

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES YOUTH INSTITUTIONS	
Subject: Employee Searches	Policy Number: 15
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Attachments	Related Standards & References
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I. POLICY

It is the policy of the Mississippi Department of Human Services (MDHS), Division of Youth Services (DYS), that searches of staff at Oakley Youth Development Center (OYDC), staff vehicles, staff personal items/possessions (lockers, backpacks, purses, lunchboxes, etc.), 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 staff or employee of OYDC or MDHS.

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 and/or law enforcement 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 employees/staff that 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: illicit drugs, paraphernalia, alcoholic beverages, weapons, and/or 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. **Employee/Staff-** A person who works directly for the agency and/or facility.
- D. **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.

- E. **Incident-** An observed event pertaining to youth and staff safety or facility security.
- F. **Incident Report Form-** A form for the specific purpose of documenting a noteworthy incident.
- G. **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.
- H. **LGBTQI2-S:** An acronym that refers to lesbian, gay, bisexual, transgender, questioning, intersex, and 2-Spirit individuals.
- I. **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.
- J. **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.
- K. **Property Searches -** Searches of any and all property include, but are not limited to: clothing, bookbags, desks, purses, campus pods, rooms, dayroom floor, beds, drawers, areas within the school, recreation equipment and facilities, personal and state issued vehicles, lockers, and workforce equipment and areas.
- L. **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.
- M. **Search Equipment-** Search equipment authorized for use are hand-held metal detectors, walk-through metal detectors, and mirrors.
- N. **Secured Item Area-** Any area in which youth do not have visual or physical access, that remains locked and secured (i.e. glove box of locked vehicle, locker

with secured lock in staff secured area, locked drawer in control room, etc.), that may or may not contain staff personal, approved items.

- O. **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.
- P. **Serious Incident Report Form-** A standard form with the specific purpose of documenting a serious incident.
- Q. **Strip Search-** A search of an individual in which the individual 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 staff, and a thorough visual and hand search of the individual's removed clothing. During a Strip Search, the individual 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. Individuals may or may not be touched by the searcher during a strip search based upon the Law Enforcement and/or medical policies and procedures of the Facility conducting the Strip Search. All Strip Searches require prior approval by the Facility Administrator, and are to be conducted at an off campus approved Law Enforcement and/or Medical Facility.
- R. **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.
- S. **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.
- T. **Vehicle Search** - A complete and thorough search of an individual's vehicle for the purpose of discovering contraband.
- U. **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 staff, possessions, lockers, vehicles, and any 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 staff and/or youth or reports from other sources.

2. Behavior of the staff, e.g., excessive nervousness or unusual conduct, covering or placing hands repeatedly in certain areas of clothing, body, personal item/area, or vehicle, refusal of search, 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 staff discovered to have brought contraband onto facility grounds, as set forth in this policy, OYDC Policy VII.17, Vehicle Searches, and OYDC Policy VII.12, Weapons and Contraband, are subject, but not limited to: refusal of entry to the facility; removal from the facility; termination of the staff member's employment; and referral for criminal charges, civil penalties, and/or other punitive actions as deemed appropriate.

C. Wand Search

1. Staff may conduct a wand search of OYDC and/or DYS staff 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 staff.
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 the discovery of staff contraband and any Serious Incidents to the Administrative Duty Officer and/or the Facility Administrator (See OYDC Policy: VII.2, Incident Reporting).

D. Property Search

1. Property Searches may be conducted of any staff's property at any time (i.e. backpacks, purses, personal or state issued vehicles, lockers, etc.).
2. Any clothing or jewelry worn by OYDC employees/staff must be in compliance with OYDC Policy: III.9. Dress Code. Items of jewelry and/or clothing that do not fall under these guidelines may be considered contraband.
3. All money, medications (over the counter and/or prescribed), electronic devices, and/or cell phones, must be placed in a secure area on campus where youth do not have access (i.e. control room, locker with lock, locked vehicle, etc.).
 - a. Prescription medications must match the name of the person in possession of the medication in order to be stored and ingested/injected/inhaled while on campus.
 - b. If any of these items are found on a person without prior approval, these items may be considered contraband.
4. Use of tobacco and/or vaping products is not permitted on OYDC campus (See OYDC policy: III.8. Employee Smoking/Use of Tobacco).
 - a. Tobacco and/or vaping products are to be stored in a secure area of the individual's vehicle such as glove box, console, trunk, tool box, etc., and is not be on anyone's person or in one's personal belongings (pockets, bags, purses, etc.) at any time when on the grounds of OYDC.
 - b. Tobacco and vaping products are to be limited to the equivalent of 2 individual packages of the product per person in a personal vehicle. Any more is considered contraband unless checked in and secured at the guard checkpoint. This stipulation also applies to lighters and/or matches.
5. A Shift Supervisor must be present during the Property Search and will notify the Facility Administrator and/or Duty Administrator when a search of staff's property is being conducted. The staff whose property is being searched has the right to be present during the search of their property.
6. Property Searches involving staff property must be documented in the Search Log Book.
7. If any contraband is found during a Property Search, staff are to document the discovery of the contraband in the Search Log Book. In addition to documentation in the Search 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 of staff may be conducted when there is reasonable suspicion that a staff may be concealing contraband.
3. Pat-Down Searches of staff are to be conducted in a private area, unless exigent circumstances dictate that an immediate Pat-Down Search is needed for the safety and security of the facility.
4. The staff 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. Staff 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.
5. If the person conducting the Pat-Down Search discovers an unusual lump, protrusion, bulge, etc., the individual will be instructed to disclose the source of the unusual lump, protrusion, bulge, etc.

F. Cross-Gender Pat-Down Search

1. Cross-Gender Pat-Down Searches of staff are prohibited unless exigent circumstances are present, the search has been approved by the Shift Supervisor, and the Shift Supervisor is present. Cross-Gender Pat-Down Searches must be justified and documented in the Search Log Book and on an Incident Report Form (VII.2.A) when they occur. The Facility Administrator is

to be notified of any Cross-Gender Pat-Down Searches.

2. If a Pat-Down Search is required and a staff has been identified as Transgender, Intersex, or 2-Spirit, the staff shall be asked to indicate their preference as to the sex/gender of the officer that will perform the Pat-Down Search on an OYDC Transgender/Intersex/Two-Spirit (XIII.24.E) Search Preference Form. This form shall be made available and signed by the staff 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 the Shift Supervisor (See OYDC Policy: XIII.24, LGBTQI2-S). When the request cannot be honored, searches must be justified and documented in the Search 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 the individual.

G. Strip Search

1. Strip Searches are not to be conducted on staff and/or employees by OYDC staff.
2. Strip Searches of staff and/or employees are prohibited to take place at any Division of Youth Services facility or program.
3. Strip Searches of staff and/or employees may only be conducted by approved law enforcement agencies and/or off campus medical personnel, and require written approval from the Director of DYS and/or the Facility Administrator.

H. Body Cavity Search

1. Body Cavity Searches are not to be conducted on staff and/or employees by other OYDC staff.
2. Body Cavity Searches are prohibited to take place at any Division of Youth Services facility or program.
3. 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 staff property by trained narcotic dogs (K-9) may be conducted at any time. At no time shall a staff'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, 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. Authorized items checked in and secured at the guard checkpoint, must be retrieved by the owner within 5 days of the check in date. If an item is not retrieved within the timeline, the item will be turned over to Program Integrity.
3. 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 staff is an imminent danger to themselves at any time during a search, appropriate/approved crisis prevention and/or authority agencies should be contacted to assist in prevention of harm.
2. No unauthorized weapons are allowed past the guard checkpoint. Any unauthorized weapons must be checked-in and secured at the guard checkpoint.
3. If a staff and/or employee refuses to have their vehicle, personal property, and/or self-searched, the staff and/or employee will be asked to exit the campus, and will be escorted off the property.

- a. If the individual refuses to leave the area and/or property, the Shift Supervisor will determine the appropriate Security and Controls policies and procedures to follow (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 and/or removal procedures.
- b. When necessary, Local Law Enforcement may be contacted under the approval of the Director of DYS, Facility Administrator, and/or Administrative Duty Officer.

IV. STAFF TRAINING

- 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 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.