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References**

Searches: Policy, Definitions, Procedures

I. Introduction

This policy is consistent with Section 4030 of the California Penal Code and Section 1360 of Title 15. These guidelines will serve to prevent the illegal search and seizure of a youth's person or property.

- A. Personal and facility searches are not conducted for harassment or as a form of discipline or punishment, but to maintain a safe facility. Probation is ever mindful of its need to balance the safety and security of juvenile institutions with the privacy and dignity of the youth.
- B. Facility and pat down searches may be conducted as deemed necessary by the LPBC Manager or Deputy Probation Officer, Supervising (SPO) on a routine, random or incident-specific basis.
- C. The authority to conduct visual body searches and body cavity searches is derived and restricted by various statutory laws and state regulations, including:
 - 1. The United States Constitution, 4th Amendment
 - 2. The California Constitution, Article I, Section 13
 - 3. California Penal Code, Section 4030
 - 4. Board of State and Community Corrections, Title 15 Regulations, Section 1360

II. General Policy

- A. Searches shall be conducted to ensure the safety and security of the facility, the public, visitors, youth and staff and to control the entry of contraband into the facility.
 - 1. All staff will be sensitive to the fact that searches are intrusive, and impact a person's individual space and privacy. Some persons may be accustomed to or not bothered by them while others may find them uncomfortable.

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Additionally, persons with histories of trauma may be especially impacted by them no matter how unobtrusive.

2. A youth's history and type of offense will not influence a decision to perform a mandatory visual body search.
3. A youth's history and type of offense may influence a decision to perform a permissible visual body search.

III. Definitions

- A. **Pat-down Search:** A hand search conducted outside the clothing of a youth.
- B. **Visual Body Search:** A search that requires the youth to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person. A youth may, if necessary, be directed to squat and cough during a visual body search.
- C. **Physical Body Cavity Search:** A physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity.

See Sections
IV, V & VI
of this
chapter;
4030 PC

IV. Pat-down Searches

- A. Upon return from work crews, all youth shall be subject to a pat-down search by a sworn juvenile institutions staff (Juvenile Institutions Officer (JIO), Deputy Probation Officer, Senior (Sr. DPO), SPO or Manager) of the same gender with basic training in searches provided by the successful completion of 832 PC training.
- B. Officers shall not conduct cross-gender pat-down searches except in exigent circumstances, including situations wherein an immediate pat-down search of the youth is necessary for the safety and security of the facility and a same gender officer is not readily available.
 1. Should a cross-gender pat-down search be conducted, the search shall be documented in a WSR to include the specific reasons for the search.

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V. Visual Body Searches

- A. Visual body searches of detained youth are permissible in accordance with existing law and this policy. The purpose of a visual body search is to contribute to:
1. The security of the detention facility through the detection and confiscation of contraband;
 2. The safety of youth held in the setting, and employees, treatment providers, and visitors who work in or come into the detention setting through the early identification of health conditions and the detection of dangerous items.
- B. Visual body searches are performed for the following reasons:
1. Detection of wounds, infections, ailments, bruising, and other medical conditions that may require attention or investigation;
 2. Detection and confiscation of prohibited items (or contraband).
- C. A visual body search for purpose of this policy includes the following elements:
1. A visual inspection of a detained youth's entire unclothed body.
 2. Verbal instructions to a detained youth to assist in the search by moving, lifting, or showing body parts.
 3. Officers of the same gender as the detained youth performing the search (except in cases where there are transgender considerations).
 4. Search is conducted in a manner and location that ensures as much privacy as possible and mitigates as much anxiety as possible.
- D. **Required** visual body searches are required as follows:
1. Upon arrival into the LPBC program from Juvenile Hall and prior to having full or partial access and exposure to other youth in the facility.

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2. Whenever a youth returns from a furlough outside the facility, regardless of the duration, such as doctor's appointment with family members and weekend home visits.
 3. Whenever a youth returns from an absence from the facility unless the youth has been in the constant custody of a JIO or law enforcement officer.
- E. **Permitted** Visual body searches are allowed as follows:
1. When a youth returns from a visit, appointment, or interview from **within** the facility when there has been no direct or limited supervision or observation of the youth by an officer.
 2. Whenever there is suspicion that a youth may be concealing a prohibited item based on an officer's direct observations of a youth's actions, behavior or comments, or some other indication that a prohibited item may be present.
- F. Authorizations and Documentation:
1. Required visual body searches do not require prior authorization or justification, but in all cases will be documented with a Workers Special Report.
 2. Permitted visual body searches require prior authorization by the SPO or Manager with required articulated justification documented in a Workers Special Report.
- G. Conducting Visual Body Searches:
1. Person conducting a visual body search shall not touch the buttocks or genitalia of the person being searched.
 2. All persons within sight of the youth during a visual body search shall be of the same sex as the person being searched, except for physicians or licensed medical personnel.
 3. All visual body searches shall be conducted in an area of privacy, out of view of other persons not participating in the search. Visual body searches shall require two staff of the same gender to be present.

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4. In circumstances where the search involves a transgender or intersex youth or a youth whose gender expression is apart from their gender assignment, the person conducting the visual body search may be of the opposite gender from the youth if the youth prefers it and agrees to it. In such cases, that agreement is to be secured before the search and documented in a WSR.
5. Documentation within the WSR of a visual body search shall include the date, time and place of the search, the name of the staff member(s) conducting or present for the search and a statement of the results of the search, including a list of any items removed from the person searched.

VI. Physical Body Cavity Search

- A. No youth at the LPBC shall be subjected to a physical body cavity search without a court order authorizing the physical body cavity search. All such searches shall be performed by authorized medical personnel not regularly assigned to the institution. A sworn staff of the same gender shall be present during the search for security and evidentiary purposes.
 1. A WSR and the Strip Search Authorization Checklist (SSAC) shall be completed detailing the specific and articulable facts and circumstances upon which the authorizing Officer established reasonable suspicion to request and secure the search warrant.
 2. Documentation within the WSR of an authorized physical body cavity search shall include: the authorizing magistrate and date of the signed search warrant; time, date and place of the search; the name, title, and sex of the medical personnel conducting the search; and a statement of the results of the search, including a list of any items removed from the person searched. The search warrant shall be scanned into IMPACT and a copy retained in the youth's LPBC office file.

VII. Facility Searches

- A. Facility searches are conducted to ensure the safety and security of the institution staff, youth and the community. Facility searches include, but are not limited to locker and bunk searches, and searches of building and areas including the dormitory, school building, kitchen/dining hall, gymnasium, Administration office, conference room, visiting area and other areas inhabited by the youth.

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- B. If a search of a locker and bunk area is necessary, the staff will wear gloves and search from the top shelf down, behind and underneath the locker. Staff will check inside letters, books, magazines, toothpaste boxes, and will inspect all clothing items, including footwear, and any other items located inside the locker.
- C. When searching a bed, the staff should check the bed frame for openings or missing parts, and check the pillow and mattress for tears/openings. Staff should check the bedding and linens.
- D. In the event of a full dormitory or building search, it will be ensured that documented cause exists to execute the process, a Sr. DPO has approved the action, and adequate staff are available to safely and efficiently conduct the search operations and to supervise the group.

VIII. Narcotics K-9:

The services of a K-9 officer and narcotic sensing dog (from local law enforcement agencies) will be requested as needed, or to conduct routine, random searches for the dormitory, grounds and perimeter.

IX. Visitor Searches:

- A. Limited administrative searches of visitors will be conducted as needed to ensure the safety, security, and sound operation of the facility. Searches, as outlined below, will be conducted on a visitor who is suspected of being in possession of contraband that poses a threat to the safety and security of the LPBC program and will be documented in a WSR.
 - 1. Visitors may be subjected to a search by a hand-held metal detector as authorized by a Sr. DPO or designee, SPO or Manager. Visitors may be denied visitation if the metal detector is activated during a search and there is reasonable suspicion to believe that the visitor may be carrying a weapon, contraband, or property not allowed on the premises.
 - 2. All visitors are subject to a pat down search, or have their personal property directly searched or visually inspected to ensure the safety, security, and safe operation of the facility. Visitors may be requested to turn pockets inside out and/or remove outer garments to have them searched for contraband.

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- a. Should the visitor refuse, they may be denied entry.
- b. Visitors suspected of possessing contraband may be asked to leave the premises by the Sr. DPO or designee on duty.
3. A Court order preventing visitations shall be obtained should the Manager, based on reasonable suspicion, determine a visitor or visitors are a risk to the safety and security of the facility, staff, and/or youth.

X. Evidence Procedure

- A. The evidence cabinet is located in the Sr. DPO office in the lower office.
 1. The cabinet is a file cabinet with a safe lock attached.
- B. The SPO or Sr. DPO have access to the evidence cabinet. They will assist staff in securing or removing evidence.
- C. If the is not a SPO or Se. DPO on duty, staff are to use the key-lock file cabinet located in the supply room in the lower office.
 1. The key will remain in the file cabinet if it is empty.
 2. When evidence it placed in the cabinet, the evidence log must be completed.
 - a. List the evidence on the Pro 306. A copy goes with the evidence and a copy is scanned into IMPACT.
 - b. Log the evidence in the evidence folder attached to the cabinet.
 3. Pull the key out and place it in the key drop box located on top of the evidence file cabinet.
 4. Send an e-mail to the SPO and the Sr. DPOs indicating there is evidence to be transferred from the key-lock cabinet to the safe-lock cabinet.
 5. The next Sr. DPO or SPO on duty will transfer the evidence to the safe-lock cabinet and then to the appropriate field office within 48 hours.

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- 6. The Sr. DPO or SPO will reply to that e-mail indicating the transfer has been complete.
- D. Complete a WSR regarding the evidence/contraband located and the disposition of the evidence/contraband.
- E. The evidence drawer is to be reviewed by the 5th of every month by the designated Sr. DPO to determine what evidence can be disposed of after confirming the matter has been resolved in court.
- F. Any drugs are to be taken to SBSO for disposal.
- G. Other contraband will be reviewed with the SPO for confirmation on destruction.
- H. The Pro 306 shall be completed and canned into IMPACT upon disposal of the property.

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**STRIP SEARCH AUTHORIZATION
REASONABLE SUSPICION FACTORS – CHECKLIST**

Detainee _____ Offense _____

Facility _____ Arresting Agency _____

Date _____ Time _____

Specific Factors Establishing Reasonable Suspicion:

Supervisors (SPO/Manager) will review the factors listed below prior to authorizing a strip search and provide written justification for “YES” answers.

1. Present offense or prior criminal history that includes the possession of weapons or controlled substances. YES _____ NO _____

2. Documented history of concealing contraband/drugs or weapons beneath their clothing in this or any institution. YES _____
NO _____

3. During an arrest/intake pat down search, arresting officer/intake staff found drugs or a weapon. YES _____
NO _____

4. Staff observation of unusual conduct/behavior, furtiveness, excessive nervousness, and the detainee provided evasive or contradictory answers to questions during the intake process. YES _____
NO _____

5. Staff members/arresting officer observe behavior that indicates a detainee is attempting to conceal any mood altering substance, drug paraphernalia, weapons, or any other contraband on their person. YES _____
NO _____

6. Staff receive reliable information from a third party source that the detainee has used a controlled substance or other mood altering products within the previous 24-hour period or that they are possibly concealing drugs, weapons or other contraband. YES _____
NO _____

7. Staff are aware that a specific item that could be used for a weapon is missing within the Juvenile Hall, and that the minor had access to the area from which the item was taken. YES _____
NO _____

8. Discovery of incriminating articles/contraband in less intrusive searches. YES _____
NO _____

9. Past/current conduct in the facility, e.g. (assaultive behavior, contraband, self-mutilation, suicidal ideation, gestures, or attempts).

YES _____
NO _____

NO STRIP SEARCH INDICATED: Comments: (i.e. precluded by charge and record)

Intake Officer Name _____

STRIP SEARCH AUTHORIZATION

YES _____
NO _____

Supervisor (SPO/Manager): _____ Date/Time:

Staff Conducting Search: _____ Date/Time:

Staff Conducting Search: _____ Date/Time:

WSR #: _____ Results of Search:

