

Searches of Youth and Property (State Facilities)

	DIVISION OF CHILD AND FAMILY SERVICES Juvenile Justice Services STATEWIDE POLICY
SUBJECT:	Searches of Youth and Property (State Facilities)
POLICY NUMBER:	DCFS/JJS 300.14
EFFECTIVE DATE:	November 2, 2020
APPROVED BY:	Kathryn Roose, Deputy Administrator – Division of Child and Family Services
DATE:	10/23/2020
SUPERSEDES:	New Policy
APPROVED BY:	Ross Armstrong, Administrator – Division of Child and Family Services
DATE:	10/23/2020
REFERENCES:	Prison Rape Elimination Act: PREA Juvenile Facility Standards, 28 C.F.R. Part 115; NRS 62B.212, NRS 62B.510; NRS 62B.520; American Correctional Association Juvenile Correctional Facilities Standards Juvenile Law Center; National PREA Resource Center; Prison Rape Elimination Act (DCFS/JJS 300.09)
ATTACHMENTS	Attachment A: Statement of Search Preference Form

I. SUMMARY

Searches of youth and youth property within the Division of Child and Family Service’s (DCFS) state facilities shall be conducted only when appropriate and necessary to ensure the safety and security of the facility and shall be conducted by trained staff in a professional and respectful manner.

II. PURPOSE

To outline approved methods of searching youth and their rooms to ensure the safety and security of youth and staff in state facilities.

III. DEFINITIONS

As used in this document, the following definitions shall apply:

- A. Clothed Body Search: Commonly known as a pat-down search and includes the running of the hands over the clothed body of a youth by a staff member to determine whether the individual possesses contraband.
- B. Contraband: Any unauthorized item a youth has in their possession, including those which can be used as a weapon or fabricated into a weapon or for the purpose of escape.

Searches of Youth and Property (State Facilities)

- C. Cross-Gender Search: A clothed or unclothed body search conducted by a person of the opposite gender of the person being searched.
- D. Exigent Circumstances: Any set of temporary and unforeseen events requiring immediate action to combat a threat to the security or order of a facility which may result in reasonable restrictions on the rights of youth (NRS 62B.520).
- E. Intersex: A condition in which a person has reproductive or sexual anatomy which does not fit the typical definitions of male or female.
- F. Non-Intensive Sensors/Scanning Devices: Handheld wands, stationary walkthrough metal detectors, or other types of metal detectors.
- G. Prison Rape Elimination Act (PREA): A federal law supporting the prevention, detection, and response to sexual abuse and sexual harassment within facilities. This law applies to all federal, state, county, local, and private facilities housing adults and juveniles.
- H. Probable Cause: The sufficient knowledge to believe contraband or other unauthorized items may be in the possession of a youth.
- I. Room Search: A search of a youth's individual living space for the presence of contraband or other unauthorized items deemed detrimental to the youth or facility.
- J. Safety: Freedom from danger.
- K. Security: Measures taken to guard against harm to a person or location.
- L. Transgender: A person whose gender identity is different from the person's biological sex assigned at birth.
- M. Tyler Supervision: The web-based, case management software system utilized by DCFS.
- N. Unclothed Body Search: Also known as a strip search; this is a professional and sterile search requiring a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

IV. GENERAL REQUIREMENTS

- A. In accordance with NRS 62B.510 (Rights of Youth Placed in a Facility), youth shall be free from being subject to a search for the purpose of harassment or as a form or punishment or discipline.
- B. All searches of youth and youth property shall be conducted based on documented facility procedures and/or probable cause, unless restricted by this policy, and shall be conducted respectfully and in the least intrusive manner possible.
- C. All youth shall be informed of facility search procedures during their orientation upon intake.

Searches of Youth and Property (State Facilities)

- D. Facilities may permit scheduled clothed body searches of youth based on daily activities where youth may have access to contraband or other unauthorized items, including but not limited to: before lunch, after lunch, after school, after any unsupervised activity, after any outside activity, or when an item goes missing within the facility (e.g., pens, tools, keys).
- E. A search of youth property shall be conducted upon admission of a new youth before placing property in storage.
- F. A search of youth mail for contraband shall be conducted prior to dispersing mail to a youth.
 - 1. Mail should only be accepted from individuals listed on a youth's list of individuals authorized to contact youth.
- G. Any contraband or unauthorized items confiscated during a search of youth and youth property will be stored, documented, and disposed of at the direction of the facility Standard Operating Procedures.
- H. All facilities shall provide transgender and intersex youth an opportunity to request the gender of the staff they would prefer to conduct body searches. This preference will be documented on the Statement of Search Preference Form (Attachment A) at the time of intake and may be amended at any time.
 - 1. Transgender and intersex youth shall be advised of their rights to amend their Statement of Search Preference Form (Attachment A).
 - 2. Transgender and intersex youth shall notify any staff member of their intent to amend their Statement of Search Preference Form (Attachment A). Staff shall allow modifications to be made immediately, and staff shall make the proper notifications to other staff regarding the change in search preference.

V. NON-INTENSIVE SENSORS/SCANNING DEVICES

- A. The facility may use handheld wands, stationary walk through devices, or other approved metal detectors for searches of new youth upon admission.
- B. The facility may use handheld wands, stationary walk through devices, or other approved metal detectors for all visitors, to include, but not limited to, staff, family, contractors, interns, and vendors.
- C. A facility may use handheld wands or other approved metal detectors to search youth as identified in their Standard Operating Procedures.
- D. The facility may use handheld wands or other approved metal detectors to search mail, packages, and items brought during visitations.

VI. CLOTHED BODY SEARCHES

- A. Clothed body searches shall be thorough enough to ensure the safety and security of the facility.
- B. Clothed body searches shall be conducted with consistent steps to ensure youth know what to expect.

Searches of Youth and Property (State Facilities)

- C. All staff shall communicate clearly to the youth during each step of the search, including what will be searched, how the search will be conducted and what the expectations are of the youth being searched (i.e., how to stand and where to put hands).
- D. Clothed body searches should be conducted within areas of the facility subject to video monitoring whenever available and reasonable.
- E. Staff shall use nationally accepted search techniques when conducting clothed body searches.
- F. Staff shall wear gloves during a clothed body search, unless the search is spontaneous, gloves are not immediately available, and there is an immediate need for the search.
- G. Only staff trained in a DCFS-approved clothed body search technique shall complete clothed body searches of youth.

VII. ROOM SEARCHES

- A. Facilities shall permit room searches on an unannounced and random schedule per their facility Standard Operating Procedure.
- B. Room searches may be completed prior to placing a youth into their room for confinement.
- C. Facilities should conduct room searches while the youth is in the general vicinity of their room, and any questions and concerns shall be addressed with the youth at the conclusion of the search.
- D. If not present, youth shall be advised of all room searches and any confiscated items within 24 hours.
- E. Staff shall be respectful of the youth's personal property and the room shall never be left in disorder after a search.
- F. All room searches shall be documented in the Activities screen of the youth's record in Tyler Supervision (Activities – Facility Room Search) including the following information, at a minimum:
 - 1. Reason for the search (e.g., intake, release, probable cause, random, planned)
 - 2. Outcome of the search (e.g., no issues, damages found, contraband found)
 - a. If damages and/or contraband is found during a room search, details of the damage and/or contraband shall be specified in the Tyler Supervision Activity in the Notes section.

VIII. UNCLOTHED BODY SEARCHES

- A. Unclothed body searches shall be approved by the facility Superintendent or designee, conducted in private, and based on a probable cause the youth is carrying contraband which threatens the safety and security of the facility.

Searches of Youth and Property (State Facilities)

- B. Verbal requests for the youth to provide any unauthorized items shall be the first course of action before an unclothed body search is conducted.
- C. In all cases, the unclothed body search shall be conducted by two trained staff of the same gender as the searched youth's gender, or as indicated on the youth's Statement of Search Preference Form (Attachment A).
 - 1. One of these staff should be a medical professional if available at time of the search.
- D. Staff shall use nationally accepted techniques when conducting unclothed body searches.
- E. Staff shall wear gloves during all unclothed body searches.
- F. Only staff trained in a DCFS-approved unclothed body search technique shall complete unclothed body searches of youth.

IX. CROSS-GENDER SEARCHES

- A. Cross-gender clothed body searches and unclothed body searches shall not be conducted, except in exigent circumstances, or when conducted by a medical professional and in the presence of a secondary staff of the same gender as the youth.
- B. All facility staff responsible for conducting searches shall be trained on how to conduct cross-gender searches using a nationally accepted search technique.
- C. All cross-gender clothed body searches and unclothed body searches shall be documented on the Exigent Circumstances for Cross-Gender Pat-Downs and Searches form found within Prison Rape Elimination Act (DCFS/JJS 300.09 Attachment F).
 - 1. The facility Superintendent and PREA Compliance Manager shall be notified immediately after a cross-gender clothed body search or unclothed body search occurs.
 - 2. The PREA Coordinator shall be provided the documentation by the next business day.

X. TRANSGENDER, INTERSEX SEARCHES

- A. Pursuant to NRS 62B.212, youth committed to the state shall be treated in accordance with the youth's gender identity or expression.
- B. All facility staff responsible for conducting searches shall be trained on how to conduct searches on transgender and intersex youth.
- C. All transgender and intersex youth shall have the opportunity, at admission, to document their preference regarding the gender of staff that will conduct searches using the Statement of Search Preference Form (Attachment A).
- D. Staff shall be considered men or women for the purposes of conducting searches.
 - 1. A transgender staff member's gender will be based on their gender identity, and not their sex assigned at birth.

Searches of Youth and Property (State Facilities)

XI. TRAINING

- A. All staff responsible for conducting searches shall be trained on proper techniques and facility procedures at hire, annually thereafter, and as deemed necessary for remedial training.
- B. No staff shall conduct any search without training.
- C. Training shall incorporate a trauma-informed care approach to take into consideration any clothed or unclothed body search may be traumatizing to youth.

XII. STANDARD OPERATING PROCEDURES

- A. Each facility shall establish Standard Operating Procedures consistent with this policy, including but not limited to:
 - 1. The authorized reasons for the search of youth and youth property.
 - 2. The process for how staff will conduct each permitted type of search using nationally accepted techniques, including non-intensive sensors/scanning devices.
 - 3. Any set times or schedules (e.g., before or after certain activities) when searches will take place.
 - 4. Staff training requirements regarding the proper way to search youth and youth property, including how often training is required.
 - 5. Staff responsibilities regarding the documentation required for searches of youth and youth property, to include documentation in Tyler Supervision.
 - 6. How staff will be confidentially notified of transgender and intersex youth gender search preferences.
 - 7. How confiscated items will be documented, stored, and/or disposed of.