

| <b>MISSISSIPPI DEPARTMENT OF HUMAN SERVICES<br/>DIVISION OF YOUTH SERVICES<br/>YOUTH INSTITUTIONS</b> |  |
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| <b>Subject:</b><br><b>Vehicle Searches</b>  | <b>Policy Number:</b><br><b>17</b>   |
| <b>Number of Pages:</b><br><b>11</b>  | <b>Section:</b><br><b>VII</b>  |
| <b>Attachments</b>  | <b>Related Standards &amp; References</b>  |
|   | ACA 3-JDF-5G-15, ACA 3-JDF-3A-29,<br>ACA-JDF-1C-15, ACA-3-JDF-3A-01                |
| <b>Effective Date:</b> October 15, 2019   | <b>Approved:</b><br>DocuSigned by:<br><i>James Maccarone</i><br>2C316EF5188B4A2... |

**I. POLICY**

It is the policy of the Mississippi Department of Human Services (MDHS), Division of Youth Services (DYS), that searches of vehicles, 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 individual.

**II. DEFINITIONS**

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

- A. **Authorized Visitor** - Any person approved and/or listed by the youth's Community Services Counselor, Facility Administrator, or MDHS as approved.
- B. **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.
- C. **Contraband**- Items for which possession by visitors 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.
- D. **Contractor**- A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

- E. **Employee/Staff-** A person who works directly for the agency and/or facility.
- F. **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.
- G. **Incident-** An observed event pertaining to youth and staff safety or facility security.
- H. **Incident Report Form-** A form for the specific purpose of documenting a noteworthy incident.
- I. **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.
- J. **LGBTQI2-S:** An acronym that refers to lesbian, gay, bisexual, transgender, questioning, intersex, and 2-Spirit individuals.
- K. **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.
- L. **Plain View Search-** A search in which OYDC staff completes a full visual search of a vehicle from outside the vehicle, while the individual(s) remains in the vehicle.
- M. **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.
- N. **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.
- O. **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.

- P. **Restricted Visitor** - Any person who the Facility Administrator or Community Counselor determines cannot visit due to current or prior safety and security concerns.
- Q. **Search Equipment**- Search equipment authorized for use are hand-held metal detectors, walk-through metal detectors, and mirrors.
- R. **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.
- S. **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.
- T. **Serious Incident Report Form**- A standard form with the specific purpose of documenting a serious incident.
- U. **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 individual, 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. Individual 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.
- V. **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.
- W. **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.
- X. **Vehicle Search** - A complete and thorough search of an individual's vehicle for the purpose of discovering contraband.
- Y. **Volunteer**- An agency approved individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

- Z. **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 vehicle searches in accordance with the current crisis intervention training system and the procedural guidelines set forth in this policy.

- A. Any vehicle entering the campus of OYDC is subject to search.
- B. Upon entering the campus, security at the guard checkpoint will conduct a plain view search of all vehicles prior to allowing any vehicle to enter campus.
- C. Randomized Vehicle Searches will be conducted on regular basis. This selection process will be conducted by utilizing a computerized algorithm, thus eliminating any selection bias.
  - 1. Contractors, visitors, and/or volunteers may have their vehicles searched outside of the randomized schedule to ensure the safety and security of the facility.
  - 2. When there is reasonable suspicion that a vehicle may contain contraband, as set forth in this policy and OYDC Policy VII.12, Weapons and Contraband, the vehicle is subject to search, as well as the individual(s) personal property.
- D. 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 visitor, 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.
- E. Discovery of Contraband
  - 1. If any contraband is found during a Vehicle Search, staff are to notify the Shift Supervisor and 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 the discovery the contraband and any Serious Incidents to the Administrative Duty Officer and/or the Facility Administrator (See OYDC Policy: VII.2. Incident Reporting).

2. Any individual discovered to have brought contraband onto facility grounds, as set forth in this policy, OYDC Policy VII.15, Employee Searches, OYDC Policy VII.16, Visitor/Contractor/Volunteer 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 employment, contract, visitation, and/or volunteerism; and referral for criminal charges, civil penalties, and/or other punitive actions as deemed appropriate.

#### F. Wand Search

1. Staff may conduct a wand search in conjunction with a vehicle search 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 individual.
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 the contraband and any Serious Incidents to the Administrative Duty Officer and/or the Facility Administrator (See OYDC Policy: VII.2. Incident Reporting).

#### G. Property Search

1. Property Searches may be conducted in conjunction with a *randomized* vehicle search when there is reasonable suspicion that the individual is in possession of, intends to use, and/or intends to distribute contraband. This includes, but is not limited to: Purses, bags, lunchboxes, toolboxes, etc. In all other instances, a Property Search may be conducted in conjunction with a Vehicle Search at any time.

2. Any clothing or jewelry worn by OYDC visitors, contractors, and/or volunteers 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. If a visitor is present on campus for the specific purpose of visiting with and/or interacting one-on-one with a youth, they must abide by the guidelines set forth in the OYDC policy: XV.3, Youth Visitation and those set forth in the following attachments: XV.3.C, Visitation Rules and Regulations and XV.3D, Visitor Dress Code.
  - a. Such visitors may not bring money, food, sexually explicit materials, electronic devices, cameras, extra clothing, packages, cell phones, and/or medication into the area in which they will be interacting with the youth.
  - b. If a visitor requires that their personal medication be at hand for emergency, medical use, the medication prescription must match the person needing to ingest/inject/inhale the medication, and the individual must have prior approval for possession and use by the Facility Administrator.
  - c. If any of these items are found on a person without prior approval, these items are to be considered contraband.
4. All money, medications (over the counter and/or prescribed), electronic devices, and/or cell phones of visitors, volunteers, and/or contractors 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.
5. 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.
6. A Shift Supervisor must be present during the Property Search and will notify the Facility Administrator and/or Duty Administrator when a search of an individual's property is being conducted. The individual whose property is being searched has the right to be present during the search of their property.
7. All Property Searches must be documented in the Search Log Book.
8. 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).

#### H. 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 in conjunction with a Vehicle Search when there is reasonable suspicion an individual may be concealing contraband.
3. Pat-Down Searches of employees, staff, visitors, contractors, and/or volunteers 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 individual 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. Individuals 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.
- a. If the individual refuses to disclose the source, the Shift Supervisor and staff will request that the individual exit and escort the individual off the property.
  - b. 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.
  - c. When necessary, Local Law Enforcement may be contacted under the approval of the Director of DYS, Facility Administrator, and/or Administrative Duty Officer.

#### I. Cross-Gender Pat-Down Search

1. Cross-Gender Pat-Down Searches of employees, staff, visitors, contractors, and/or volunteers 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 an employee, staff, visitor, contractor, and/or volunteer has been identified as Transgender, Intersex, or 2-Spirit, the individual 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 employee, staff, visitor, contractor, and/or volunteer 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.

J. Strip Search

1. Strip Searches are not to be conducted on employees, staff, visitors, contractors, and/or volunteers by OYDC staff.
2. Strip Searches of employees, staff, visitors, contractors, and/or volunteers are prohibited to take place at any Division of Youth Services facility or program.
3. Strip searches 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.

K. Body Cavity Search

1. Body Cavity Searches are not to be conducted by 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.

L. Search Using Narcotic Dogs

1. Searches of an individual's property by trained narcotic dogs (K-9) may be conducted at any time. At no time shall an individual'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.

#### M. 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. 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.

#### N. Threat of Harm

1. If any employee, staff, visitor, contractor, and/or volunteer 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 Restricted Visitors will be permitted to enter the OYDC campus. If a Restricted Visitor refuses to leave the guard checkpoint and/or attempts to forcibly enter the campus, OYDC approved Security and Controls protocols and procedures may be implemented, and, if necessary, approved local Law Enforcement will be contacted with authorization from the Director of DYS, Facility Administrator, and/or Duty Administrator.
3. No unauthorized weapons are allowed past the guard checkpoint. Any unauthorized weapons must be checked-in and secured at the guard checkpoint.
4. If an employee, staff, visitor, contractor, and/or volunteer 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.