



Youth Detention Facility OPERATIONS ORDER

Searches - Title XV Section 1360

Purpose and Scope

Under the Fourth Amendment, people have the right to a degree of privacy with regard to their bodies. There must be some legitimate reason to “invade” that privacy¹. The purpose of this policy is to provide measures for determining if and under what circumstances a strip search is permissible, and to establish procedures for conducting such searches.

All staff shall adhere to the following policy and procedure regarding searches of new intakes, youth in custody, and youth returning to the facility, visitors and the facility.

The Department recognizes a strip search may, under certain conditions, be necessary to protect the safety of officers, civilians and youth, as well as to maintain facility security and safety. The scope of a strip search is governed by the principle that the search should not be more extensive than necessary to ascertain the existence of the type of weapon or contraband that is reasonably believed to be concealed.

Recognizing the intrusiveness of a strip search on individual privacy, and recognizing that varying levels of strip searches may be required, it is the policy of this Department that *all* searches be conducted only with proper authorization and justification, with due recognition and deference for the dignity of those being searched, and in accordance with procedural guidelines for conducting such searches as set forth in this policy. Every effort shall be made to minimize the discomfort and embarrassment of the youth during a strip search. Strip searches will **never** be conducted in a group setting. A strip search shall never be performed to punish, harass or humiliate the individual being searched.

Under no circumstances, will Probation staff conduct a physical body cavity search on any resident. Physical body cavity searches require a search warrant, and can only be conducted by medical personnel.

All strip searches must be approved by a Supervising Probation Officer. No strip search or visual body cavity search or both may be conducted without the prior written authorization of the Supervising Probation Officer on duty. The authorization shall include the specific and articulable facts and circumstances upon which the reasonable suspicion determination was made by the supervisor. Verbal authorizations are not in compliance with state law.

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A person who knowingly and willfully authorizes or conducts a strip, visual or physical body cavity search in Violation of Section 4030 of the California Penal Code is guilty of a misdemeanor.

Affected Personnel

All Sworn Staff – YDF

Authority

Title XV, Section 1360 – BSCC
Penal Code Section 4030

Effective Date

December 1, 2019

I. Definitions

Strip Search - any search, which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, and genitalia of such person. A strip search includes a thorough search of the clothing removed from the individual being searched.

Visual Inspection - to look carefully at or over, to view closely.

Visual Body Cavity Search - to visually inspect, or view the cavities of another person, including genitals and anus, without any physical contact.

Physical Body Cavity Search - the physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity. **(These searches will never be performed by Probation Staff)**

Pat-down search - the search of a person while the individual is clothed. The search requires the movement of the searcher's hands over the entire body, pressing the clothing in an attempt to detect any concealed weapons or contraband. A pat-down search may also involve the use of a hand held metal detector (wand).

Unit Search - the search of a living area including a cell, day space, bathroom, or any other common areas of the living unit.

Reasonable Suspicion - as used in this policy is based on specific and clearly articulated facts to believe that a particular person is concealing a weapon or contraband, and that a strip search is likely to result in the discovery of the weapon or contraband.

Factors to Support Reasonable Suspicion: Some factors, which could be considered on a case-by-case basis to determine whether reasonable suspicion exists to conduct a search include, but are not limited to the following:

- Excessive nervousness
- Unusual conduct
- Information showing pertinent criminal propensities
- Discovery of incriminating matter in less intrusive searches
- Needle marks or indications of drug addiction
- Evasive or contradictory answers to questions
- Pat Down searches which give the officer reasonable suspicion that a weapon or contraband may be present on the person.

II. Guidelines – Admission Searches: All Residents

- A. A pat-down search shall be performed upon all residents, regardless of offense, immediately upon their arrival in the booking/admission area.

- B. Probation staff shall not conduct pat down searches on residents of the opposite sex absent emergency circumstances that endanger the safety of staff or residents.

- C. A pat-down search shall involve a body quadrant search and be conducted as follows:
 1. Area 1: Waistband.
 2. Area 2: Lower front pants pocket.
 3. Area 3: Stomach, chest*, shoulder, outer & inner arms, armpit and side of body.
 - * **Female officers searching female residents will follow the same search pattern as above, but will have to clear the bra and breast area. Be sure to clear both the shoulder strap and elastic side panel.**
 4. Area 4: Head, neck, collar & back
 5. Area 5: Rear pockets
 6. Area 6: Groin area
 7. Areas 7 & 8: Legs, ankles, feet and shoes.

Note: In order to successfully conduct a pat-down search on any resident, officers need to use four of their five senses, including:

- Sight: Look for weapons/contraband

- Touch: Feel for weapons/contraband
- Hearing: Hear influence, nervousness, lies
- Smell: Odors of influence (alcohol/drugs)

II. Admission Procedures - No Strip Search

- A. Youth booked on violations of 11550 or 11364 H&S charges, or a 4140 B&P charge, will not be subject to a strip search upon admission unless the officer can articulate specific facts which support the reasonable suspicion that the youth may possess contraband, and the strip search is likely to result in the discovery of such contraband. The facts of the reasonable suspicion must be clearly articulated on the electronic Strip Search Authorization form.
1. Escort the youth to an appropriate dressing/shower (Attachment A) area and issue him/her a paper gown;
 2. Direct the youth to remove his/her clothing and put on the paper gown. Direct the youth to alert you once they have completed the task;
 3. Remove yourself from the area while the youth is undressing/dressing;
 4. Once alerted that the youth has disrobed and is in the paper gown, return to the shower/dressing area;
 5. Carefully examine and bag each piece of clothing the youth removed. The youth's clothing shall be stored in accordance with the procedures for Storing Personal Property;
 6. Use a hand-held metal detector (wand) over the paper gown to examine the youth;
 7. Issue the youth appropriate facility attire and remove yourself from the area after directing them to shower. Instruct the youth to alert you when they are finished showering and they are clothed;
 8. Youth will be escorted back to the booking counter for further processing.

III. Admission Procedures – Strip Search

- A. Admission strip searches **shall not** be conducted without prior written authorization from a Supervising Probation Officer using the electronic Strip Search Authorization form. **The decision whether or not to conduct a strip search shall be made by the supervisor on duty.**
- B. Once authorization has been granted, the strip search shall be conducted as follows:

1. Strip searches will **never** be conducted in a group setting.
2. All strip searches shall take place in a private area in one of the approved locations (Attachment A). This private area must eliminate the possibility of visual access by person(s) not involved in the search.
3. All strip searches shall be conducted without touching the youth's body.
4. The officer conducting the search shall be of the same sex as the person being searched. No person of the opposite sex shall be allowed to view the search.
5. A second staff member of the same sex must act as a witness during the search. No person of the opposite sex shall be allowed to view the search.
6. Physical Body Cavity searches are never to be performed by Probation staff.
7. Have the youth remove each article of clothing, one piece at a time, and hand it to you;
8. Carefully examine each article of clothing for contraband, weapons, etc. and place it into the clothing bag provided;
9. Once the clothing has been bagged, immediately remove the bag from the area and begin the search. *Upon completion of the strip search*, the youth's clothing shall be stored in accordance with the procedures for Storing Personal Property;
10. During the strip search process, look for any irregularities such as fresh injection marks, tracks (scarring from previous injections), bruises/scarring, etc. which may indicate physical abuse, medical conditions, etc. Any physical oddities noted during the search shall be referred to the clinic for documentation. Any scars, marks, and tattoos shall be documented, at the time of YDF admission, using the LiveScan machine.
11. Direct the youth to stand and face you.

IV. Visual Inspection Strip Search - Procedure

- A. The Visual Inspection strip search consists of steps 1 – 8 and will begin at the head and work down to the feet, and shall be conducted sequentially, as follows:
 1. **Hair & Scalp:** All hair must hang loose. The youth must take all hair arrangements (dreadlocks, ponytails, braids, etc.) apart for inspection. Direct the youth to run their fingers through their hair. Inspect hair, scalp and hairline at the back of neck.

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- a. Wigs, hair extensions and hairpieces are subject to the inspection process listed above. All recommendations for removal of wigs, hair extensions and hairpieces shall be forwarded to Administration for approval.
 - b. If a resident requires a hairpiece due to a medical condition, it must be cleared through the clinic and the Duty Supervisor.
2. **Ears:** Inspect behind ears, under lobes, and into ear canal.
3. **Nose:** Direct the youth to tilt their head back and inspect their nasal passages.
4. **Mouth:** Inspect mouth and lip area. Direct the youth to open their mouth wide, tongue up, down, right and left. Have the resident roll upper lip up and lower lip down.
5. **Upper Torso – Anterior:** As the youth continues to stand and face you, direct them to extend arms to the side with fingers spread apart. Have them rotate hands front to back.
 - a. Direct obese youth to raise rolls of excess skin for visual inspection.
 - b. Direct the youth to extend arms towards you with fingers spread. Inspect between fingers and under fingernails. Inspect arms and hands for injection sites.
 - c. Fingernails must be a safe length, not to exceed ¼". Youth will be directed to clip long nails. This standard also applies to false fingernails.
6. **Lower Torso – Anterior:** Direct the youth to stand with legs apart (approximately 24") and inspect the front lower torso.
 - a. Inspect front of legs and feet.
 - b. Instruct the youth to spread each toe and inspect between each toe.
7. **Upper Torso – Posterior:** Instruct the youth to turn so that their back is facing you.
 - a. Inspect entire back area beginning at the base of the neck.
 - b. Direct obese residents youth to raise layers of excess skin for visual inspection.
8. **Lower Torso – Posterior:** With the youth still facing away from you, visually inspect the back of each leg and instruct them to lift each foot so that the bottom of the foot is exposed. Inspect bottom of feet and toes.

IMPORTANT: If at any time during the Visual Inspection strip search procedure, you have reasonable suspicion to believe that the youth you are searching may still be secreting contraband, and that said contraband could be discovered through a more thorough search, then you may initiate the Visual Body Cavity Search which includes steps 9 – 12. This level of search will require Supervisor review and approval on the electronic *Strip Search Authorization form*. The strip search may not be conducted without prior written supervisor approval.

IV. Visual Body Cavity Search – Procedure

A. The visual body cavity search shall be conducted sequentially, as follows:

1. Males will be instructed to lift their penis and subsequently, their scrotum. If a male is uncircumcised, instruct him to pull foreskin back.
2. Females will be instructed to raise their breasts.
3. Visually inspect the youth's buttocks area, looking for any string or thread leading into the anus.
4. Instruct the youth to assume a squatting position and cough deeply. This should expel most items of contraband secreted in the rectal area.

B. The strip search is now concluded. YDF admissions will be directed to shower. Once the shower is completed, staff shall issue Youth Detention clothing to the youth and direct them to dress. Escort the youth back to the booking counter for further processing.

NOTE: In the event any contraband is discovered during the course of a strip search it shall be processed in accordance with procedures for handling evidence i.e. Chain of Custody. Any contraband discovered shall also be noted on the electronic Strip Search Authorization form and an incident report shall be completed.

V. Transgender and Intersex Youth

A. Please see the YDF policy regarding searches of Transgender and Intersex Youth that complies with Title XV, Section 1352.5

VI. Housing Unit Search Procedures

A. Housing unit searches shall be conducted weekly and include the youths room, day space, showers, classrooms and any additional common area in the living unit.

- B. Thorough pat down searches shall be conducted at the unit level under the following circumstances:
1. Following a **contact** visit, including: Parent/guardian, attorney, clergy, psychiatrist, mental health team member, etc.;
 2. Youth returning from Juvenile, Family & Adult Court;
 3. Inter-facility transfers from other institutions;
 4. Upon a youth's return from the facility Clinic;
 5. Upon a youth's return from school;
 6. Upon a youth's return from a Medical / Mental Health transport;
 7. Any youth returning from a work assignment or program outside the housing unit, including kitchen carts, STEP, etc.
- C. The fact that a resident's arresting offense involved a weapon, drugs or violence allows for a strip search **only** at the intake/booking level. **Any subsequent strip search also requires reasonable suspicion and prior written supervisor approval.** The reasonable suspicion must be documented on the electronic Strip Search Authorization form and in an incident report.
- D. Youth may be strip searched at the unit level only if there is reasonable suspicion to believe that they may be concealing contraband on their person, and that said contraband could not be detected by a pat down search or hand-held metal detector.
- E. In the event a strip search is authorized at the Unit level, it shall be conducted in accordance with the admission strip search procedures outlined herein.

VII. Visitor Center Search Procedures

- A. After departure of visitors, Visitor Center staff shall:
1. Conduct a thorough pat-down search of all youth prior to release from the Visitor Center.
 2. Thoroughly search the visiting area and any other area which visitors or youth may have had access to.

VIII. Searches of Visitors

- A. Please see YDF policy regarding searches of visitors that complies with Visiting Title XV, Section 1374.

IX. Booking/Intake Room Search Procedure

- A. Booking staff to:
1. Conduct a thorough search of each booking/intake room during the morning and evening shift.

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2. Conduct a thorough search of the booking/intake room after youth access.

X. Youth Detention Facility Perimeter Search

- A. A YDF perimeter search shall be conducted daily between 0700 and 0800 hours. The staff conducting the search shall complete the YDF Perimeter Access Points Security Checklist and notify the Watch Commander or Duty Supervisor upon completion and document any concerns.
- B. The perimeter search shall include the following; staff parking lot; south filed gate (G-1); north field gate vehicle entrance; warehouse roll up door; fire risers access door, and the entire perimeter fence line.

XI. Documentation

- A. All strip searches shall be documented on an electronic Strip Search Authorization form. The documentation shall include: why the search was conducted; who conducted the search; when and where the search was conducted; who was present; the gender of the resident and searching officer, and the results of the search.
- B. A hard-copy Strip Search Authorization Form is only to be used when it is impossible to electronically generate a Strip Search Authorization Form, i.e. power outage/failure and/or computer system malfunction/failure.
- C. All persons, including those authorized in Standing Order number SSC-JV-99-021 of the Juvenile Court, pursuant to Section 827 of the Welfare and Institutions Code, California Rules of the Court, rule 5.552 may only be provided a copy of PDF version of the Strip Search Authorization form.

Attachments/References

Searches of Visitors- Visiting Title XV 1374
Searches of Transgender and Intersex Youth Title XV, Section 1352.5

Amends/Replaces Previous Order

Searches of Residents 5/21/13

Authorized By  **Date** 3/4/2020
Division Chief, Dave Semon

¹ In *Bell v. Wolfish*, 441 U.S. 520, 99 S. Ct. 1861 (1979), the Supreme Court held that routine strip-searching of pretrial detainees was not a per se violation of the Fourth Amendment prohibition against unreasonable searches and seizures. In articulating the balancing test applicable to such searches, the Court stated:

"The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. In each case it requires a balancing of the need for the particular search against the invasion of personal rights that the search entails. Courts must consider the scope of the particular intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it occurred".

The *Bell* balancing test for reasonableness requires, at a minimum, that the facts upon which the intrusion is based be capable of measurement against an objective standard. Although one appellate court initially suggested that probable cause might be required to justify a strip search, *Tinetti v. Wittke*, 620 F.2d 160 (7th Cir. 1980) ("The searches were conducted despite the absence of probable cause to believe that the detainees were concealing contraband or weapons on their bodies."), the courts of appeal now recognize that "reasonable suspicion" may justify a strip search of a pretrial detainee. See, e.g., *Swain v. Spinney*, 117 F.3d 1 (1st Cir. 1997); *Warner v. Grand County*, 57 F.3d 962 (10th Cir. 1995); *Weber v. Dell*, 804 F.2d 796 (2d Cir. 1986) *Stewart v. Lubbock County, Texas*, 767 F.2d 153 (5th Cir. 1985); *Mary Beth G. v. City of Chicago*, 723 F.2d 1263 (7th Cir. 1983). In upholding the strip search of a juvenile, this court specifically held that law enforcement officers "may conduct a strip search of a juvenile in custody, even for a minor offense, based upon reasonable suspicion to believe that the juvenile is concealing weapons or contraband." *Justice v. City of Peachtree City*, 961 F.2d 188, 193 (11th Cir. 1992).

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ATTACHMENT A

Facility Approved Strip Search Locations

Youth Detention Facility

When shower rooms are used to conduct a strip search, a medical screen must be utilized to ensure the residents privacy.

Booking Unit	Pre-booking resident bathroom
Booking Unit	Shower 1
Booking Unit	Shower 2
Clinic	Showers
HU 01	Showers
HU 02	Showers
HU 03	Showers
HU 04	Showers
HU 05	Showers
HU 07	Showers
HU 08	Showers
HU 09	Showers
HU 10	Showers
HU 11	Showers
HU 12	Showers
HU 13	Showers
HU 14	Showers
HU 15	Showers
HU 16	Showers
HU 17	Showers