

Policy 5.70 – Conducting Searches

Summary

- Provides guidelines for searches.

Background:

In March of 2020, a global pandemic called COVID-19 was declared. JR leadership decided to minimize the number of policy changes so JR staff could focus on the many additional ways they need to protect and support the JR youth and young adults in our care.

The existing policy did not undergo the typical sunset review, but rather was extended until the spring.

Policy Summary

The policy provides requirements for the search and seizure of contraband and restricted property in JR facilities and by parole staff, including JR youth and young adults.

Changes from Current Practice

- There are no changes to current practice or timelines.
- The policy sunset review date is extended to May 1, 2021.

Training Required: No

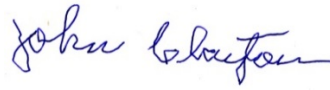
Policy Effective Date: March 4, 2015

POLICY 5.70 CONDUCTING SEARCHES

Policy Committee Chair

Lori Kesi
Regional Administrator, Regions 1 & 2
Juvenile Rehabilitation

Approved



John Clayton, Assistant Secretary
Juvenile Rehabilitation
2/17/2015

Authorizing Sources

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

Information Contact

Andrea Ruiz
Policy, Planning & Lean Administrator
Juvenile Rehabilitation

Effective Date (*Technical Update 9/2/2021¹*)
3/4/2015

Sunset Review Date
5/1/2021

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, including JR youth and young adults² (referred to as “youth” throughout policy).

All staff, contractors, volunteers, and interns working in or for Juvenile Rehabilitation (JR) 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 Training (CST).

¹ 11/18/19 Technical Edit: Changed DSHS references and forms to DCYF and added hyperlinks.

² 9/17/2020 Technical Edit: Added “young adults” clarifying the policy also covers JR individuals ages 18

Policy 5.70, Conducting Searches 3/4/2015

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

CROSS-GENDER SEARCHES

5. **Cross-gender frisk/pat down searches and cross-gender strip searches are prohibited except in exigent situations. (PREA Standard 115.315)**
 - 5.1. All cross-gender frisk/pat down searches and cross-gender strip searches must be documented on the Cross Gender Search form (DCYF Form 20-286). Documentation must be accessible for review at any time. (PREA Standard 115.315 (c))
 - 5.2. Staff must receive training on appropriate, professional and respectful techniques for cross-gender searches, so they may be used in the event of an exigent situation. (PREA Standard 115.315 (f))
6. **Transgender and intersex youth will not be searched or physically examined in a manner humiliating or degrading or for the sole purpose of determining a youth's anatomical sex. (PREA Standard 115.315(e))**
 - 6.1. 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))
7. **Transgender and intersex youth may request either a male or female staff member conduct a pat-down or strip search. (PREA Standard 115.315(e))**
 - 7.1. Requests must be accommodated in order to support the youth's views regarding their own vulnerability or potential re-traumatization.
 - 7.2. Searches where the transgender youth has chosen the gender of the staff to conduct the search are not considered cross-gender searches and do not require completion of the Cross Gender Search form (DCYF Form 20-286).
 - 7.3. The staff assigned to conduct the search may request a different staff be assigned.
8. **Medical professionals conducting strip and body cavity searches may be a different gender than the individual being searched. (PREA Standard 115.315 (a))**
9. **If a search would create a substantial risk of harm to staff or others, the search may be delayed until the risk is reduced.**

Policy 5.70, **Conducting Searches 3/4/2015****REQUIRED SEARCHES³****10. Staff will conduct mandatory searches in specific situations.**

- 10.1. Use of a body scanner or strip searches are conducted at initial intake to institutions or when youth are transferred between institutions.
- 10.2. In the institutions, when there is reasonable suspicion a residential youth possesses contraband, staff will conduct a frisk/pat down and, if needed, a strip search or body scanner.
- 10.3. In the community facilities, when there is reasonable suspicion a residential youth possesses contraband, staff will conduct a frisk/pat down or electronic search.
- 10.4. Frisk/pat down, body scanner, or search of youth and a general area search of the bathroom will be conducted prior to conducting a urinalysis.
- 10.5. Frisk/pat down, body scanner, or electronic searches will be conducted after visitation.
- 10.6. Frisk/pat down or electronic searches will be conducted at intake to the community facility.
- 10.7. In the institutions, frisk/pat down, body scanner, or electronic searches are conducted prior to and return from off campus movement and activity.
- 10.8. In the community facilities, frisk/pat down or electronic searches are conducted when youth return from any time away from the facility.
- 10.9. Frisk/pat down, body scanner, or electronic searches are conducted prior to movement of youth by the JR Transportation Unit in accordance with Policy 5.40, *Transporting JR Youth*. The sending institution is responsible for conducting the search.
- 10.10. Frisk/pat down searches are conducted when a youth is taken into custody by parole staff in the field.
- 10.11. Body scanner searches, if available and in addition to above, are conducted for the following situations:
 - 10.11.1. On all visitors to institutions. Failed or refused body scanner searches must be denied entry and documented on an incident report.
 - 10.11.2. Any time youth completes work or class (examples include: recreation, wood shop, welding, auto shop, kitchen, campus crew, security, etc.).

³ 9/2/2021 Technical Edit: Added "body scanner" per Interim Directive Use of Body Scanner for Youth and Visitors.

Policy 5.70, **Conducting Searches 3/4/2015**

REQUIRED AUTHORIZATION

11. Staff may conduct the following searches without prior authorization:

- 11.1. Electronic
- 11.2. Room
- 11.3. General Area
- 11.4. Frisk/Pat down

12. Strip searches, K-9, and body cavity searches require prior authorization.

- 12.1. K-9 searches require Superintendent, Regional Administrator or designee's approval.
- 12.2. Non-routine strip searches where there is reasonable suspicion of contraband require Associate Superintendent or designee's approval. The Officer of the Day (OD) may provide approval.
- 12.3. Body cavity searches require written approval by the Superintendent or Regional Administrator and a physician or medical

professional. **ROOM SEARCHES**

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

- 13.1. Unannounced and irregular searches of youth rooms are authorized.
- 13.2. Staff will search and inspect each room prior to occupancy of a new youth.
- 13.3. Rooms searched must be returned to the original condition to the greatest extent possible.
- 13.4. Restricted property will be handled in accordance with Policy 2.30, *Managing Youth Property and Residential Accounts*.
- 13.5. Room searches must not be conducted for punitive purposes.
- 13.6. In the community facilities, room searches will be conducted at least twice per month.
- 13.7. Room searches will be documented in the legal log and other local tracking forms.

GENERAL AREA SEARCHES

14. General area searches may be conducted randomly, routinely, and upon reasonable suspicion of the presence of contraband.

- 14.1. Unannounced and irregular searches of youth work areas are authorized.
- 14.2. General area searches will be documented in the legal log and the shift summary.

Policy 5.70, **Conducting Searches 3/4/2015****K-9 SEARCHES****15. 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.**

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

STRIP SEARCHES**16. Strip searches may be conducted only when the following conditions are met:**

- 16.1. A minimum of two staff members must perform strip searches, one to observe and one to conduct the search. A third staff 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.
- 16.2. Staff conducting a strip search must not touch the resident.
- 16.3. Strip searches must be conducted in private, allowing observation only by persons directly involved in the search. (ACA 4-JCF-4C-63⁴)

17. Strip searches are prohibited in community facilities.**18. Strip searches may be conducted on youth in institutions only when a body scanner⁵ is not available and reasonable suspicion exists a youth is carrying contraband.**

- 18.1. Use of a body scanner or routine strip searches are authorized immediately upon intake to the institution to reduce the introduction of contraband.
 - 18.1.1. An Incident Report would not need to be generated on a routine intake strip search unless contraband was recovered during the search.
- 18.2. Use of a body scanner or strip searches after visitation require reasonable suspicion of contraband and approval as outlined in 12.1.

⁴ 9/2/2021 Technical Edit: Corrected ACA reference (previously listed as 4-JCF-2A-22).

⁵ 9/2/2021 Technical Edit: Added "body scanner" per Interim Directive Use of Body Scanner for Youth and Visitors.

Policy 5.70, Conducting Searches 3/4/2015

18.3. Superintendents may authorize a limited-time routine strip search program for individual youth after visitation to reduce the introduction of contraband, based on reasonable suspicion if no body scanner is available.

18.3.1. If a routine search program is authorized, the initial IR must document the intervention and program details. No further IRs will be required for searches conducted during this pre-authorized search program.

19. If a strip search is conducted based on a reasonable suspicion, the search and the approval must be documented.

19.1. If contraband is recovered during the report, then an Incident Report in ACT will be completed.

19.2. If no contraband is recovered, the search will be documented in the legal log.

BODY CAVITY SEARCHES**20. Body cavity searches may be conducted only when the following conditions are met:**

20.1. Electronic, body scanner⁴, frisk, and strip searches must be conducted prior to a body cavity search.

20.2. Body cavity searches must be performed under private and sanitary conditions.

20.3. The search must be conducted by a physician, nurse practitioner, or registered 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. (NCCHC Standard Y-I-03)

21. Body cavity searches may be conducted on youth in institutions only when reasonable suspicion exists a youth is carrying contraband.**22. Only those JR staff necessary to ensure the safety of the medical professional conducting the search may be present or observe the search. JR Staff must be of the same gender as the resident.****23. A body cavity search must be documented on an Incident Report, an Administrative Report of Incident (ARI) and in the youth's medical record.****CONTRABAND****24. All contraband and restricted property discovered during searches must be confiscated and may be subject to disposal or law enforcement referral.**

24.1. Seized contraband and restricted property must be secured using chain of custody standards.

24.2. Law enforcement must be notified of significant seizures of narcotics, illegal drugs, and weapons that would be a law violation.

24.2.1. If law enforcement declines to accept custody of contraband, the Superintendent, Regional Administrator or program Officer of the Day (OD) must be informed.

Policy 5.70, Conducting Searches 3/4/2015

- 24.3. The contraband must be properly disposed of in the presence of two witnesses and documented in the evidence log.

25. Recovered contraband will be documented in an Incident Report.**VISITOR SEARCH****26. Visitors and their belongings may be subject to search⁶.**

- 26.1. Visitors may be subject to search by electronic devices, including body scanners, before entering a JR facility or office. Notice of this must be clearly posted at facility and office entrances.
- 26.2. Searches of visitors' belongings will be conducted in their presence.
- 26.2.1. Staff must not attempt to confiscate visitors' property.
- 26.3. If a visitor refuses a search or does not pass the electronic search or body scanner, the visit will be denied.
- 26.3.1. As appropriate, local law enforcement may be contacted.
- 26.3.2. Entrance to the facility or future visiting privileges may be denied.
- 26.4. Staff must not interfere with a visitor or visitors departing the facility. Staff must not attempt to detain them in any way.

III. DEFINITIONS

Body Cavity Search⁷: A physical inspection of body cavities 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. (NCCHC Standard Y-I-03)

Body Scanner Search⁸: A whole-body x-ray security screening system to detect contraband on or within a person.

Contraband⁷: 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.

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.

⁶ 9/2/2021 Technical Edit: Added "body scanner" per Interim Directive Use of Body Scanner for Youth and Visitors.

⁷ 9/2/2021 Technical Edit: Updated definitions to align within JR policies and/or NCCHC Standard definition.

⁸ 9/2/2021 Technical Edit: Added new "Body Scanner" definition per Interim Directive Use of Body Scanner for Youth and Visitors.

Policy 5.70, Conducting Searches 3/4/2015

Exigent Circumstances⁷: Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility. (PREA Standard 115.5)

Frisk/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. General areas do not include assigned youth rooms.

Incident Report⁷: A document completed in ACT recording a behavior, incident, issue, or event involving youth, staff, volunteer, contractor, or visitor. The report must be objective, and provide the facts and sufficient detail to understand what happened. The report must also include any staff or youth witnesses.

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 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. at intake to the institution.

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.

⁷ 9/2/2021 Technical Edit: Updated definitions to align within JR policies and/or NCCHC Standard definition.

Policy 5.70, **Conducting Searches 3/4/2015**

IV. REFERENCES

| | |
|---|---|
| American Correctional Association (ACA) Standards | National Commission on Correctional Health Care (NCCHC) Y-I-03 Forensic Information |
| GHS Standard #51 Youth Searches ⁹ | PREA Juvenile Facility Standards |

V. RELATED JR POLICIES

| | |
|--|--|
| Policy 2.30 - Managing Youth Property and Residential Accounts | Policy 5.40 – Transporting JR Youth |
| Policy 4.60 – Ensuring the Health and Safety of LGBTQI Youth | Policy 5.90 - Applying PREA Juvenile Standards in JR |

VI. FORMS AND DOCUMENTS

| Document Title | Available In ACT | Link |
|----------------------------|-------------------------|------------------|
| PREA Cross Gender Searches | | DCYF Form 20-286 |
| GRID: Searches in JR | | Attached |

⁹ 9/2/2021 Technical Edit: Added reference link to GHS Standard #51 Youth Searches.

| Search Grid | | | | | |
|---|---|---|---|---|---|
| | Search Type | When Conducted | Completed By | Authorization Required | Documentation |
| <i>JR staff conducting searches must be trained in DWRY or CST</i> | | | | | |
| 1 | Electronic | <ul style="list-style-type: none"> - Upon reasonable suspicion of contraband - Prior to leaving the institution for off-campus activity - Upon intake to a community facility (CF) - When returning to an institution from a CF - Before movement by state transportation - When taken into custody by Parole - After visits | Residential Staff | Prior Authorization Not Required | Legal Log Local Tracking Forms |
| 2 | Room | <ul style="list-style-type: none"> - Routine searches 2 times per month (CFs) - Upon reasonable suspicion of contraband | Residential Staff | Prior Authorization Not Required | Legal Log Local Tracking Forms |
| 3 | General Area | <ul style="list-style-type: none"> - Upon reasonable suspicion of contraband - Randomly or routinely as needed | Residential Staff | Prior Authorization Not Required | Legal Log Shift Summary |
| 4 | Frisk/Pat Down | <ul style="list-style-type: none"> - Upon reasonable suspicion of contraband - Prior to leaving the institution for off-campus activity - When returning to an institution from a CF - Before movement by state transportation - Upon intake to a community facility - When taken into custody by Parole - Before submitting a urinalysis (UA) - After visits | Residential Staff (Cross-Gender searches must be documented on PREA Form 20-286) | Prior Authorization Not Required | Legal Log Local Tracking Forms PREA Cross Gender Search (Form 20-286) |
| 5 | K-9 or Drug Dog | At the request of the Appointing Authority | K-9 Trained Personnel (non-JR) | Superintendent, Regional Administrator, or designee | Administrative Report of Incident (ARI) |
| 6 | Strip Searches <i>(Institutions Only)</i> | <ul style="list-style-type: none"> - Intake to Institution (including transfer between institutions) - Upon reasonable suspicion of contraband | Residential Staff with a minimum of 1 staff witness (Cross-Gender searches must be documented on PREA Form 20-286) | Associate Superintendent, Officer of the Day or designee (Authorization is needed for non-routine strip searches only) | Legal Log Incident Report in ACT* PREA Cross Gender Search (Form 20-286) *IRs are required for routine Strip Search at Intake only if contraband is identified |
| 7 | Body Cavity | - Upon reasonable suspicion of contraband and AFTER electronic, frisk, and strip searches have been completed | Authorized physician, physician's assistant or a nurse practitioner (non-JR) | <u>Written</u> Approval from Regional Administrator or Superintendent AND Physician/Medical Professional | Incident Report in ACT Administrative Report of Incident (ARI) Youth's Medical Record |
| 8 | Body Scanner Search <i>(Institutions - Only if Available)</i> | <ul style="list-style-type: none"> - Upon intake from detention - When returning from another institution, CF, or DOC - When returning from off-campus activity - After completing work or class - Upon reasonable suspicion of contraband or restricted property (not discoverable through frisk search) - Before visits (all campus visitors) - After visits | Trained and Facility Administrator Authorized Residential Staff | Prior Authorization Not Required | Search Log Book Reasonable Suspicion: Incident Report in ACT |