

**SAN JOAQUIN COUNTY PROBATION DEPARTMENT
JUVENILE DETENTION POLICY AND PROCEDURE MANUAL**

TO: ALL STAFF

BULLETIN #: D-605

APPROVED BY: STEPHANIE L JAMES
CHIEF PROBATION OFFICER

REPLACES: 6/16/2016

ISSUE DATE: 1/28/2019

SUBJECT: SEARCHES

POLICY

To comply with the mandates of Penal Code Section 4030 regarding the searches of youth held in Juvenile Detention prior to a Detention Hearing, and to provide for every youth so held, a safe, healthy, and secure environment in compliance with the mandated Board of State and Community Corrections Minimum Standards for Juvenile Facilities and the Welfare and Institutions Code.

Searches shall be conducted to ensure the safety and security of the facility, public, visitors, youth, and staff. This policy will be strictly interpreted to allow searches only under the limited conditions provided for in the policy. Searches of youth shall be conducted in a manner that preserves the privacy and dignity of the youth and shall not be conducted for harassment or as a form of discipline or punishment. Any questions or interpretive issues must be referred to Administration.

Any person who knowingly and willfully authorizes or conducts a visual body search, or physical body cavity search in violation of Section 4030(f) of the Penal Code is guilty of a misdemeanor.

PROCEDURES

A. Definitions

1. **Pat Down Search:** A physical check of a clothed youth using the pat and squeeze technique to determine if a youth is concealing any weapon or contraband.
2. **Visual Body Search:** Any visual observation of a youth's undergarments or bare body, to include the buttocks, breasts, or genitalia. This may involve requiring the person searched to remove or rearrange some or all of his/her clothing to permit inspection.
3. **Visual Body Cavity Search:** Visual inspection of the naval or rectal cavity of any person, and the vagina of a female.
4. **Physical Body Cavity Search:** Physical intrusion into any body cavity for the purpose of discovering any object that may be concealed in that cavity.

B. Authority to Search

1. All youth booked in Juvenile Detention will be subjected to a thorough pat down search to ensure the safety of the institution, staff, and youth.
2. Youth booked for misdemeanor/infraction offenses **that do not involve violence, controlled substances, or weapons shall not** be subjected to a visual body search and/or a visual body cavity search prior to their Court Detention Hearing.
3. Prior to a detention hearing, youth booked for felony offenses, misdemeanors offenses involving violence, controlled substances, or weapons, and youth booked for violation of probation may be subjected to a visual body search or visual body cavity search; unless a peace officer has determined there is reasonable suspicion, based on specific and articulable facts, to believe the youth is concealing a weapon or contraband, and a strip search will result in the discovery of the weapon or contraband.
4. Any youth held after a detention hearing shall only be strip searched with prior approval of a supervisor when there is reasonable suspicion based on specific and articulable facts to believe the youth is concealing contraband.
5. Visual body searches and visual body cavity searches require:
 - a. Reasonable suspicion of a peace officer that a youth is in possession of a weapon or contraband.
 - b. Written authorization of the Duty Officer.
6. Youth accused of felonies involving drugs, weapons, or violence, may be visually observed during the intake shower process by a staff member of the same gender to ensure the safety of the institution.
7. Cross-gender pat-down searches and strip searches are prohibited except in exigent circumstances or when conducted by a medical professional. Such searches must be justified and documented in writing in an Incident Report in JJIS.
8. Persons conducting a visual body search or a visual body cavity search shall not touch the breasts, buttocks, or genitals of the person being searched.
9. All visual body searches or visual body cavity searches shall be conducted in an area of privacy so that persons not participating in the search cannot observe the search.

10. **No group searches shall be conducted.**

11. Searches shall never be conducted for harassment or as a form of discipline or punishment.

C. Transgender Youth

1. Transgender youth should be asked what gender staff he/she would like to conduct the search.
2. A transgender youth may request that either a male or female staff member conduct the search.
3. The transgender youth shall indicate his/her preference on the Statement of Search Preference Form (Attachment A), which shall be signed by witnessing staff and forwarded to the Duty Officer and Detention Administration.
4. Staff shall accommodate this request when possible and consistent with maintaining safety and security.
5. If the youth has no preference, he or she will be searched by a staff member of the same biological sex.

D. Pat Down Searches of Detained Youth

1. Any youth leaving their living unit (e.g. Court, Visiting, interviews, work detail, clinic, etc.) will be searched upon their return.
2. All youth leaving intake to a housing unit shall be searched by the receiving unit.
3. Transferred youth will be searched by the receiving unit.
4. Any youth leaving the facility (e.g. outside appointments, Adult Court, temporary releases, field trips, etc.) must be searched before leaving the unit for transportation and upon his/her return.
5. All youth returning to the facility (e.g. outside appointments, Adult Court, temporary releases, field trips, etc.) must be searched by Intake upon their return. A secondary search will be conducted upon arrival at the Housing Unit or Camp Peterson.

E. Conducting Pat Down Searches

1. Youth will be searched in a private location out of the direct sight of other youth and shall be conducted in a manner that preserves the privacy and dignity of the youth

2. Staff conducting the search should be specific, consistent, and thorough.
3. Staff shall wear latex gloves when conducting searches.
4. Staff will inform the youth of the type of search to be conducted (pat-down), and instruct the youth to face staff with hands, shoulder width apart, palms facing staff.
5. After putting on latex gloves, staff will direct the youth to:
 - a. Open his/her mouth and raise his/her tongue
 - b. Have the youth sweep his/her fingers through his/her hair
 - c. Instruct the youth to turn his/her back toward staff, hands out, palms toward staff;
 - d. Using a pat-and-squeeze technique, manually check the collar of shirt, canvas top, or sweater, along with shoulders, and down the arm if necessary
 - e. Gently pat down the youth's back toward the youth's waist line, then up the sides of the youth's shirt towards his/her armpit area also using a pat-and-squeeze technique
 - f. Reach around and pat down the center of the youth's chest area to his/her waistline
 - g. Check the youth's pants waistline by using a thumb, and forefinger pat-and-feel technique
 - h. Pat and squeeze each pants leg, and unravel and check any pegged pants
 - i. Pat and check around groin area of male youth and groin area of female youth
 - j. Check the inside of the youth's shoes
 - k. Have the youth turn socks inside out as they take them off
6. Once staff has completed search of the youth, inform the youth that search is completed, and have the youth put clothing back on.

F. Physical Body Cavity Searches

1. No youth shall be subjected to a physical body cavity search except under the authority of a Search Warrant issued by a judge specifically authorizing the physical body cavity search.

2. **Juvenile Detention Officers are not authorized to conduct a physical body cavity search.**
3. Pursuant to Penal Code 4030(k), “ a physical body cavity search shall be conducted under sanitary conditions, and only by a physician, nurse practitioner, registered nurse, licensed vocational nurse or emergency medical technician Level II licensed to practice in this state. Any physician engaged in providing health care to detainees and inmates of the facility may conduct physical body cavity searches.”

G. Facility and Recreation Yard Searches

1. A cursory search of the common areas, including hallways, classrooms, recreation yards, dayrooms shall be conducted during each shift to ensure the safety of the institution.

H. Room Searches

1. A minimum of five (5) sleeping rooms per living unit shall be randomly searched **daily** on the a.m. shift.
2. Additional room searches shall be conducted as necessary to ensure the safety of the institution.
3. Searches will be documented on the Room Search Checklist (Attachment B) and submitted to the Duty Officer at the end of the 2-10pm shift.

I. Procedures for Room Searches

1. Staff shall wear latex gloves when conducting a room search and search the following:
 - a. Mattress, Pillow, Pillowcase, Blankets, and Bed Sheets
 - i. Unfold and shake the item(s) while feeling for contraband or objects
 - ii. If there are any tears in the mattress or pillow, flip and shake the item(s) while feeling for contraband or objects
 - b. Books and Bible
 - i. Flip through the pages of the books and Bible for hidden objects within the pages or graffiti written on the pages
 - ii. Look in between the bindings of the books and Bible for contraband or hidden objects
 - c. Fixtures Including Vents, Lights and Sprinklers
 - i. Fixtures should be secure and inspected for contraband or objects

- d. Sink and Toilet
 - i. Inspect the sink and toilet bowl for contraband, objects or graffiti that may be hidden in those areas
- e. Room Door Frame, Hinges and Door
 - i. Inspect for contraband, objects, or graffiti that may be stuffed in the door lock or surrounding areas of the door and doorframe
- f. Toilet Paper
 - i. Inspect the toilet paper stack for contraband or objects that may be hidden
- 2. Any objects, contraband, graffiti or destruction of county property found in a room search require an Incident Report and may result in a new law violation.

J. Property Search – Chain of Evidence

- 1. Any item taken from a youth that may cause criminal charges to be filed must be handled properly to protect the chain of evidence.
- 2. At Booking
 - a. Staff finding illegal contraband in the institution shall immediately notify the Duty Officer and the arresting agency.
 - b. The arresting agency shall determine whether the contraband warrants additional charges to be filed against the youth.
- 3. Illegal Contraband When Minor Detained
 - a. In the event illegal contraband is found within the institution, staff shall advise the Duty Officer and write an Incident Report.
 - b. The Duty Officer or designee shall contact the local Sheriff's Department.
 - c. The contraband shall be confiscated and placed in a **sealed** bag. The name of the minor, the name of the staff that found the contraband, the date, and the time shall be listed on the sealed bag.
 - d. The sealed bag shall remain under the control of the Duty Officer until it is released to the local law enforcement agency.
 - e. If local law enforcement is not immediately responding, the Duty Officer should book the evidence into the Property Room.

- f. The local law enforcement agency is required to sign, date, and list the agency name noting the evidence was released to them.
- 4. **To preserve the chain of evidence, control of illegal contraband must be accounted for from the time it is found until final disposition.**



PROBATION DEPARTMENT

STEPHANIE L. JAMES
CHIEF PROBATION OFFICER

STATEMENT OF NAME/SEARCH PREFERENCE

Youth Name: _____
(please print)

J#: _____

Preferred Pronoun: _____ (i.e. he/she)

Preferred Name: _____
(please print)

While in the custody of the San Joaquin County Juvenile Center, I would prefer to be searched by a staff of the below indicated sex when possible. I understand that this preference will be respected unless the situation is an emergency, there is no one of that sex available, or the failure to conduct a search will jeopardize the safety of the staff or youth in custody.

FEMALE _____

MALE _____

NO PREFERENCE _____

Youth Signature: _____ Date: _____

Witnessing Staff name: _____

JDO: _____ Date: _____

JDUS: _____ Date: _____

D.O.: _____ Date: _____

Juvenile Court and Field Services
575 W. Mathews Road
French Camp, CA 95231
209/468-4000

Juvenile Detention Facilities
535 W. Mathews Road
French Camp, CA 95231
209/468-4200

Adult Services
Room 201, Canlis Building
24 S. Hunter St.
Stockton, CA 95202
209/468-4100

Administration
575 W. Mathews Road
French Camp, CA 95231
209/468-4068

Attachment A

JUVENILE DETENTION FACILITY
Room Search Checklist

Unit: _____
6-2 JDUS: _____
2-10 JDUS: _____

Date: _____

RM #	MATTRESS	PILLOW	BLANKETS	BED SHEETS	PILLOW CASE	PAPERBACK BOOKS COURT PAPERS	VENTS, LIGHT FIXTURES, SPRINKLERS	SINK TOILET	TOILET PAPER	DOOR/ DOOR FRAME	GRAFFITI Destruction of County Property	CONTRABAND	J.D.O. REMARKS	JDO INITIALS	AM	PM
1																
2																
3																
4																
5																
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THIS FORM IS TO BE SUBMITTED TO THE DUTY OFFICER AT THE END OF THE 2-10PM SHIFT DAILY.

Reviewed by JDUS: _____ Date: _____