

POLICY 5.70 (42) CONDUCTING SEARCHES

Policy Committee Chair

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Approved



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Authorizing Sources

Chapter 10.79 RCW
Chapter 72.05 RCW
RCW 13.40.460
WAC 137-36-040
WAC 289-16-200
28 CFR Part 115 PREA, Juvenile Facility
Standards, effective August 20, 2012

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I. PURPOSE AND SCOPE

This document establishes policy for the search and seizure of contraband and restricted property in JR-operated or contracted facilities and by parole staff.

All staff, contractors, volunteers, and interns working in the Division of Institution Programs, Division of Community Programs and Parole, and the Division of Operations and Support Services are responsible for reviewing and complying with JR policies.

II. POLICY

1. JR may conduct or authorize searches.

- 1.1. Staff may search youth, visitors, living units and program areas.
- 1.2. Searches may be conducted as appropriate on a random or routine basis to ensure health, safety and security, to control contraband or restricted property, or to recover missing property.
- 1.3. Staff conducting searches will be trained in Dealing With Resistive Youth (DWRY) or Community Safety (CS) Training.

2. JR staff must conduct searches without the use of unnecessary force.

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- 3. Searches should be conducted in such a way as to protect the dignity and respect of the person being searched while maintaining the integrity of the search.**
 - 3.1. Staff must use courteous and neutral language during a search.
 - 3.2. Staff will recognize that searches may be traumatic for youth who are victims of abuse.
- 4. JR will make information about search and seizure practices available to youth under its jurisdiction.**
- 5. Searches are required in specific situations.**
 - 5.1. Strip searches are conducted at initial intake to institutions or when youth are transferred between institutions.
 - 5.2. When there is reasonable suspicion that a residential youth possesses contraband, staff will conduct a frisk/pat down and, if needed, a strip search.
 - 5.3. Frisk/pat down search of youth and a general area search of the bathroom will be conducted prior to conducting a urinalysis,
 - 5.4. Frisk/pat down or electronic searches will be conducted after visitation,
 - 5.5. Frisk/pat down or electronic searches will be conducted at entry to the community facility,
 - 5.6. In the institutions, frisk/pat down or electronic searches are conducted prior to and return from off campus movement and activity,
 - 5.7. In the community facility, frisk/pat down or electronic searches are conducted when youth return from unsupervised time away from the facility.
 - 5.8. Frisk/pat down or electronic searches are conducted prior to movement of youth by the JR Transportation Unit in accordance with Policy 5.40 (18), *Transporting Youth*. The sending institution is responsible for conducting the search.
 - 5.9. Frisk/pat down searches are conducted when a youth is taken into custody by parole staff in the field.
- 6. Staff may conduct any of the following searches without prior authorization:**
 - 6.1. Electronic
 - 6.2. Room
 - 6.3. General Area
 - 6.4. Frisk (or pat down)
- 7. Strip searches, K-9 and body cavity searches require prior authorization.**
 - 7.1. Strip searches where there is reasonable suspicion of contraband require Associate Superintendent or designee's approval.
 - 7.2. K-9 searches require Superintendent, Regional Administrator or designee's approval.
 - 7.3. Body cavity searches require written approval by the Superintendent or Regional Administrator and a physician or medical professional.

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- 8. If a search would create a substantial risk of harm to staff or others, that search may be delayed until the risk is reduced.**
- 9. Strip searches and body cavity searches may be conducted on youth in institutions only when reasonable suspicion exists that a youth is carrying contraband.**
 - 9.1. Within the institutions, routine strip searches are authorized immediately upon intake to reduce the introduction of contraband.
 - 9.2. Strip searches after visitation require reasonable suspicion of contraband and approval as outlined in 7.1.
 - 9.3. Strip searches are prohibited in community facilities.
- 10. If a search is conducted based on a reasonable suspicion, it must be documented in an Incident Report.**
- 11. Cross-gender frisk/pat down searches and cross-gender strip searches are prohibited except in exigent situations. (PREA Standard 115.315)**
 - 11.1. Medical professionals conducting strip searches can be a different gender than the individual being searched. (PREA Standard 115.315 (a))
 - 11.2. All cross-gender frisk/pat down searches and cross-gender strip searches must be documented on the Cross Gender Search form (DSHS Form 20-286). Documentation must be accessible for review at any time. (PREA Standard 115.315 (c))
 - 11.3. Staff must receive training on appropriate, professional and respectful techniques for cross-gender searches, so that they may be used in the event of an exigent situation. (PREA Standard 115.315 (f))
- 12. Transgender and intersex youth will not be searched or physically examined in a manner that is humiliating or degrading or for the sole purpose of determining a youth's anatomical sex. Refer to Policy 4.60 (50), *Ensuring the Health & Safety of LGBTQI Youth* (PREA Standard 115.315(e))**
 - 12.1. Determination of a youth's anatomical sex must be made by self-identification or as a part of a general medical exam conducted by a medical practitioner. (PREA Standard 115.315(e))
- 13. Strip searches may be conducted only when the following conditions are met:**
 - 13.1. A minimum of two staff members must perform strip searches, one to observe and one to conduct the search. A third staff member may be within earshot to ensure the safety of the person conducting the search and the youth, but not in the view of the youth.
 - 13.2. Staff conducting a strip search must not touch the resident.
 - 13.3. Strip searches must be conducted in private, allowing observation only by persons directly involved in the search.
 - 13.4. Strip searches may be part of a routine search at intake to an institution. An Incident Report would not need to be generated unless contraband was recovered during this search procedure.

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14. Body cavity searches may be conducted only when the following conditions are met:

- 14.1. Electronic, frisk, and strip searches must be conducted prior to a body cavity search.
- 14.2. Body cavity searches must be performed under sanitary conditions.
- 14.3. The search must be conducted by a physician, nurse practitioner, or registered physician's assistant, licensed to practice in Washington State, who is not normally employed by JR, and who is trained in the proper medical process and in potential health problems associated with a body cavity search.
- 14.4. Only those JR staff necessary to ensure the safety of the medical professional conducting the search may be present or observe the search. Staff must be of the same gender as the resident.
- 14.5. Body cavity search must be documented on an Incident Report and in the youth's medical record.

15. Room searches may be conducted randomly, routinely, and upon reasonable suspicion of the presence of contraband.

- 15.1. Unannounced and irregular searches of youth rooms and work areas are authorized.
- 15.2. Staff will search and inspect each room prior to occupancy of a new youth.
- 15.3. Rooms searched must be returned to the original condition to the greatest extent possible.
- 15.4. Restricted property will be handled in accordance with Policy 2.30 (16), *Managing Youth Property*.
- 15.5. Room searches must not be conducted for punitive purposes.

16. K-9 searches at JR facilities may be conducted at the request of an appointing authority by trained State Patrol, Special Commitment Center, Department of Corrections, military, or local law enforcement personnel.

- 16.1. Institutions may develop agreements with law enforcement, the military, Special Commitment Center and DOC for the use of K-9 searches at JR facilities.
- 16.2. Searches for contraband using a K-9 team will be conducted on identified areas (a general area search or room search).
- 16.3. For safety and security and to minimize interference, youth will not observe or be in close proximity of a K-9 search.
- 16.4. K-9 searches may not be used as part of a search on a person.
- 16.5. K-9 searches may be used in the search process for escaped youth at the discretion of local law enforcement.
- 16.6. K-9 searches are documented in an ARI in ACT.

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17. All contraband and restricted property discovered during searches must be confiscated and may be subject to disposal or law enforcement referral.

- 17.1. Seized contraband and restricted property must be secured using chain of custody standards.
- 17.2. Law enforcement must be notified of significant seizures of narcotics, illegal drugs, and weapons that would be a law violation.
 - 17.2.1. If law enforcement declines to accept custody of contraband, the Superintendent, Regional Administrator or program Officer of the Day (O.D.) must be informed.
- 17.3. The contraband must be properly disposed of in the presence of two witnesses and documented in the evidence log.

18. Recovered contraband will be documented in an Incident Report.

19. Visitors and their belongings may be subject to search.

- 19.1. Visitors may be subject to search by electronic devices before entering a JR facility or office. Notice of this must be clearly posted at facility and office entrances.
- 19.2. Searches of visitors' belongings will be conducted in their presence.
- 19.3. If a visitor refuses a search or does not pass the electronic search, the visit will be terminated.
 - 19.3.1. As appropriate, local law enforcement may be contacted.
 - 19.3.2. Entrance to the facility or future visiting privileges may be denied.
- 19.4. Staff must not interfere with a visitor departing the facility.
 - 19.4.1. Staff must not attempt to detain them in any way; and
 - 19.4.2. Staff must not attempt to confiscate visitors' property.

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III. DEFINITIONS

Body Cavity Search: The touching or probing of a person's body cavity by licensed medical personnel, whether or not there is actual penetration of the body cavity.

Contraband: An article or item which a residential youth is prohibited from obtaining or possessing by statute, rule, regulation, policy or order of a court, including items altered by the youth without authorization. Contraband may reasonably be suspected to cause physical injury or adversely affect the safety, security, or order of a JR facility, program, or office.

Cross-gender Search: Search of a male youth by a female staff, or of a female youth by a male staff.

Electronic Search: Search by a scanning device or metal detector.

Exigent Circumstances: any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or institutional order of a facility or a danger to staff or youth. Exigent situations include searches of a youth for placement on suicide precaution where there is a concern that there is imminent harm to the youth. (PREA Standard 115.5)

Frisk (or Pat Down) Search: Search of a youth and his/her property by patting or sliding the hands along the clothed body of the youth. A frisk search may include inspecting property and requiring the youth to remove his/her jacket and shoes, empty pockets, open mouth, and run fingers through hair.

General Area Search: A complete search of a targeted area (e.g., buildings, grounds, school, shop area, perimeter, or vehicles) at a JR facility.

Incident Report: An electronic document in ACT to record the facts related to the discovery of contraband. The statement must be descriptive of the behavior, identify the staff and youth involved, and outcomes of the event.

K-9 Search: Search by a dog and a dog handler who are specially trained for detection of contraband.

Random Search: A search conducted without reasonable suspicion at an unspecified time.

Reasonable Suspicion: Inferences made by staff from observations or other reliable information which gives reason to suspect that a person is in possession of contraband or restricted property.

Restricted Property: Items which may jeopardize the safety, health, security, or treatment of youth, staff, visitors or of a facility. Restricted property may include contraband, but not all restricted property is contraband.

Room Search: A systematic search of a room assigned to a resident including personal property, fixtures, furnishings, hardware or any other area where contraband or restricted property could be concealed.

Routine Search: Searches conducted at scheduled times or events. i.e. after visiting, upon return to living quarters, after authorized leave.

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Strip Search: A visual inspection of a resident's unclothed body and visual/physical inspection of clothing and other items in a resident's possession. Strip searches include visual inspection of the mouth and may include a "squat and cough" search.

IV. REFERENCES

National Commission on Correctional Health Care (NCCHC) Y-I-03 Forensic Information	American Correctional Association ACA 4-JCF-2A-22
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V. RELATED JR POLICIES

Policy 2.30 (16) - Managing Youth Property	Policy 5.40 (18) - Transporting Youth
Policy 4.60 (50) - Ensuring the Health and Safety of LGBTQI Youth	Policy 5.90 (49) - Applying PREA Juvenile Standards in JR

VI. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to Paper form
Cross-Gender Search		DSHS Form 20-286
GRID: Searches in JR		--
