conducted by staff of the same gender as the youth, absent exigent circumstances, and with the exception of searches involving medical personnel. For searches involving transgender youth, refer to policy 1054. Metal detector and clothing/ property searches may be conducted by staff of either gender.

#### **955.4.1 CROSS-GENDER SEARCHES**

Cross-gender pat-down searches are prohibited except in exigent circumstances or when conducted by a medical professional. Any time a cross-gender pat-down search is conducted, staff shall document the search by completing a Detention Contact in the Juvenile and Adult Management System (JAMS) justifying the circumstances for the cross-gender search.

#### **955.4.2 TRANSGENDER SEARCHES**

Prior to being searched, transgender youth may request either a male or female staff member to conduct the search. Whenever feasible, the facility shall respect the youth's preference regarding the gender of the staff member who conducts any search of the youth. A second staff member shall be present to observe the staff conducting the search. Staff shall not conduct physical searches of any youth for the purpose of determining the youth's anatomical sex. Refer to policy 1054: Transgender Youth.

### **955.5 PAT-DOWN SEARCH GUIDELINES**

All youth in custody at a juvenile facility shall be subject to a pat-down search at any time. Pat-down searches shall be conducted in a safe and secure environment and under a video monitoring system, if available.

### **955.6 STRIP SEARCH/VISUAL BODY CAVITY SEARCH GUIDELINES**

A strip searched/visual body cavity search shall only be conducted with prior approval of a supervisor and when there is reasonable suspicion based on specific and articulable facts to believe that a youth is concealing contraband. The reasonable suspicion shall be documented. When a strip search and/or visual body cavity search is authorized, a Strip Search/ Visual Body Cavity Search Authorization Form (Form 1360a) shall be completed and signed by the DO/SPO and the staff conducting the search. Refer to Standard Work I-SW 955.1 Strip and Visual Body Cavity Searches.

Two staff shall be present, but only one staff shall conduct the search. Staff conducting a strip search and/or visual body cavity search shall make every effort to ensure the youth subject to search are not viewed during the process by other youth or staff not involved in the search. Staff conducting a strip search or visual body cavity search shall not touch the breast, buttocks, or genitalia of the youth being searched.

## Searches

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### **955.7 EXCLUSIONARY YOUTH**

Youth are placed on Exclusionary Status if the booking offense is a misdemeanor and no weapons, violence or controlled substances were involved in the alleged offense. Youth detained on Exclusionary Status shall not be strip or visual body cavity searched or housed with the general population until they have appeared for a detention hearing. Refer to Policy 945: Separation. If staff have determined there is reasonable suspicion an exclusionary youth is concealing a weapon or contraband, refer to California Penal Code (PC) Section 4030.

### **955.8 POST-DETENTION HEARING SEARCHES**

The following procedures shall apply to all youth after they have been ordered detained. A strip search may be conducted on youth, after their detention hearing, only if there is reasonable suspicion based on specific and articulable facts to believe that youth may be concealing contraband on their person, and that said contraband could not be detected by a pat-down search or metal detector search. The reasonable suspicion shall be documented.

A strip search requires prior written authorization from a duty officer (DO) or a SPO using a Strip Search/Visual Body Cavity Search Authorization Form.

The following criteria give justification for authorizing a strip search on a youth:

- (a) The youth's return from a work assignment or any activity outside the living unit or facility;
- (b) Upon reasonable suspicion as determined by the DO/SPO.

### **955.9 PHYSICAL BODY CAVITY SEARCHES**

Physical body cavity searches shall only be conducted with the specific written approval of the facility manager(s) and pursuant to a search warrant issued by a magistrate specifically authorizing the physical body cavity search. Refer to California Penal Code (PC) Section 4030.

A physical body cavity search shall be conducted under sanitary conditions, and only by health care personnel licensed to practice in this state, such as a physician, nurse practitioner, registered nurse, licensed vocational nurse or emergency medical technician Level II. Any physician engaged in providing health care to youth detained in the facility may conduct physical body cavity searches. If an on-site physician is unavailable, youth shall be transported to an outside medical facility for a physical body cavity search.

Prior to conducting a physical body cavity search, the reasons for the search shall be entered on the Physical Body Cavity Search Authorization Form (Form 1360c). The original Physical Body Cavity Search Authorization Form, with the search warrant attached, shall be placed in the youth's file. A copy of the Physical Body Cavity Search Authorization Form, with a copy of the search warrant attached, shall be placed in the administrative strip search file.

## Searches

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### **955.10 FACILITY SEARCHES**

All living units and personal property within the juvenile facility which are accessible to youth shall be searched on a regular basis at random intervals. Staff shall document searches completed in the unit daily log and the unit search log (see attached). All common areas within the juvenile facility, as well as the outside perimeter of the facility, shall be searched at least twice daily; on the AM shift and the PM shift. Refer to I-SW 955.2 Facility Searches and Perimeter Checks.

All contraband discovered shall be documented in an incident report in the JAMS and the DO shall be notified. Contraband found specific to a youth will also require a detention contact to be entered in JAMS.

### **955.11 VISITORS**

Anyone entering a juvenile facility shall be subject to metal detector searches and visual inspection of their person and property.

Anyone refusing such search or visual inspection shall be denied entrance to the facility. A handheld metal detector may be used to supplement, or in lieu of, the metal detector archway. Refer to Policy 968: Visiting

The DO shall be notified of any illegal items and/or contraband brought into the juvenile facility. Refer to Policy 914: Control of Firearms, Other Weapons, Ammunition and Explosives and Policy 968: Visiting.

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Attachments:

1. [Search Log](#)