

YOUTH SERVICES POLICY

Title: Searches of Youth	Type: C. Field Operations Sub Type: 2. Security Number: C.2.3
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References: U.S. Constitution 4th and 14th Amendments; Louisiana Constitution, Article 1, Section 5; La. R.S. 14:402; Bell v. Wolfish, 441 U.S. 520 (1979); Woodfox v. Phelps, No. 209,535 "H", 19th JDC (1978); and Thorne v. Jones, 765 F.2d 1270 (5th Cir., 1985); U.S. DOJ PREA Standard 115.315; ACA Standards 2-CO-3A-01, 2-CO-3C-01 Administration of Correctional Agencies), 4-JCF-2A-20, 4-JCF-2A-22 (Performance-Based Standards for Juvenile Correctional Facilities); 2-7162 (Juvenile Probation and Aftercare Services); YS Policy Nos. A.1.4 "Investigative Services", B.2.20 "Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Intersex, Questioning (LGBTIQ), and Nonconforming Youth", C.1.3 "Crimes Committed on the Grounds of Youth Services Facilities / Office Buildings and / or Properties", C.2.22 "Contraband Control – Secure Care Facilities", and C.4.6 "Securing Physical Evidence / Crime Scene"	
STATUS: Approved	
Approved By: James Bueche, Ph.D., Deputy Secretary	Date of Approval: 10/02/2017

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the procedures for conducting searches of youth being transported by Community Based Services (CBS) and in custody at a YS secure care facility.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, Regional Directors, Regional Managers and Facility Directors.

Facility Director's and Regional Managers are responsible for ensuring that all necessary procedures are in place to comply with this policy and for advising all affected persons of its content.

IV. DEFINITIONS:

For purposes of this policy the following definitions shall be applicable:

Community-Based Services (CBS) - Formerly known as the Division of Youth Services, including the regional probation and parole offices located throughout the state.

Contraband - Any item(s) introduced or found on facility grounds, including any improperly possessed drugs (whether illegal or legal), and weapons that are expressly prohibited by applicable statutes and YS policies, specifically identified as contraband items (refer to YS Policy No. C.2.22).

Contraband includes, but is not limited to, the following:

- A substance or device defined in the uniform Controlled Dangerous Substance statute La. R.S. 14:402.D.1;
- Weapons or other instrumentalities which could be used as a dangerous weapon or plans to manufacture such, or to aid an escape;
- Unauthorized explosives or combustibles;
- Alcoholic or other beverages producing an intoxicating effect;
- Aerosol products producing an intoxicating effect;
- Glass containers;
- Stolen property;
- Currency or coin;
- Unauthorized articles of food, clothing or toiletries;
- Unauthorized telecommunications equipment, including, but not limited to, smartwatches, cellular phones, beepers, or global positioning equipment;
- Unauthorized tape recorders, cameras and camcorders;
- Unauthorized electronics such as laptop computers, tablets or thumb drives;
- Any unauthorized movies, music videos, CDs, DVDs, cassette tapes, VHS tapes, or other devices containing recorded music, images, or other video; and
- Nude photographs/pornography/pornographic literature.

Exigent Circumstances – For purposes of this policy, allowing a change in procedure for temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility, until established procedures are returned to.

General Search - A search whereby a person is required to remove his clothing down to their underwear, in order that the clothing may be inspected for contraband and his person observed.

Gender Nonconforming – A person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex – A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

LGBTIQ - Means youth who have identified themselves as lesbian, gay, bisexual or transgender, intersex or questioning their sexual orientation, or gender nonconforming youth.

Pat-Down Search - Running of hands over a fully-clothed person, conducted by a member of the same sex, for the purpose of discovering contraband.

Probable Cause – For the purposes of this policy, probable cause is articulable knowledge supported by reasonable suspicion that contraband is being secreted. Probable cause exists when facts and circumstances within the employee’s knowledge and about which he has reasonable, trustworthy information are sufficient to support a reasonable belief that contraband may be found at the place or on the person to be searched.

PPO/J - Includes CBS probation officers (Probation and Parole Officer 1, 2 and 3/Juvenile).

Property Searches - Searches of any and all property including but not limited to, clothing, lockers, rooms, beds, laundry bags, assigned work equipment, and work areas.

Reasonable Suspicion - Suspicion supported by facts, information, tips, and/or circumstances which lead an employee of ordinary caution to believe that a youth is secreting contraband in or on his body or elsewhere in his area of immediate control. Factors to consider in determining reasonable suspicion include the following:

1. Nature of the tip or other information;
2. Reliability of the information;
3. Degree of corroboration of tip or other information; and
4. Other facts contributing to suspicion or lack thereof.

Search Equipment - Search equipment authorized for use is hand-held transfriskers, ground metal detectors, walk-thru metal detectors and mirrors.

Smartwatch – A wearable computing device usually worn on a user’s wrist that offers functionality and capabilities similar to those of a smartphone. Smart watches are designed to, either on their own or when paired with a smartphone, provide features like connecting to the internet, running mobile apps, making calls, messaging via text or video, checking caller ID, accessing stock and weather updates, providing fitness monitoring capabilities, offering GPS coordinates and location directions, etc. Additional information is available on the following website: <http://www.webopedia.com/TERM/S/smartwatch.html>.

Strip Search - A visual search of a youth’s nude body in a place out of the view of other persons. The youth shall be required to bend over, squat, turn around, raise his arms, cough, and/or lift the genitals. The youth’s clothes shall be thoroughly searched prior to being returned to the youth.

Transgender – A person whose gender identity (their understanding of themselves as male or female) does not correspond with their birth sex.

Transport Officer – An employee whose main function is transporting youth, and who has been trained in PPCT (including expandable baton), use of chemical agents, officer survival and adolescent behavior.

Unusual Occurrence Report (UOR) - A form/document that must be completed by staff to report incidents or observations of events that may have an impact on any aspect of the agency. UOR forms shall be made available to all employees, working in all areas at all times. Employees must complete and submit a UOR prior to the end of their tour of duty on the day the incident was observed or comes to the employee's attention in any way.

V. POLICY:

The United States and Louisiana Constitutions prohibit unreasonable searches. However, the safe operation of all facilities, and the safety and welfare of all staff, visitors and youth at those facilities, requires that contraband be controlled and eliminated on facility grounds and among the youth population.

Therefore, it is the Deputy Secretary's policy that frequent unannounced searches of youth in a secure care facility and/or their living areas to which they have access, shall be conducted as often as necessary to ensure safety and security.

Searches shall be conducted in a professional manner that avoids unnecessary force and supports the dignity of the youth while still accomplishing the objectives of the search.

Instructions on how to file complaints must be readily available to youth, and shall include instructions for secure care youth on how to access the IS Hotline.

Youth in YS custody or under supervision are subject to a pat-down search by staff at any time when there is reasonable suspicion the youth has possession of a weapon, illegal substances or contraband.

CBS staff shall conduct a pat-down search prior to each transport, to include scanning with a metal detector if available.

The purpose of YS Policy No. C.1.3 was to establish the Deputy Secretary's policy regarding the investigation, reporting, and prosecution of crimes committed by any person at a YS office or facility.

VI. SEARCHES OF YOUTH IN A SECURE FACILITY:

All searches shall be documented on the "Secure Care Search Report" [see Attachment (a)] in conjunction with other noted documentation required under this Section.

A. Property Search:

Property searches may be conducted of any youth's property at any time.

B. Same Gender Pat-Down Search

Running of hands over a fully clothed person, conducted by a member of the same sex, for the purposes of discovering contraband.

Pat-down searches by staff of the same gender as the youth may be conducted at any time in conjunction with a property search.

The youth being searched shall be required to:

1. Empty his pockets or any other thing where items may be stored or carried in order that they can be searched for contraband.
2. Remove all outerwear, (coats, jackets, hats, caps, gloves, shoes, socks, etc.) in order that these items may be searched. He shall not be required to remove articles of clothing which are his basic dress (i.e. shirts, pants).
3. Run his hands through his hair.
4. Turn his pant pockets inside out.
5. Open his mouth for inspection.

The person conducting the search shall use his hands to touch the youth being searched through his clothes in such a manner to determine if something is being concealed. If the person conducting the search discovers an unusual lump or bulge, etc., he shall order the youth to disclose the source of the unusual lump.

C. Cross-Gender Pat-Down Search

Cross-gender pat-down searches are prohibited unless exigent circumstances are present, and shall be justified and documented on an Unusual Occurrence Report (UOR) when they occur.

D. Same Gender General Search

General searches may be conducted of any youth at any time.

A general search may be done of one or more youth or a large group of youth such as an entire dormitory. Both person and property may be searched. During a general search, youth may be required to remove clothing down to their underwear in order that the clothing may be searched and the youth's person visually observed. This may take place *en masse*, in the presence of other youth.

Youth who claim that they are not wearing underwear shall be required to remove their clothing regardless.

E. Same Gender Strip Search

A same gender strip search shall be conducted routinely under the following circumstances:

1. When a youth is entering or leaving the facility. For instance, when a youth is called for a court appearance, hospital trip, work detail, escorted absence with family, furloughs, etc.
2. Following a physical contact visit between the youth and visiting relatives, friends or attorneys.
3. Upon admission to a Behavioral Health Treatment Unit or the Mental Health Treatment Unit.

With the exception of routine searches outlined in E.1. – 3 above, strip searches shall not be conducted without prior approval by the Facility Director. At the time of the request staff must provide an explanation for the reasonable suspicion that a youth is in possession of contraband at the time of the request, and document it on a UOR.

All strip searches shall be conducted in a place out of the view of other persons. Strip searches shall be conducted by one (1) staff member and witnessed by one (1) additional staff member. Two (2) staff members must be present at all times during the search.

Strip searches must be documented in the post, shift log or shakedown report. Documentation shall indicate the circumstances giving rise to the search (e.g., routine or other) and results of the search. In the event contraband is found, a UOR shall be completed by the employee conducting the search.

F. Cross-Gender Strip Search

Cross-gender strip searches are prohibited except in exigent circumstances.

G. Lesbian, Gay, Bisexual or Transgender, Intersex, Questioning (LGBTIQ) or Non-Conforming Youth Physical / Strip Search

Physical searches of LGTBIQ or gender non-conforming youth shall be performed in a professional manner that is not humiliating or degrading, and shall not be conducted for the sole purpose of viewing a youth's body. That information shall be gained as part of a broader medical examination conducted in private by a medical staff member.

Youth confirmed as transgender by the CHP may request that either a male or female staff member conduct a strip search, if such search is required. The facility shall accommodate this request when possible and consistent with maintaining the security of the facility. Pursuant to YS Policy No. B.2.20, this request shall be documented on the "Statement of Search and/or Drug/Alcohol Screen Preference Form".

H. Pursuant to YS Policy Nos. B.2.20 and C.2.11, when the following searches occur they must be justified and documented on a UOR by the employee conducting the search, and a witness to the search.

1. Cross-gender pat down search;
2. Cross-gender strip search;
3. Cross-gender visual body cavity search;
4. Search of LGBTIQ; and
5. Search of non-conforming youth.

VII. SEARCH USING NARCOTIC DOGS:

Searches of a youth's property by trained narcotic dogs (K-9) may be conducted at any time. At no time shall a youth's body be subjected to a K-9 search.

Only those narcotic dogs certified by a nationally recognized certifying agency may be used to conduct searches of property for the presence of drugs. Nationally recognized organizations include the "National Police Canine Association", "United States Police Canine Association" and "National Narcotics Detector Dog Association".

The Facility Director, appropriate Regional Director, or Investigative Services staff requesting narcotic dog services shall ensure the dog(s) have current certifications at the time of the request.

VIII. DISPOSAL OF CONTRABAND:

- A. ALL contraband items shall be evidenced pursuant to the procedures established in YS Policy No. C.4.6, and shall be managed by the IS Office located on the facility grounds or the Director of IS until completion of the investigation or possible litigation.
- B. Following the completed investigation/litigation, contraband shall be disposed of in the following manner with documentation of the method of disposal:
 - 1. Items may be donated to a charitable organization;
 - 2. Items of little or no value may be destroyed;
 - 3. Cash shall be disposed of in accordance with La. R.S. 14:402(F);

IX. SEARCHES BY CBS:

- A. Pat-Down Search
 - 1. A pat-down search shall be conducted prior to all transports, including scanning with a metal detector if available.
 - 2. Before initiating a pat-down search, CBS staff shall inform the youth he/she is about to be searched.
 - 3. The search shall be conducted by staff, trained in proper search techniques, of the same sex as the youth and when possible in the presence of another employee of the same sex.
 - 4. The youth shall be asked to empty his/her pockets, purse or any other place where items may be stored or carried. The youth may be ordered to remove his/her outer wear (coat, jacket, sweater, hat, gloves, etc.). He/she shall not be required to remove his/her basic dress (shirt, pants, dress, skirt, etc.) nor should he/she be touched more than is necessary to determine if something is being concealed.
 - 5. If an object is detected, which is not readily identified, the youth shall be asked to state what the object is and may be asked to display it for observation by staff.
- B. A search of the youth's property shall be conducted prior to the transport and the items stored in the trunk or out of reach of the youth.
- C. A PPO/J must obtain approval from a supervisor prior to conducting a strip search of a youth. At the time of the request for approval, the PPO/J must provide an explanation for his reasonable suspicion that the youth is in possession of contraband and document such on a UOR.

- D. If an illegal weapon, such as a firearm, switchblade or spring knife, or drugs are discovered during a search the item(s) shall be confiscated, and law enforcement notified. The illegal item(s) shall be secured in a locked area until it is turned over to law enforcement.
- E. Staff conducting a search in which items are confiscated shall complete a UOR describing the search and confiscation of items found, with copies to their supervisor, Regional Manager and Regional Director.
- F. The youth's parents shall be notified if a weapon or suspected contraband was found and turned over to law enforcement as evidence. If the weapon is not illegal, it should be released to its rightful owner, if he/she can be identified and located. Otherwise, it should be turned over to the local law enforcement agency. Any other confiscated objects shall be returned to the youth's parent/guardian.
- G. The supervisor should conduct a post-search review to ensure the search was conducted properly.

X. STAFF DEVELOPMENT:

- A. Facility Directors shall ensure the following:
 - 1. All current employees shall receive training relative to the contents of this policy upon policy approval.
 - 2. All new employees shall receive this training during orientation, in-service training, or other designated time. New employees must have completed training prior to conducting a youth search of any type.
 - 3. This policy shall be part of the annual in-service training curriculums.
 - 4. All training shall be documented and entered into the "Training Records Entry Completed" (TREC) database at the Unit level.
- B. Regional Managers shall ensure the following:
 - 1. All new PPO/J and transport officers shall be trained on this policy and the use of the handheld metal detectors during their orientation, in-service training, or other designated time, but must have completed training prior to participating in a youth transport or conducting a youth search of any type.
 - 2. This policy shall be part of the annual in-service training curriculums.

3. All training shall be documented and entered into the "Training Records Entry Completed" (TREC) database at the Unit level.

Previous Regulation/Policy Number: C.2.3

Previous Effective Date: 09/02/2015

Attachments/References: C.2.3 (a) Secure Care Search Report Aug2014.doc

