

## YOUTH SERVICES POLICY

<b>Title:</b> Searches of Visitors - Secure Care	<b>Type:</b> C. Field Operations <b>Sub Type:</b> 2. Security <b>Number:</b> C.2.5
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<b>References:</b> U.S. Constitution, 1st and 14th Amendments; Louisiana Constitution, Art. 1, Section 5; Thorne v. Jones, 765 F.2nd 1270 (U.S. 5th Cir., 1985); La. R.S. 14:402; and La. C.Cr.P. Art. 215.2; ACA Standards 2-CO-3A-01 (Administration of Correctional Agencies), 4-JCF-2A-01 (Performance-Based Standards for Juvenile Correctional Facilities); YS Policy Nos. C.1.3 "Crimes Committed on the Grounds of Youth Services Facilities / Office Buildings and/or Properties", C.1.18 "Facility Tours", C.2.8 "Youth Visitation in Secure Facilities" C.2.16 "Entrance Posts for Secure Care Facilities (Front, Rear/Back, Pedestrian and Vehicular", C.2.22 "Contraband Control – Secure Care Facilities", C.4.6 "Securing Physical Evidence/Crime Scene", and C.5.1 "Required Database Entry and Reporting Requirements"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>James Bueche, Ph.D., Deputy Secretary</i>	<b>Date of Approval:</b> 10/11/2019

### 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 visitors at a YS secure care facility.

### III. **APPLICABILITY:**

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

Facility Directors are responsible for implementing this policy, ensuring that all necessary procedures are in place, and conveying its contents to affected employees, youth and visitors.

YS employees are responsible for familiarizing themselves with the contents of this policy prior to visiting a YS secure care facility.

#### IV. DEFINITIONS:

**Contraband** - Any improperly possessed drugs (whether illegal or legal), smartphones and weapons that are expressly prohibited by applicable statutes and/or YS policies, that are introduced or found on facility grounds. A non-exhaustive list of additional items considered contraband items can be found in YS Policy No. C.2.22.

**Executive Staff** – YS staff that hold the positions of Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, General Counsel, and Regional Directors.

**Facility Grounds** - Any place at the facility where youth may possibly have access, either supervised or unsupervised.

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

**Official Facility Guest** - Law enforcement officers, officials of YS, elected officials, approved news media representatives, judges, Civil Service Referees, and any other facility guests as designated by Executive Staff. It is anticipated that official facility guests would primarily be under staff escort or observation while on the grounds of the facility.

**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 purposes of this policy, probable cause is articulated knowledge supported by reasonable suspicion that contraband is being secreted. Probable cause exists when facts and circumstances within the staff member'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.

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

**Reasonable Suspicion** - Suspicion supported by information (facts, tips and circumstances), which lead an employee of ordinary caution to believe that a person is under the influence of an illegal substance and/or that a person is hiding contraband or drugs. In determining reasonable suspicion, an employee must consider the nature and reliability of the information in addition to facts contributing to or mitigating against it. If reasonable suspicion is based on information provided by another person, the employee must also consider the degree of corroboration of the information.

**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>.

**Unusual Occurrence Report (UOR)** - A 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. If a UOR form is not available, the employee must use any paper available to report the pertinent information. UORs may also be submitted by email. (Refer to YS Policy No. A.1.14)

**Visitor** - Any person who is on the facility grounds for an authorized visit, or who is attempting to gain entry to the grounds for a visit to conduct business with YS staff or youth, or for purposes of a tour (refer to YS Policy No. C.1.18), or as a volunteer, etc. Pursuant to YS Policy No. C.1.18, searches of tour groups shall be conducted in a professional manner that avoids unnecessary force and supports the dignity of each person, while still accomplishing the objectives of the search.

## V. POLICY:

The United States and Louisiana Constitutions prohibit unreasonable searches. Louisiana law (R.S. 14:402) makes it a crime to bring contraband into a secure care facility (refer to YS Policy Nos. C.1.3 and C.2.22).

Therefore, it is the Deputy Secretary’s policy to respect the prohibition against unreasonable searches while acting in the public interest to halt the flow of contraband into facilities under the jurisdiction of YS through implementation of a policy regarding visitor searches. Such searches shall be conducted in a professional manner that minimizes indignity to the visitor while still accomplishing the objective of the search.

Staff conducting searches shall be knowledgeable of instructions to provide visitors should a complaint need to be filed, to include instructions on how to access the IS Hotline. Executive Staff and Investigative Services (IS) staff are exempt from routine searches.

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YS employees visiting a secure care facility shall be allowed to possess their “state” issued cell phone on their person at all times. A list of YS employees entering the facility in possession of a “state” issued cell phone shall be maintained at the front gate. (Refer to YS Policy No. C.2.4)

YS employees conducting official OJJ business within a secure care facility may request approval from the Facility Director to enter the facility with the necessary items to perform their jobs (i.e. thumb drives, laptops, etc.). (Refer to YS Policy No. C.2.4)

**VI. SEARCHES:**

- A. In order to ensure that proper searches of all persons entering a secure care facility are conducted, there shall be two (2) staff assigned to the front entrance at critical entrance/exit times each day, pursuant to YS Policy No. C.2.16.
- B. Scanning with a metal detector (wand) is required on all persons entering the secure care facility, with the exception of staff noted in Section V above.
- C. Property Search
  - 1. Searches of personal property brought onto facility grounds including but not limited to, vehicles, lunchboxes, purses, bags, coats, jackets, hats, caps, belts, gloves, shoes, socks and garments covering the head, scarves, and briefcases. Smartwatches are also considered contraband (refer to the “Smartwatch” definition.) Any individual found in possession of a smartwatch inside of a secure facility will be subject to criminal charges.
  - 2. Property searches of visitors are conducted at the front gate prior to entry, however may be conducted at anywhere on state property.
  - 3. Property searches of official facility guests may be conducted at any time, but should generally be conducted only when there is reasonable suspicion and/or probable cause that the guest may be in possession of contraband.
- D. Pat-Down Search
  - 1. Consist of the running of hands over a fully clothed person, conducted by a member of the same sex, for the purpose of discovering contraband.
  - 2. Pat-down searches of visitors may be conducted at any time in conjunction with a property search.
  - 3. If there is reasonable suspicion that a visitor or official facility guest may be in possession of contraband, the Facility Director may authorize a pat-down search at any time while the visitor is on state property.

4. The person being searched shall be required to:
  - a. Empty his pockets, purse, handbag, briefcase, or any other item or place where contraband may be stored or carried.
  - b. Remove any wig or hairpiece being worn. This portion of the search must be conducted in a private place, out of the view of others.
  - c. Remove all outerwear (coats, jackets, hats, caps, belts, gloves, shoes, socks, garments covering the head, scarves, etc.) in order that these items be searched. However, the person shall not be required to remove articles of clothing which are the person's basic dress (shirts, pants, dress, skirt, etc.).
  - d. Run his hands through his hair.
  - e. Open his mouth for inspection.
5. The person conducting the search shall use his hands to touch the person 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, bulge, etc., he shall order the person being searched to disclose the source of the unusual lump.
6. Failure to comply with a pat-down search constitutes reasonable suspicion to conduct a general search, as described below.

**E. General Search**

1. General searches may be conducted any time there is reasonable suspicion and/or probable cause directed toward the specific visitor or official facility guest, with the approval of the Facility Director.
2. Facility staff must articulate specific objective facts and rational inferences drawn from them. Absent reasonable suspicion and/or probable cause, these searches are prohibited.
3. This search shall be conducted in a private place by two (2) employees of the same sex as the visitor or official facility guest being searched, and out of the view of persons other than those conducting the search.
4. With probable cause, the person being searched may be required to remove additional outer clothing.

5. If the visitor or official facility guest to whom reasonable suspicion and/or probable cause is directed cooperates with the search and no contraband is found, the visit may proceed.
  6. If the visitor or official facility guest refuses to be searched, the Facility Director or appropriate Regional Director may instruct staff to remove the person from the facility and withhold/suspend visiting privileges as outlined in Section IX below, or insure the person is detained for a period of time not to exceed one (1) hour, or until law enforcement arrives as provided in C.Cr.P Art. 215.2 (B).
- F. Any occurrence of a general search of a visitor shall be documented on an Unusual Occurrence Report (UOR) by all persons involved at the facility level, and the Regional Director where appropriate. The UOR shall contain the circumstances surrounding the search, reasons for the search, and the results of the search. Copies of all UORS shall immediately be provided to the IS office located on the facility grounds. The incident shall also be reported as required by YS Policy No. C.5.1.

**VII. SEARCHES BY NARCOTIC DOGS:**

- A. Narcotic dogs may be used to conduct a property search at any time. At no time shall the body of a visitor be subjected to a K-9 search.
- B. 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 "National Police Canine Association", "United States Police Canine Association" and "National Narcotics Detector Dog Association".
- C. The Regional Director, Facility Director or IS staff requesting narcotic dog services shall ensure the dog(s) have current certifications at the time of the request.

**VIII. DISPOSITION OF PHYSICAL EVIDENCE/CONTRABAND:**

- A. If local law enforcement is not contacted, and the person is removed from the grounds of the facility, confiscated evidence shall be turned over to IS for handling.
- B. 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.

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- C. Following the completed investigation, 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; or
  - 3. Cash shall be disposed of in accordance with La. R.S. 14:402(F).

**IX. SUSPENSION OF VISITING PRIVILEGES:**

If contraband is found on a visitor, or if a visitor refuses to be searched, or refuses to allow his property to be searched as provided in Section VI. of this policy, or if a visitor violates any other rules of the facility, that particular visit shall be terminated, the visitor told to leave the facility, and action taken as appropriate to suspend future visits to the facility, pursuant to YS Policy No. C.2.8.

**X. STAFF DEVELOPMENT:**

Facility Directors shall ensure the following:

- A. All current employees receive training relative to the contents of this policy upon approval, and annually thereafter.
- B. All new employees receive training during orientation, in-service, or other designated time. New secure care employees must have completed the training prior to conducting a visitor search of any type.
- C. This policy shall be part of the annual in-service training curriculums.

**XI. NOTIFICATION OF POLICY:**

Upon approval of this policy, the Facility Director shall ensure that the facility Standard Operating Procedure (SOP) is revised and the following occurs:

- A. The policy is posted in all secure care visitation areas at all times; and
- B. All volunteers and youth's parents/guardians are notified.

**Previous Regulation/Policy Number:** C.2.5

**Previous Effective Date:** 09/05/2017

**Attachments/References:**