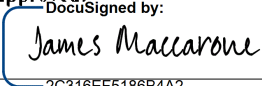


MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES YOUTH INSTITUTIONS	
Subject: Youth Searches	Policy Number: 14
Number of Pages: 9	Section: VII
Attachments	Related Standards & References
	ACA 3-JDF-3A-19, ACA 3-JDF-3A-20, ACA-3-JDF-3A-21, ACA 3-JDF-3A-29, ACA-3-JDF-3A-01
Effective Date: October 15, 2019	Approved: DocuSigned by:  2C316EF5186B4A2...

I. POLICY

It is the policy of the Mississippi Department of Human Services (MDHS), Division of Youth Services (DYS), that searches of youth at Oakley Youth Development Center (OYDC), living areas of the youth, and/or other areas within the facility in which youth have access, shall be conducted as often as necessary to ensure the safety and security of the facility. Searches shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Only OYDC identified and trained staff shall conduct searches. Searches will be conducted in accordance with procedural guidelines set forth in this policy. A search shall never be performed to punish, harass, or humiliate any youth.

II. DEFINITIONS

As used in this policy and procedure, the following definitions apply:

- A. **Body Cavity Search-** An intrusive search requiring physical probing of the vagina or anus, for the purpose of discovering contraband. Body cavity searches may only be conducted by approved, off campus medical personnel. At no time shall a staff of MDHS, DYS, and/or OYDC conduct a cavity search. All Body Cavity Searches require prior approval by the Facility Administrator.
- B. **Contraband-** Items for which possession by a youth is either illegal by federal or state law or prohibited by the policy of MDHS, DYS, and/or OYDC. Contraband items include, but are not limited to: tobacco, illicit drugs, paraphernalia, alcoholic beverages, weapons, jewelry, money, electronic devices, cell phones, items capable of being used to assist in an escape, or any item that might interfere with the treatment process and/or safety and security of the facility.
- C. **Exigent Circumstances-** Allowing a change in procedure for temporary and unforeseen circumstances that requires immediate action in order to combat a threat to the security, safety, and/or order of the facility. Once a threat has been terminated, and security, safety, and/or order has been established, staff are to

return to and follow standard procedures and protocols.

- D. **Incident-** An observed event pertaining to youth and staff safety or facility security.
- E. **Incident Report Form-** A form for the specific purpose of documenting a noteworthy incident.
- F. **Intersex-** A person who is born with genitalia and/or secondary sex characteristics determined as neither exclusively male, female, or combined male and female features. A person with an intersex condition is born with sex chromosomes, external genitalia, or an internal reproductive system that is not considered "standard" for either male or female.
- G. **LGBTQI2-S:** An acronym that refers to lesbian, gay, bisexual, transgender, questioning, intersex, and 2-Spirit individuals.
- H. **Pat-Down Search-** A search of an individual conducted with the individual fully clothed, by using the searcher's hands to perform a quick but thorough search for contraband by rubbing, patting, and/or brushing the outer layer of clothing, and avoiding direct contact with the individual's skin. The individual may be asked to empty out their pockets and/or turn their pockets inside out, remove any exterior/additional clothing (i.e. jacket.), and expose interior of mouth for the purpose of a Pat-Down Search. The individual shall be wearing at least one outer layer of clothing.
- I. **Probable Cause-** Articulable knowledge, supported by reasonable suspicion, that contraband is being secreted. Probable cause exists when facts and circumstances within the employee's knowledge and about which he/she has reasonable, trustworthy information are sufficient to support a reasonable belief that contraband may be found at the place or on the person to be searched.
- J. **Property Searches -** Searches of any and all property include, but are not limited to: clothing, laundry, campus pods, rooms, dayroom floor, beds, drawers, areas within the school, recreation equipment and facilities, and/or workforce equipment and areas.
- K. **Reasonable Suspicion-** A suspicion based on specific and clearly articulated facts, that a particular individual is concealing contraband, and that a search is likely to result in the discovery of the contraband.
- L. **Search Equipment-** Search equipment authorized for use are hand-held metal detectors, walk-through metal detectors, and mirrors.
- M. **Serious Incident-** Incidents with serious consequences to youth and staff safety or facility security. These incidents require additional documentation and review by the Administrative Review Team and DYS management.

- N. **Serious Incident Report Form-** A standard form with the specific purpose of documenting a serious incident.
- O. **Strip Search-** A search of an individual in which the youth is required to remove all their clothing and expose all parts of their body to a *visual* search for contraband. The searcher conducts a careful *visual* examination of the nude youth, and a thorough visual and hand search of the youth's removed clothing. During a Strip Search, the youth may be required to bend over, squat, turn around, raise their arms, cough, lift the genitals, lift up skin overlays, and/or lift the breasts. Staff shall not touch the youth during a strip search. All Strip Searches require prior approval by the Facility Administrator.
- P. **Transgender-** A person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth.
- Q. **Two-Spirit-** A culturally distinct gender that describes Indigenous North Americans who fulfil one of many mixed gender roles found traditionally among many Native Americans and Canadian First Nations indigenous groups.
- R. **Wand Search-** A search of an individual who is fully clothed, by using a hand-held or walkthrough metal detector to detect metal objects.

III. PROCEDURES

Staff shall conduct all searches of youth, rooms, and other areas of campus in accordance with the current crisis intervention training system and the procedural guidelines set forth in this policy.

- A. When reasonable suspicion of the presence of contraband exists, staff shall use the least intrusive method of search likely to discover the contraband. Some factors which could be considered case-by-case to determine whether reasonable suspicion exists, and include, but are not limited to:
 - 1. Statements by the youth or reports from other sources.
 - 2. Behavior of the youth, e.g., excessive nervousness or unusual conduct, covering or placing hands repeatedly in certain areas of clothing or body, items missing which could cause physical harm from an area in which a youth recently exited, etc.
 - 3. Discovery of clues in earlier less intrusive searches, indicating the likely presence of contraband.
 - 4. Obvious drug use or intoxication.
 - 5. Evasive or contradictory answers to questions.
- B. Discovery of Contraband

1. Any youth discovered to be in possession of contraband onto facility grounds, as set forth in this policy and OYDC Policy VII.12, Weapons and Contraband, are subject but not limited to: OYDC disciplinary action (See OYDC policy: VII.9, Due Process Hearings), referral for criminal charges, civil penalties, or other punitive actions as deemed appropriate.

C. Wand Search

1. Staff may conduct a wand search of youth at any time.
2. When conducting a wand search, trained OYDC staff shall use a hand-held or walkthrough metal detector to "scan" the entire body of the youth.
3. Staff shall not make physical contact with the searched individual during the search.
4. If the metal detector sounds, staff shall instruct the searched person to remove any metal objects and then staff shall repeat the scan. If any metal objects discovered are not permitted in the area the individual is attempting to access, but are not considered contraband, they will be placed in a Facility Secured Item Area for the individual to receive upon exiting the area/facility.
5. If any contraband is found during a Wand Search, staff are to notify the Shift Supervisor and document the discovery of the contraband in the Unit Log Book. In addition to documentation in the Unit Log book, staff are to fill out an Incident Report Form (VII.2.A) or Serious Incident Form (VII.2.B) based upon the risk level/threat to security the contraband poses to youth, staff, and/or the facility. The Staff Supervisor is to report any Serious Incidents to the Administrative Duty Officer (See OYDC Policy: VII.2, Incident Reporting).

D. Property Search

1. Property Searches may be conducted of any youth's property at any time.
2. Shift Supervisor must be notified when a Property Search is being conducted.
3. Property Searches must be documented in the Unit Log Book.
4. If any contraband is found during a Property Search, staff are to notify the Shift Supervisor and document the discovery of the contraband in the Unit Log Book. In addition to documentation in the Unit Log book, staff are to fill out an Incident Report Form (VII.2.A) or Serious Incident Form (VII.2.B) based upon the risk level/threat to security the contraband poses to youth, staff, and/or the facility. The Staff Supervisor is to report any Serious Incidents to the Administrative Duty Officer and/or Facility Administrator (See OYDC Policy: VII.2, Incident Reporting).

E. Same Gender Pat-Down Search

1. Running of hands over a fully clothed person, avoiding contact with skin, conducted by trained OYDC staff of the same sex/gender, with at least two persons of the same sex/gender present, for the purposes of discovering contraband.
2. Pat-Down Searches may be conducted at any time in conjunction with a property search and/or when there is reasonable suspicion that a youth may be concealing contraband.
3. The youth being searched shall be required to:
 - a. Empty his/her pockets or any other item of clothing where items may be stored.
 - b. Turn any pockets, clothing folds, and/or clothing crevices inside out.
 - c. Remove all outerwear, (coats, jackets, hats, caps, gloves, shoes, socks, etc.) in order that these items may be searched.
 - d. Youth shall not be required to remove articles of clothing which are his/her basic dress (i.e. shirts or pants).
 - e. Run his/her hands through his/her hair.
 - f. Open his/her mouth for inspection.
4. If the person conducting the Pat-Down Search discovers an unusual lump, protrusion, bulge, etc., the youth will be instructed to disclose the source of the unusual lump, protrusion, bulge, etc. If the youth refuses to disclose the source, staff should notify the Shift Supervisor, and follow the appropriate Security and Controls policies and procedures, and procedures set forth in this policy (See OYDC Policy: VII.1. Use of Force). Use of Force shall be a last resort and only the minimum force necessary shall be used to implement any search procedures.

F. Cross-Gender Pat-Down Search

1. Cross-Gender Pat-Down Searches are prohibited unless exigent circumstances are present and the search has been approved by the Shift Supervisor. Cross-Gender Pat-Down Searches must be justified and documented in the Unit Log Book and on an Incident Report Form (VII.2.A) when they occur.
2. If a Pat-Down Search is required and a youth has been identified as Transgender, Intersex, or 2-Spirit, the youth shall be asked to indicate their preference as to the sex/gender of the officer that will perform the Pat-Down Search on a Transgender (XIII.24.A), Intersex (XIII.24.B), or 2-Spirit

(XIII.24.C) Preference Form. This form shall be made available and signed by the youth if they wish to have a Cross-Gender Pat-Down Search. This request will be honored, unless exigent circumstances dictate the need for an immediate Pat-Down search by available personnel as determined by a supervisor (See OYDC Policy: XIII.24. LGBTQI2-S). When the request cannot be honored, searches must be justified and documented in the Unit Log Book and on an Incident Report Form (VII.2.A) when they occur.

3. In all other instances, searches shall be conducted by persons of the same sex/gender as youth.

G. Strip Search

1. Trained OYDC Staff shall conduct a Strip Search on each youth upon admission to OYDC.
2. Trained OYDC Staff may conduct a Strip Search of a youth already placed at OYDC when there is reasonable suspicion that the youth may be concealing contraband that could not be detected by a Wand or Pat-Down Search.
3. Strip Searches of youth require approval from the DYS Division Director and/or or Facility Administrator.
4. Staff shall explain the Strip Search process to the youth in an appropriate and professional manner. Every effort shall be made to minimize the discomfort and embarrassment of the youth during a Strip Search.
5. A Strip Search shall never be performed to punish, harass, or humiliate the youth being searched.
6. Same sex staff shall perform Strip Searches (Cross-Gender Strip Searches are not permitted). Strip Searches shall be conducted in the presence of two staff of the same sex as the youth. If surveillance is used, staff conducting the search shall be in camera view and the youth being searched shall not be in camera view.
7. If a Strip Search is required and a youth has been identified as Transgender, Intersex, or 2-Spirit, the youth shall be asked to indicate their preference as to the sex/gender of the staff that will perform the Strip Search on a Transgender (XIII.24.A), Intersex (XIII.24.B), or 2-Spirit (XIII.24.C) Preference Form. This request will be honored when Transgender, Intersex, or 2-Spirit youth are subject to a Strip Search (See OYDC Policy: XIII.24. LGBTQI2-S).
8. Staff shall document the Strip Search in the Unit Log Book and complete an Incident Report for all strip searches. Staff shall indicate the purpose of

the strip search and complete a statement of "reasonable suspicion" if the justification for the search is other than "admission into OYDC".

9. Prior to the youth removing their clothing, staff shall visually examine the head, including hair for lice, nose, ears, and mouth. Staff will also look under the tongue and around the teeth.
10. Staff shall respectfully instruct the youth to remove their clothing and then staff shall perform a thorough search of the removed clothing.
 - a. Shirts and Jackets: Turn the youth's shirt and/or jacket inside out, check seams, cuffs, collars, and pockets.
 - b. Shoes and socks: Check sole and heel, examine inside foot, and turn socks inside out.
 - c. Pants: Turn pants inside out, examine waistband, cuffs, seams, and pockets.
 - d. Underwear: Turn underwear inside out, check waistband and seams.
 - e. Brassieres: Turn brassieres inside out, check band, straps, and seams.
11. Staff shall conduct a thorough visual search of the youth (with clothing removed) and avoid physical contact with the youth's body.
 - a. Arms and shoulders: Require the youth to raise arms and check arm pits and breasts. Examine hands with fingers spread and extended. If needle tracks, evidence of previous suicide attempts, personal injuries, or other abnormalities are present, staff should contact the Shift Supervisor, and the appropriate medical and clinical staff should be notified.
 - b. Legs and feet: Check inside the legs and bottom of the feet and in between the toes.
 - c. Bandages and casts: Examine any prostheses or false teeth. If staff have questions, they shall request assistance from the facility medical personnel or other qualified medical personnel.
 - d. Groin and buttocks:
 - i. Examination of areas difficult to see shall be conducted by

instructing the youth to reposition to make that portion of the body visible

- ii. Instruct the juvenile to squat down and then return to standing position. Instruct the juvenile to bend over and spread the cheeks of the buttocks. If a female is wearing a sanitary napkin, instruct her to remove it and issue a new one.
- iii. If an object is seen protruding from the anus or vagina, or the juvenile reports the presence of an object in such area, staff shall not retrieve the object. Staff shall contact the Shift Supervisor. Trained and licensed medical personnel will determine appropriate course of action. The Shift Supervisor shall contact the Director of DYS, Facility Administrator, and/or the Duty Administrator. If medical is not available, staff shall call 911 for assistance. Staff shall calmly instruct the juvenile to lay on their side and call on the radio for a blanket to provide cover and preserve the dignity of the juvenile while awaiting assistance. Youth's hands and feet must be visible when the blanket is covering the youth. Staff shall document the incident in accordance with OYDC Policy: VII.2, Incident Reporting.

H. Body Cavity Search

1. Body Cavity Searches are prohibited to take place at any Division of Youth Services facility or program.
2. Body Cavity Searches are only permitted to be conducted by approved, off campus medical personnel, and require written approval from the Director of DYS and/or the Facility Administrator.

I. Search Using Narcotic Dogs

1. Searches of a youth's property by trained narcotic dogs (K-9) may be conducted at any time. At no time shall a youth's body be subjected to a K-9 search.
2. Only those narcotic dogs certified by a nationally recognized certifying agency may be used to conduct searches of property for the presence of drugs/contraband. Nationally recognized organizations include the "National Police Canine Association", "United States Police Canine Association", and "National Narcotics Detector Dog Association".
3. The Director of DYS, Facility Administrator, and/or Program Integrity staff requesting narcotic dog services shall ensure the dog(s) have current certifications at the time of the request.

J. Disposal of Contraband

1. ALL contraband items shall be evidenced pursuant to the procedures established in OYDC Policy XIV.21, Program Integrity (PI), and shall be managed by the PI Office located on the facility grounds or the Director of PI until completion of the investigation or possible litigation.
2. Following the completed investigation/litigation, contraband shall be disposed of in the following manner with documentation of the method of disposal:
 - a. Items may be donated to a charitable organization;
 - b. Items of little or no value may be destroyed;
 - c. May remain in the custody of Law Enforcement.

K. Threat of Harm

1. If any youth is an imminent danger to themselves at any time during a search, said youth should be placed on Safety Alert (See OYDC Policy: XIII.12, Suicide Prevention).

IV. STAFF DEVELOPMENT

- A. Facility Administrator in conjunction with the Training Department shall ensure the following:
 1. All current employees shall receive training relative to the contents of this policy upon policy approval.
 2. All new employees shall receive this training during orientation, in-service training, or other designated time. New employees must have completed training prior to conducting a youth search of any type.
 3. This policy shall be part of the annual in-service training curriculums.
 4. All training shall be documented and remain on file at the facility.