

## PERSONAL SEARCHES AND CONTROL OF CONTRABAND

- AUTHORITY:** California Penal Code, Section 4030 – 4031  
California Code of Regulations, Title 15, Sections 1352.5 and 1360  
28 CFR Part 115, National Standards to Prevent, Detect and Respond to  
Prison Rape Final Standards, Prison Rape Elimination Act of 2003  
Cal. Attorney General Opinion, No. 17-302
- RESCINDS:** Procedure Manual Item 3-1-054, dated 05/13/22  
Search Procedure Interim Directive, October 15, 2007
- FORMS:** Special Incident Report  
Unclothed Body Search Authorization Form                      New (F057-10035)
- PURPOSE:** To establish standards and methods for conducting searches of a youth's person/body to locate contraband and ensure the safety and security of the facility, the public, visitors, youth and staff. To provide staff with safety guidelines regarding exposure to potentially infectious blood/body fluids while conducting searches.

### I. GENERAL INFORMATION

- A. All staff must be aware of the potential introduction or presence of contraband within the institution.
1. Youth may attempt to bring contraband into the institution during the intake process, upon returning from a temporary release or by obtaining it from visitors.
  2. Contraband can also be obtained from within the institution itself via school classrooms, shop classes, workers' toolboxes, unit storage areas or staff's personal property.
  3. Contraband can include items that were previously authorized for a valid purpose but have been modified by a youth or inappropriately kept by a youth.
  4. **Contraband may also enter the grounds of the facility, by being thrown over the fence, via employees, volunteers and/or collaborative agencies.**
- B. The presence of contraband presents the potential for criminal activity, self-inflicted injury, injury to other youth and/or staff, damage to the facility or interference with the operations of the facility. It is imperative that staff take necessary action to locate and confiscate any such items.
- C. Searches shall be conducted as is necessary to reasonably ensure the safety and security of the facility, public, visitors, youth and staff.

- D. Searches shall be conducted using the least restrictive/intrusive means and in a manner that preserves the privacy and dignity of the person being searched and shall not be conducted for harassment or as a form of discipline or punishment.
- E. **Searches shall be conducted in a manner that preserves the privacy and dignity of the person being searched, and shall not be conducted for harassment or as a form of discipline or punishment.**
- F. **Strip searches and visual or physical body cavity searches shall comply with Penal Code Section 4030.**
- G. **Physical body cavity searches shall only be conducted by a medical professional.**
- H. **Any youth held after a detention hearing shall only be strip searched with prior approval of a supervisor when there is reasonable suspicion based on specific and articulable facts to believe the youth is concealing contraband. The reasonable suspicion shall be documented.**
- I. **Searches of transgender and intersex youth shall comply with Section 1352.5.**
- J. There are **seven** levels of personal searches that can be conducted:
  - 1. The below continuum of searches moves from the least to most intrusive methods of personal searches:
    - a. Screening Device Searches
    - b. Cursory Search
    - c. **Body Scan**
    - d. Pat Down Searches
    - e. Unclothed Body Searches
    - f. Visual Body Cavity Searches
    - g. Physical Body Cavity Searches
- K. **Unscheduled searches of the facility, including housing units and youths' cells, may be conducted to detect the presence of weapons and/or other contraband and recover missing or stolen items.**

## II. GENERAL DEFINITIONS:

- A. **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.
- B. **Cursory Search:** A search conducted by a staff where the youth shakes out **their** clothing without removing it for the purposes of searching for contraband.
- C. **Exigent Circumstances:** Any set of temporary and unforeseen circumstances that require immediate action in order to address a threat to the security or institutional order of the facility. An urgent and unanticipated event requiring immediate action.
- D. **Gender Expression:** The manner in which a person expresses **their** gender

through clothing, appearance, behavior, speech, etc.

- E. Gender Identity: A person's sense of being male, female, some combination of male or female, or either male or female.
- F. Gender Nonconforming: A person whose appearance or manner does not conform to traditional societal masculine and feminine gender expectations.
- G. Individualized Reasonable Suspicion: Reasonable suspicion based on specific and articulable facts or circumstances to cause a reasonable individual to suspect a particular person may be in possession of contraband and a search of their person would tend to result in discovery of the contraband.
- H. Intersex: A person whose sexual reproductive or anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. "Disorders of sex differentiation" ("DSDs") may be used instead of "intersex."
- I. Juvenile Facility: Any detention or treatment facility operated by the Orange County Probation Department. A juvenile hall, ranch or camp, forestry camp, regional youth education facility, boot camp or special purpose juvenile hall.
- J. Pat Down Search: A search of a person done by thoroughly and methodically patting and running the hands over the youth's clothed body to determine whether a youth possesses contraband. The pat down search may include examination of pockets, shoes, or heavy items such as jackets or multiple layers of clothing. One layer of clothing remains covering the person's undergarments during the search.
- K. Physical Body Cavity Search: Physical intrusion into a body cavity by a medical professional under sanitary conditions for the purpose of discovering any contraband secreted within the body cavity. Requires an individual to remove some or all of their clothing to permit a visual and physical inspection of body cavities, including the stomach, rectal cavity, and/or vagina.
- L. Screening Device Search (Metal Detector/Wand): A search conducted using a scanning device such as a handheld wand or stationary device designed to identify metal objects, or the vapors associated with narcotics, explosives and incendiaries.
- M. **Body Scan: A high-resolution scan/imaging of the whole body, both inside and out, used to detect both metallic and nonmetallic threats, including weapons, narcotics and other contraband.**
- N. Sexual Orientation: A person's emotional, romantic and sexual attraction for members of the same, opposite or both sexes.
- O. Transgender: A person whose gender identity (i.e., internal sense of feeling male or female) is different from the assigned sex at birth.
- P. Unclothed Body Search: A search that requires an individual to remove or arrange some or all of their clothing so as to permit a visual inspection of the underclothing, breasts, buttocks and genitalia of the individual. May also be called a strip search or skin search.
- Q. Visitor: A person such as a parent/guardian, attorney, investigator, law

enforcement official or therapist who is granted access to see or spend time with a youth in an official/professional capacity or as part of treatment planning.

- R. Visual Body Cavity Search: A search that requires an individual to remove or arrange some or all of their clothing to permit a visual inspection of any body cavities, including the rectal cavity and vagina.
- S. Youth: A person who is in the custody of the juvenile detention facility and is confined or detained therein regardless of age. This includes persons whose cases are under the jurisdiction of the juvenile court and the persons whose cases are under the jurisdiction of the adult court.

### III. PROCEDURES FOR PERSONAL SEARCHES:

#### A. Screening Device Search

1. A Screening device search can be conducted without concern for gender and typically involves no physical contact with a youth. Staff can perform these searches in an open area and at any time.

With stationary screening devices, the youth is to be instructed to remove all objects from their pockets and walk slowly through the screening device with their hands at their sides.

2. When using a handheld wand, the device is to be run closely along the youth's entire body in a thorough and methodical manner. The youth's shoes, hat or any bulky clothing that can be removed without exposing undergarments should be removed and wanded separately as well as searched by hand.
3. The device will give an audible, tactile (vibration) or visual signal indicating the presence of a questioned object. Because common items such as shoelace eyelets, buttons and zippers on clothing may cause a signal from the device, staff must evaluate the area where a questionable object has been detected through visual inspection, questioning of the youth and the use of a pat down search.
4. A signal indicating the presence of a questionable object must not be ignored and must be fully evaluated to rule out the presence of contraband.
5. A screening device search that reveals the possibility that contraband is present may give cause for performing a more intrusive search.

#### B. Cursory Search

1. A cursory search can be conducted without concern for gender and typically involves no physical contact with a youth. Staff can perform these searches in an open area and at any time. This type of search can be done in conjunction with a screening device search.
2. Staff will have the youth stand in front of them and have youth remove sweatshirt, if applicable, then the youth will untuck **their** shirt and shake it out.

3. Youth will run **their** fingers around waistband of pants.
4. Youth will lift pant legs to mid-calf and pull socks all the way up and show staff the bottoms of **their** feet.
5. Youth will hold shoes out in front of **them** and with holding the tip of the shoe upside down and bang them together, or staff can physically search the shoes.

C. Pat Down Search

1. A pat down search shall only be conducted by the same gender staff as the youth being searched, unless exigent circumstances necessitate an opposite gender search be conducted immediately and same gender staff are not available, or per section III.V. below specific to searching transgender or intersex youth.
2. The staff member conducting a cross gender pat-down search shall fully document the circumstances of the exigency and the results of the search for review by a supervisor or administrator.
3. Wearing protective gloves, the staff will pat the area of the body to be searched, starting from the neck/shoulder area, over/under arms, front/side/back of body, outside and inside of legs, and last, the groin area.
4. Staff will check all pockets, seams, socks, shoes, jackets, etc.
5. A pat down search that reveals the possibility that contraband is present may give cause for performing a more intrusive search.

D. Body Scan

1. **All Deputy Juvenile Correctional Officers (DJCO) authorized to complete a body scan and review the results will first complete training on the body scanner machine. The authorized and trained DJCOs conducting the body scan or otherwise within sight of the visual display of the body scan (e.g., monitor, image) shall be of the same sex as the youth being scanned, or the gender of the youth's search preference as stated on the Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) form (See PC 4030; 15 CCR 1352.5). Furthermore, the body scanner viewing monitors shall not be in direct view of other youth. The primary use of the body scanner is to scan youth being booked into Juvenile Hall or for scanning of youth currently in our custody.**
2. **When conducting a body scan, two staff members will be present. One staff will be responsible for providing the verbal directions and completing the body scan. The second staff member will stand to the side and out of view of the youth. The purpose of the second staff is to be a witness and assist with any safety and security issues. The second staff member must maintain visual contact with the staff member conducting the body scan at all times.**
3. **The youth shall be instructed to remove all objects from their pockets.**

The youth's shoes, hat or any bulky clothing that can be removed without exposing undergarments should be removed. Staff will have the youth stand inside the body scanning machine. Each image takes approximately 4 seconds.

4. The youth can be handcuffed in the front and their hands raised above their head during the scan, or a waist restraint cuffing system can be applied. The youth is directed to stand still on the marked footprints and look at the figure painted on the wall of the machine. Whenever possible and based on the youth's demeanor, the handcuffs shall be removed to obtain a better scan of the youth.
5. Supervising Juvenile Correctional Officer (SJCO) authorization is needed to scan any person not being booked or in custody, such as a visitor, when such person is an immediate threat to public safety or facility security (e.g., the person is suspected of concealing a weapon within their body). Division Chief or designee authorization is needed to scan any person not being booked or in custody who is not an immediate threat. Professional visitors shall not be scanned.
6. Shoes, backpacks and other objects can also be scanned as needed.
7. If suspected contraband is present this may give cause for performing a more intrusive search.
8. If the scan detects possible contraband, IRC staff are to contact the Unit SJCO or Duty Officer to make the determination if the youth should be rejected and returned to the custody of the arresting agency. The SJCO that views the image shall be the same gender as the youth that was imaged. Reference PC 4030(k)(2) states: "A person within sight of the visual display of a body scanner depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel." The Attorney General has opined that "sex" as used in this section refers to the searched person's gender, including gender identity and gender expression. 100 Ops.Cal.Atty.Gen.1 (2017). If the same sex SJCO is not available, the DJCO shall make the recommendation to the on-duty SJCO. The SJCO shall make the ultimate determination of acceptance or rejection considering all given facts minus the actual viewing of the body scan image. Confer with management as needed.
9. Physical force shall not be used to compel a youth's cooperation in the body scanning process without a court order/warrant.

#### **E. BODY SCAN ANOMALIES**

1. When any contraband is found on youth, the DJCO conducting the scan shall adhere to the following:
  - a. Inquire with the youth to identify the contraband and ask the youth to voluntarily turn over the item(s).
  - b. If the item discovered on youth is believed to be a weapon, additional DJCOs will be quickly summoned to assist in

retrieving and securing the weapon as quickly and safely as possible.

- c. All removed contraband shall be given to the arresting law enforcement agency or arresting Deputy Probation Officer (DPO) to document and secure.
- d. If the youth refuses to turn over the contraband voluntarily, the Duty Officer/SJCO shall be notified immediately. The Duty Officer/SJCO shall have the authority to accept or reject the youth. If the youth is accepted, he shall remain on constant visual supervision until the item is retrieved.
- e. Once the DJCO has obtained the item(s), the youth shall need to be re-scanned (secondary body scan) to verify all contraband was removed.
- f. If the contraband is discovered inside the youth's body and/or the youth is unable or unwilling to remove the item, the Duty Officer/SJCO and medical staff shall be notified immediately. If the youth has not been accepted by Juvenile Hall, the youth will be returned to the custody of the arresting agency/DPO for transport to the hospital. Information regarding what was observed on the body scan shall be verbally shared with the arresting officers.
- g. When the youth is transported back to the facility from the hospital, the DJCO is to start the search and booking process over again and re-scan the youth to verify all contraband was removed.

#### **F. BODY SCAN FOR IN-CUSTODY YOUTH**

1. To prevent the introduction, transfer, or concealment of weapons, drugs, and contraband inside the facility, all in-custody youth, may be scanned at any time. No specific articulable facts are required beyond the routine security precautions necessary to safeguard the safety and security of the facility and the health and welfare of the youth population. Body scans shall be required for the following:
  - a. Youth returning to the facility from Adult Court.
  - b. Youth returning to the facility from an outside medical appointment.
  - c. Youth returning from social or professional contact visits.
  - d. Youth returning from temporary furlough or any other events that caused the youth to be removed from the secure area of the facility.
  - e. Youth demonstrating signs or symptoms of drug intoxication.
  - f. Youth subject to an in-custody or criminal investigation

involving weapons, drugs, or contraband.

- g. When information known to any DJCOs or staff member indicates a youth or group of youth, may be in possession of weapons, drugs, or contraband.

#### G. BODY SCAN REFUSALS AND COMBATIVE YOUTH

1. Youth who are combative and/or refuse to cooperate with the scanning process shall be placed into an observation/holding cell where their activities can be monitored. If the youth's charges, history, or behavior would otherwise qualify them for a strip search, the DJCO/SJCO shall be notified immediately.
2. Youth who are combative and/or refuse to cooperate with the body scanning process shall be documented in ICMS.

#### H. DOCUMENTATION

1. If contraband is found on a youth, all DJCO's involved must write a Special Incident Report (SIR) on what occurred, what was found, and where the contraband is stored.
2. Information must also be logged in the Integrated Case Management System (ICMS) in the Intake and Release Center.
3. The Tek 84 system tracks all scans and will stop scanning if a youth reaches the maximum number of 250 scans in a 1-year period.
4. Images generated from the body scanner will be stored and retained, subject to the department retention schedule, on the body scanning computer.
5. No images will be shared except through official requests submitted to the department Custodian of Records through the Professional Standards Division.

#### I. Unclothed Body Search

1. A youth shall not be subjected to an unclothed body search unless a peace officer has determined there is individualized, reasonable suspicion based on specific and articulable facts to believe such youth is concealing a weapon or contraband and an unclothed body search will likely result in the discovery of the weapon or contraband. As required by statute (4030 PC), staff will obtain written approval from a supervisor or administrator prior to completion of an unclothed body search. The name of the requesting officer, approver, officer conducting the search, and the reason for the search will be documented via the Unclothed Body Search Authorization Form, with a copy placed in the institution folder and one copy given to the IRC SJCO. The **approving SJCO** will enter an ICMS note articulating the specific facts involved.
  - a. Facts that support an unclothed body search include, but are not limited to:

- (1) The nature of the offense, including felony or misdemeanor and violence, weapons, narcotics, etc.

*Note: The offense code for which a person is arrested is not necessarily in and of itself sufficient basis for an unclothed body search*

- (2) Current ward of the Court with Probation search terms.
- (3) Discovery/suspicion of contraband in a less intrusive search.
- (4) Furtive/resistive movements with arresting officers or Probation Intake staff.
- (5) Evasive or contradictory responses, resisting/attempts to flee officers.
- (6) History or admission of suicide attempts or self-injury.
- (7) Past conduct in the facility related to contraband, and/or attempts to harm self or others.
- (8) Appearance and/or demeanor of being under the influence of a controlled substance.
- (9) Furtive movements or suspicious activity with a visitor that could allow the passing of contraband.
- (10) Any other articulated factors that would lend reasonable suspicion that the youth may possess contraband.

2. An unclothed body search shall not be used as a disciplinary measure. Due respect and appropriate consideration for the youth's dignity and privacy will be shown during the search. Staff are not to make physical contact with a youth during an unclothed body search, except for the purposes of necessary restraint or to render emergency aid. Additionally, facility staff shall not conduct physical searches of any youth for the purposes of determining the youth's anatomical sex.

3. This procedure requires having each youth remove all clothing, including shoes and socks. The staff member conducting the search will use disposable gloves and [REDACTED]

4. The searcher will then have the youth run [REDACTED] maintain continuous visual

supervision of the youth and notify an SJCO/D.O. of the suspicion. Staff should request that the youth remove any suspected contraband located in a body cavity. Should the youth refuse, the SJCO/D.O. should consider the need to perform a Visual Body Cavity Search of the youth per III. E.

5. Searches must be conducted on an individual basis out of the view of other youth and/or staff not involved with the search. The use of a privacy screen/barrier separation may be used to conduct a search. Staff conducting the search will ensure that privacy is maintained. Never conduct an unclothed body search of a youth with the staff member out of view from a coworker(s). After the search is completed, each youth should be placed in an area where they will not have contact with another youth who has not been searched. The area must also be checked prior to placing the searched youth there.
6. Except in exigent circumstances or per section III. V. (below) for transgender or intersex youth, staff conducting unclothed body searches shall be of the same gender as the youth to ensure privacy.
7. The staff member conducting a cross gender unclothed body search shall fully document the circumstances of the exigency and the results of the search for review by a supervisor or administrator.
8. Unclothed body searches must be completed in an area away from security cameras and must never be photographed or video recorded.
9. Staff must document the unclothed body search in ICMS or other appropriate document as determined by institutional management. Documentation will include the individualized reasonable suspicion, the name of the staff member conducting the search and the name of the supervisor or administrator who authorized the search and the finding, if any, of contraband or weapons.
10. When performing unclothed body searches, staff will note any bruises and wounds that might have been missed by the nurse during the pre-initial exam and shall report such to the Medical Unit. Staff will also carefully observe for marks that might be an indication of injecting drugs, child abuse or of self-mutilation. Suspect marks will be noted in the youth's folder face sheet and will be reported to the assigned Deputy Probation Officer via a Special Incident Report. The Medical Unit shall be notified, in person or by phone, with a request for medical attention. This request shall be noted in ICMS. A CEGU referral should also be made if the marks or injuries are indicative of self-injury or other mental health concerns. If child abuse is suspected based on injuries, or reported by the youth during the search, staff will follow child abuse reporting protocols.

#### J. Visual Body Cavity

1. Visual Body Cavity searches shall be conducted in conjunction with an unclothed body search when a peace officer has reasonable suspicion to believe that a youth has an item of contraband secreted within a body cavity. As required by statute (4030 PC), staff will obtain written approval from a supervisor or administrator prior to completion of a visual body cavity search. The name of the requesting officer, approver, officer conducting

the search, and the reason for the search will be documented via the Unclothed Body Search Authorization Form, with a copy placed in the institution folder and one copy given to the IRC SJCO. The **approving SJCO** will enter an ICMS note articulating the specific facts involved.

2. Visual Body Cavity Searches shall only be completed by a staff member of the same gender, unless exigent circumstances exist or pursuant to section III.V. below for transgender or intersex youth, in a private location away from individuals not involved in the search. Except for purposes of restraint or to render emergency aid, staff shall not touch youth during visual body cavity searches.
3. When conducting a visual cavity search, **two** staff members will be present. One staff will be responsible for providing the verbal directions and visibly conducting the search. The second staff member will stand to the side and out of view of the youth. The purpose of the second staff is to be a witness for the staff conducting the visual body cavity search. The second staff member must maintain visual contact with the staff member conducting the search at all times.
4. The staff will instruct the youth to position their body such that a visual inspection of the exterior of the rectal cavity in males and the exterior of the rectal cavity and vagina in females may be made. If staff suspect an object has been hidden in a body orifice, they must isolate the youth, maintain constant supervision of the youth and notify an SJCO/D.O., of the suspicion. Staff should request that the youth remove any suspected contraband from their body cavity. Should the youth refuse the SJCO/D.O. shall notify an administrator and place the youth on RC. The administrator should consider a request for a Court Order for medical personnel to perform a physical body cavity search of the youth.
5. Staff must document the visual body cavity search in ICMS or other appropriate document as determined by institutional management. Documentation will include the individualized reasonable suspicion, the name of the staff member conducting the search and the name of the supervisor or administrator who authorized the search and the findings, if any, of contraband or weapons.

K. Physical Body Cavity Search

1. Physical Body Cavity Searches are only to occur with administrative involvement and a Court order. These types of searches are very rare and will only be performed by medical personnel.
2. Staff are to maintain constant supervision of a youth pending the decision to conduct a physical body cavity search. Staff should be as detailed as possible in their description of the suspected contraband in order to determine the potential danger to staff or the youth. This detail should be provided to the medical personnel who are responsible for the body cavity search.
3. Staff must document the activities related to the physical body cavity search in the unit log or other appropriate document as determined by institutional management. Documentation will include the individualized

reasonable suspicion, the name of the involved administrator who obtained the court order for the search, the name of the Judicial Officer and the findings, if any, of contraband or weapons.

#### IV. TYPE I AND TYPE II YOUTH

##### A. Type I Youth

Type I youth returning from a detention hearing with a release order should remain on Type I status until released. These youth are subject to specific protocols as outlined in PMI **3-5-001** and are not subject to an unclothed body search nor should they be viewed or physically contacted in an unclothed state by staff except for the purposes of necessary restraint, **exigent circumstances** or to render emergency aid. Should additional cause be developed to perform an unclothed body search or visual body cavity search of a Type I youth, it will be documented separately per Section V. B or C (below). Type I youth may be subject to search by a scanning device, cursory search, and/or pat down search based on institutional safety and security needs and consistent with the criteria and procedures indicated in Section II, inclusive.

##### B. Type II Youth

Type II youth may be subject to search by a scanning device, cursory search, pat down search, unclothed body search, and/or visual body cavity search, based on institutional safety and security needs and consistent with the criteria and procedures indicated in Section II, inclusive.

#### V. TRANSGENDER AND INTERSEX YOUTH

- A. Searches of transgender and intersex youth shall be conducted in a manner that preserves the privacy and dignity of the youth.
- B. Physical searches of transgender or intersex youth shall not be conducted for the purpose of determining the youth's anatomical sex.
- C. Staff, whenever feasible, shall respect a transgender or intersex youth's preference regarding the gender of the staff member who conducts any search of the youth.
  1. If the youth declines to state their gender identity or a preference for the gender of the staff who will conduct the search, staff will consider the youth's gender expression, input from the medical staff who conducted the medical clearance, and information from prior entries, medical records, or as gathered from the assigned DPO or arresting officer.
  2. In determining the gender of the staff who will complete the search, staff will seek guidance/approval from the unit Supervising Juvenile Correctional Officer (SJCO) or Duty Officer (DO).
- D. When conducting any physical search of a transgender or intersex youth, **two** staff members will be present. One staff will be of the preferred gender, if a preference has been stated by the youth, and the other will be of the same gender as the youth's biological gender.

If the youth has stated a gender preference, the search will be conducted by the staff of the preferred gender and the other staff will stand to the side and out of view of the youth. The purpose of the second staff is to be a witness for the staff conducting the search. The second staff member must maintain visual contact with the staff member conducting the search at all times. The reason for the search, the name of the approving supervisor or administrator, and the findings of the search will be documented in ICMS and a special incident report.

## VI. GENERAL OCCURRENCES OF PERSONAL SEARCHES

### A. Pre-Detention Intakes

1. All pre-detention intakes may be screened with a screening device, **body scan** and a thorough pat down search will be conducted over the clothes of the youth. Staff will thoroughly inspect pockets, shoes, bags, containers and any other items to detect contraband. Intake staff will evaluate the circumstances of the arrest, prior history of conduct while in custody, demeanor and conduct during arrest and booking, and the result of the screening device and pat down search, as well as interviews or observations of the youth, in determining whether there exists a reasonable suspicion for a more intrusive search to be performed.

In the event that staff determine that a more intrusive search is appropriate, staff will contact a supervisor, duty officer or administrator for approval of a more intrusive search. The supervisor, Duty Officer or administrator may provide telephonic authorization to complete the more intrusive search.

In any instance where a staff member conducts a more intrusive personal search a log note shall be entered into the intake ICMS log. The **notation** shall include the intake's name and L number, the justification for the more intrusive search, the name of the supervisor authorizing the more intrusive search and the findings of the search.

### B. Following Visiting/Court/Furloughs/Transfers Between Facilities:

1. Upon return from a visit, Court, furlough, outing where the youth has been beyond direct supervision or transfer between facilities, a screening device search, **body scan**, cursory search and pat down search can all be completed without further justification. Unclothed body searches, visual body cavity searches and physical body cavity searches still require justification as outlined in Section III (above). Staff will contact a supervisor, Duty Officer or administrator who may grant telephonic authorization for a more intrusive search.
2. Staff conducting an unclothed body search following a contact visit or when the youth has been out of direct supervision of a custodial staff member must conduct the search in a manner that will provide for the privacy of the youth, out of view of other youth and/or staff members not involved in the search. If more than one youth is to be searched at a time, as in following Juvenile Hall visiting, staff must make use of adequate privacy barriers to ensure the privacy of each individual youth. Staff may not conduct a visual body cavity search unless a less intrusive search or other available information revealed the individualized reasonable suspicion that the youth may have concealed contraband within a body cavity.

a. Some types of visits generally do not require staff to consider the need to conduct an unclothed body search. If you have cause to believe that a youth should be searched after any of the below noted visit types, immediately advise an SJCO/D.O. or administrator of the suspicion:

- (1) Attorney/public defender (refer to **PMI 3-9-005**). Staff must remain aware that legal materials given to youth may be inspected for contraband only. Do not read any confidential mail.
- (2) Police interviews
- (3) Clergy visits
- (4) Law enforcement or government agencies, i.e., ICE, PO, Social Services, interviews, etc.

3. Youth returning from court, medical appointments within the probation institution, counseling sessions within the probation institution, or interviews within the probation institution, or from activities while under supervision of custodial staff, may be subject to a scanning device, cursory search or pat down search at staff discretion. Unclothed body searches, visual body cavity searches and physical body cavity searches still require justification as outlined in Section III above. Staff will contact a supervisor, Duty Officer or administrator who may grant telephonic authorization for a more intrusive search.

4. Youth transferring between facilities are typically supervised throughout the process by staff members. Less intrusive searches should always be performed on youth entering a new facility. Considerations for a more intrusive search should be made based on individualized reasonable suspicion. Factors to consider would be availability of contraband during transport, behavior and mental status of the youth (behavioral removal), and past history in the institutional setting. Another consideration would include moving from a less secure setting to a more secure setting, i.e. camp to Juvenile Hall, as some items not considered contraband in a camp setting would be considered contraband in Juvenile Hall due to higher security concerns.

5. In any instance where a staff member conducts a more intrusive personal search, a log note shall be entered into ICMS. The log note shall include the intake's name and L number, the justification for the more intrusive search, the name of the supervisor authorizing the more intrusive search and the findings of the search.

### C. Detention Operational Issues

1. Searches in response to missing items, potential weapons and other contraband may include more intrusive personal searches if they are deemed appropriate based on the nature of the contraband (can it be found through less intrusive searches, e.g., a metallic object can be wanded, **body scan**), the likelihood of access to the weapon, contraband or missing

item by the youth subject to the search. Care should be taken to isolate more intrusive searches to youth who can directly or through reasonable association be linked to the missing item or contraband. A supervisor, duty officer or administrator approval must be obtained prior to conducting a more intrusive search and may be granted telephonically.

2. In any instance where a staff member conducts a more intrusive personal search a log note shall be entered into ICMS. The log note shall include the youth name and L number, the justification for the more intrusive search, the name of the supervisor authorizing the more intrusive search and the findings of the search. If all youth in a unit are searched, the log note should reflect this or list any youth who were not subject to a more intrusive search.

## VII. PROCEDURES FOR FACILITY SEARCHES

### A. Purpose

1. Unannounced facility searches, including searches of housing units and youths' rooms, are conducted for the purpose of locating and disposing of weapons and other contraband, and/or to recover missing or stolen items.
2. These searches are not to be conducted to harass, intimidate or punish youth, and should be conducted in a professional and respectful manner with the least amount of disruption possible to respect the privacy of the youth, including avoiding unnecessary force, embarrassment, or indignity to the youth.
3. Although individualized, reasonable suspicion is not required to conduct a facility search for contraband, such searches must be reasonable under all the facts and circumstances under which they are performed. Facts that may support a facility search include but are not limited to:
  - a. Items are missing from the facility or staff property, particularly items that could cause self-harm or harm to others (e.g., scissors) or could be used to facilitate an escape
  - b. An item is missing or has been stolen from an area to which youth had access and/or were known to be present
  - c. Potential for contraband transmission to other youth in the facility
  - d. Actual discovery/suspicion of contraband during a personal search of a youth, including after visits and return from furlough
  - e. Demeanor and conduct of the youth, including furtive/resistive movements with Probation staff and/or evasive or contradictory responses
  - f. History or admission of suicide attempts or self-harm
  - g. Past conduct in the facility related to contraband, escape, and/or attempts to harm self or others
  - h. Current or prior substance use or abuse, including a positive drug

test or the appearance and/or demeanor of being under the influence

- i. Receipt of statement(s) from a youth that another youth possesses or has secreted contraband
- j. Any other facts that would lend reasonable suspicion that the youth in the unit or room being searched may possess contraband

#### B. Procedure

1. Prior to conducting the search, staff shall inform youth that a search is being conducted, that the search is for contraband (either generally or to recover a specific item), and that the youth may relinquish any contraband to staff prior to the search.
2. Staff shall conduct the search with respect for the youth's rights to authorized personal property. This type of search will necessarily cause the youths' property and bedding to be inspected thoroughly, which may result in some disarray; however, bedding shall remain on the bed and staff should make every reasonable effort to ensure that authorized property is not destroyed or misplaced during the search.
3. This type of search may be done at any time; however, searches should not occur after 2200 hours or before 0600 hours on court nights, unless there are some exigent circumstances that would require an unscheduled search during these hours. The time restrictions do not apply to regular safety checks performed day and night to reduce escapes, control contraband, and prevent youth assaults and ensure safety.
4. If a youth is present during a search of the youth's room, a staff member of the same gender as the youth's gender identity or gender expression shall be present during the inspection or search. This may be modified by the supervisor, Duty Officer or administrator in exigent circumstances.
5. While conducting room searches, privileged communications (e.g. correspondence from State and Federal courts, any member of the State Bar or holder of public office, the Board of State and Community Corrections (BSCC), PREA Auditor, Disability Rights California (DRC)) may be examined for contraband pursuant to the search; however, privileged communications shall only be scanned for security concerns and validation of privileged content in the presence of the youth (See PMI 3-9-009 – Youths' Mail).
6. All conducted searches should be documented in ICMS. The entry should include the date and time of the search, all areas searched, the reason for the search, the staff who conducted the search, the person who authorized the search, and the results.

### VIII. STAFF SAFETY AND UNIVERSAL PRECAUTION

- A. Penetrating injuries such as puncture wounds or needle sticks can occur during a search. Body fluids may also be present in the area to be searched or on the youth. The following precautionary measures will reduce the risks of injury and/or

infection:

1. Use caution at all times.
2. During unclothed and visual body cavity searches, maintain a safe distance between yourself and the person being searched.
3. During facility searches, use caution not to rub fingers and hands over areas that cannot be seen since sharp, hidden objects may cause severe injuries.
4. Utilize medical universal precautions when conducting searches that may involve contact with youth or their clothing/property.
5. Report all injuries/exposure immediately.

**REFERENCES:**

Procedures:	1-4-123	Prevention, Detection, Reporting and Response to Incidents of Sexual Abuse, Harassment and Misconduct in Juvenile Facilities (PREA)
	3-7-003	Disposition of Contraband
	3-9-001	Youths' Mail
	3-9-005	Attorney Contact with Incarcerated Youth
	3-3-008	Child Abuse Reporting and Investigation Responsibilities of Deputized Probation Staff
	3-5-001	Intake- Juvenile Hall
Policy:	D-7	Search and Seizure
	F-7	Personal Property of Minors in Juvenile Institutions

Attachment

R. Martinez

**APPROVED BY:**