



**Administrative Policies and Procedures: 31.4**

<b>Subject:</b>	<b>Search Procedures</b>
<b>Authority:</b>	TCA 37-5-105(3), 37-5-106; Prison Rape Elimination Act of 2003 (PREA: P.L.108-79); Eighth Amendment (Amendment VIII); Fourteenth Amendment (Amendment XIV)
<b>Standards:</b>	<b>COA:</b> PA-JJCM 6.05, PA-JJR 14.02; <b>ACA:</b> 4-JCF-2A-01, 4-JCF-2A-20, 4-JCF-2A-22, 4-JCF-4C-63; DCS Best Practice Standard-8-306; <b>PREA:</b> §115.315, 115.331, 115.332
<b>Application:</b>	To All Department of Children's Services Staff and Contract Agency staff including YDC staff, foster parents, visitors and volunteers.
<b>Policy Statement:</b>	
Department of Children's Services staff and Contract Agency employees shall conduct/guide searches of children/youth and their personal property, including living quarters, when deemed necessary to ensure the safety of the child/youth and others. Visitors, volunteers and employees may also be subject to search when entering secure DCS or Contract Agency facilities. DCS Employees and contractors shall use the least invasive search techniques appropriate to the situation. All searches are conducted in a manner that preserves the dignity of the child/youth, visitor, volunteer or employee.	
<b>Purpose:</b>	
To provide guidelines for DCS employees, Contract Agency employees and foster parents for conducting searches of children/youth in DCS custody and to establish procedures for searches of visitors, volunteers and employees, when indicated.	

<b>Procedures:</b>	
<b>A. Types of Searches</b>	<p>There are several different types of searches for children/youth in DCS custody and visitors, volunteers and employees, when appropriate.</p> <p>1. <b><u>Non- Invasive Searches</u></b>- Non-invasive searches include:</p> <ul style="list-style-type: none"> <li>a) Visual inspection of appearance;</li> <li>b) Child/youth/person-driven searches-(turning out of pockets, self "pat-down") in the presence of staff members or foster parents (refer <b>to Section C</b> of this policy for foster parent involvement in this type of search) ; and</li> <li>c) Use of standard scanning equipment such as metal detectors, or wands designed to detect metal or dense objects. <ul style="list-style-type: none"> <li>◆ Trained employees may use a hand held scanner to search youth, visitors, or employees for weapons or other metallic objects, the employee will not touch the youth, visitor, volunteer or employee in this search process.</li> </ul> </li> </ul>

2. **Invasive Searches** – Same gender employees conduct searches on same gender children/youth. These types of searches may follow initial court placement of a child/youth in custody, admissions, and contact with the community or after suspicious activity which would suggest hidden objects or weapons.
- ◆ In circumstances where an invasive search needs to be conducted in a foster home, the DCS employee or Contract Agency employee conducts the search with the foster parent observing (refer to **Section C** of this policy for foster parent involvement in this type of search).
- Invasive searches include:
- a) **Pat-down search**
    - ◆ Involves DCS or Contract Agency employees and child/youth contact. Private areas are not to be touched (i.e., areas which are covered by undergarments). A staff member of the same gender performs the search.
    - ◆ In Youth Development Centers (YDCs) and Contract Agency Detention Centers, pat-down searches may be required of youth, visitors, volunteers or employees.
  - b) **Clothing Search**
    - ◆ When a clothing search is necessary, children/youth are not viewed naked by staff. The child/youth is allowed to remove their clothing in a private area and hand the clothing to staff to search.
    - ◆ This type of search is only conducted when the child/youth engages in suspicious activity which would indicate possible concealed contraband or when there is a need to take certain precautions for safety, particularly if there is a risk of the child/youth harming themselves or others.
    - ◆ This is **not** a Strip Search.
  - c) **Personal Property Search-**
    - ◆ If a search of a child/youth's personal property, is necessary, one employee and one witness is required (refer to **Section C** of this policy for foster parent inclusion). Search of personal property of a child/youth includes, but is not limited to, opening and inspecting the contents of any package, box, backpack, suitcase or other container in their possession or the child/youth's room/area or any other personal item.
    - ◆ Personal property of a visitor, volunteer or employee includes, but is not limited to, any purses, bags, packages, etc., brought into the facility.
      - Personal property of a delinquent youth is thoroughly searched upon entry in DCS custody. The youth should be present during the search, if possible.

	<p>d) <b>Unclothed searches- (YDC’s and Contract Agency Detention Centers only)</b> An unclothed search is only a visual inspection (e.g., looking in the mouth, ears, having youth spread buttocks, etc.) of the youth’s unclothed body. An unclothed search is <u>only</u> permissible when:</p> <ul style="list-style-type: none"> <li>◆ A youth initially enters a Youth Development Center/Contract Agency Detention Center;</li> <li>◆ A youth has been outside the facility and for any portion of the time outside the facility was not under the direct supervision of a staff member;</li> <li>◆ There is reasonable suspicion that a youth is concealing an item that may be used as a weapon or may have other contraband that could endanger his/her well-being or the well- being of others. The use of an unclothed search for reasonable suspicion is approved by the YDC Superintendent or Contract Agency Director of the facility and thoroughly documented in an Incident Report (IR).             <ul style="list-style-type: none"> <li>○ An IR is completed every time a non-routine unclothed search is conducted. All incidents for reasonable suspicion are documented in the Incident Report. Refer to <b>Section B-4, Documentation Requirements</b> for more information regarding when the need for completion of an IR is necessary.</li> </ul> </li> </ul> <p>e) An unclothed search of a child/youth upon admission to a YDC or Contract Agency Detention Center is considered a <u>routine</u> part of the intake process and an IR is not required unless contraband is found. Any other unclothed search conducted outside of these settings is considered <u>non-routine</u>.</p> <ul style="list-style-type: none"> <li>◆ Unclothed searches will not be a routine part of procedures prior to or after visitation nor will they be a routine part of procedures when a youth is being placed in seclusion.</li> <li>◆ An unclothed search must be conducted by trained employees of the same gender and performed to maintain privacy and dignity of the youth being searched.</li> <li>◆ Unclothed searches of visitors, volunteers and employees are not completed by DCS employees or Contract Agency employees. If there is a concern that warrants such a search, contact law enforcement.</li> </ul> <p>f) <b>Body Cavity Search</b> - A body cavity search is <b>PROHIBITED</b>.</p> <p><b>Note:</b> Transgender (LGBTI) youth may request accommodations regarding the gender of staff conducting the search. Refer to DCS Policy <a href="#"><u>20.20. Guidelines for Managing Children/Youth in DCS Custody Related to Sexual Orientation, Gender Identity and Expression</u></a>, Section E-2, for additional requirements and documentation for this type of search.</p>
<p><b>B. Search requirements for DCS and Contract Agency employees</b></p>	<p>1. At the time of placement in custody, notification of the potential for a possible search of a child/youth or their personal property is discussed with the child/youth, parents or guardian. The FSW is responsible for documenting this notification into TFACTS.</p>

2. At the time of placement in a contract agency facility, the child/youth, parent or guardian is notified of the potential for a possible search of the child/youth or their private property/room/area, at random, through the provision and explanation of the child/youth’s Rights and Responsibilities. Contract Agency employees are responsible for documenting the notification in the initial monthly summary.
3. YDCs notify the child/youth/guardian that a search of the child/youth or their private property/room/area may be conducted, at random, during intake into the program through the provision of the [Youth Handbook for Tennessee Youth Development Centers](#). The residential case manager is responsible for documenting this notification into TFACTS.
4. When circumstances permit, two (2) staff members are present when a search is conducted on a child/youth (refer to **Section C-1** for foster parent inclusion in a search of this type.)
  - a) Any past history of trauma that a child/youth has experienced is considered when selecting individuals to conduct a search.
  - b) For those employees who conduct a search prior to transporting a child/youth, utilize form **CS-0350, Transportation Report**.
5. No child or youth is subjected to a search in a manner that is humiliating or degrading. Employees conduct all searches in such a way that maintains the dignity and respect for the child/youth and their property at all times. To ensure that the child/youth’s dignity is maintained, employees conducting the search:
  - ◆ Explain to the child/youth the purpose of the search; and
  - ◆ Conduct the search in an area that is as private as possible.

**Note:** If the child/youth refuses to submit to a search and there is a perceived threat or danger, law enforcement may be contacted for assistance. If law enforcement is contacted, an SIR is created.
6. All routine searches, where contraband or note-worthy incidents occur, require documentation in TFACTS case recordings or in monthly summaries by Contract Agency employees. Documentation of a non-routine invasive child/youth search is documented in TFACTS case recordings by the FSW/residential case manager or in monthly summaries by Contract Agency employees and is reviewed by the staff supervisor (refer to the following Documentation Requirements for further information).

<b>Documentation Requirements</b>		
	<b>Non-Invasive</b>	<b>Invasive</b>
<b>Routine Searches</b>	<b>When contraband found</b>	<b>When contraband found</b>
<b>Non-Routine Searches</b>	<b>When contraband found</b>	<b>Always</b>

	<p>7. Documentation includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>a) Employees involved;</li> <li>b) Reason for the search, including reasonable cause for the search and assessed risk of harm to the child/youth or others that triggered the need for a search;</li> <li>c) Location of the search (e.g. building, facility, parking lot, etc.);</li> <li>d) Other persons involved;</li> <li>e) Problems encountered; and</li> <li>f) Items confiscated and means of disposition.</li> <li>g) Individuals that conduct a search of a child/youth make a list of any items confiscated and have the child/youth verify the list by date and time. If the child/youth refuses to sign the list, the individuals conducting the search document the refusal and both sign and date the list. Items considered contraband are not returned to the child/youth. All confiscated contraband must be handled in accordance with DCS policy <a href="#">27.21. Contraband and Preservation of Physical Evidence</a>. Contract Agencies may document confiscated items according to their agency’s protocol.             <ul style="list-style-type: none"> <li>◆ Contraband confiscated during the search of a visitor, volunteer or employee is documented and law enforcement is contacted when necessary. Employees and volunteers that are found to have contraband on the premises are subject to disciplinary action up to termination of employment.</li> </ul> </li> </ul>
<p><b>C. Foster Parent involved searches</b></p>	<ul style="list-style-type: none"> <li>1. Prior to searching any child/youth, the staff person and foster parent need to consider the impact of the search based on several factors, including;             <ul style="list-style-type: none"> <li>a) Any past history of trauma that a child/youth has experienced;</li> <li>b) What can be achieved by engaging in <b>ONLY</b> visual inspection or appearance;</li> <li>c) Child driven searches-(asking or requesting a child to “turn out” the pockets or self “pat down”) in the presence of staff members and foster parents.</li> </ul> </li> <li>2. When circumstances permit, two (2) staff members or one (1) staff member and one (1) foster parent, <b>as an observer only</b>, is present when a search is conducted on a child/youth, prior to entering or after a child is placed into a foster home.</li> <li>3. It is preferred that Foster parents observe and/or participate in a search of a child/youth’s personal property/room/area/bags/suitcases/boxes or any other personal items when an FSW or Contract Agency worker is present.</li> <li>4. If a foster child/youth has a history of concealing contraband/safety issues, or if there is a good and legal reason, the Child and Family Team may complete form <b>CS-1044, Child Safety Plan</b>, during a Child and Family Team Meeting to address alternative search procedures.</li> </ul>

<p><b>D. Search of visitors, volunteers and employees at contract agency facilities and YDCs</b></p>	<ol style="list-style-type: none"> <li>1. Contract Agency facilities post notices advising that all persons entering the premises leave personal items in their vehicles prior to entrance into the facility. Visitors may be requested to open any purses, bags, packages, etc., brought into the facility prior to admittance. Contract Agency employees/volunteers may be subject to search if approval is obtained from the Contract Agency Director.</li> <li>2. YDCs post signs informing <b>all</b> persons upon entering the facility grounds that they are subject to being searched. Signs are posted in noticeable locations at all entrances and exits to the YDC.</li> </ol>
<p><b>E. Training</b></p>	<p>All employees and foster parents responsible for conducting searches receive training on search techniques for all types of searches.</p> <p>Training includes:</p> <ol style="list-style-type: none"> <li>1. Foster parents/Contract Agencies: Foster Parent Support staff train foster parents during reassessment meetings and have foster parents sign <b>CS-0670, Foster Parent Oath to Abide</b>. A copy of <b>CS-0670, Foster Parent Oath to Abide</b> is placed in the Foster Home case file.</li> <li>2. Contract Agency facilities provide search training for employees during the staff training process and record documentation in the employee’s personnel file.</li> <li>3. YDC employees, responsible for searching youth, receive training for conducting searches during preservice and every other year thereafter. Completion of training is kept in the employee’s training file.</li> <li>4. All other employees having contact with children/youth complete computer based (CBT) training on search types, techniques and appropriate usage.</li> </ol>
<p><b>F. Administrative Review</b></p>	<ol style="list-style-type: none"> <li>1. Administrative reviews are completed on searches conducted by DCS and Contract providers during monthly/quarterly aggregate Incident Report reviews. Team Leaders/Supervisors ensure that documentation of a search of a child/youth is entered in case recordings in TFACTS.</li> <li>2. For any other searches that occur, a case specific review is conducted:             <ol style="list-style-type: none"> <li>a) <u>At YDCs</u>: Superintendents are responsible for reviewing and signing off on IRs for unclothed searches.</li> <li>b) <u>At Contract Agencies</u>: The agency identifies a designee to conduct administrative reviews.</li> <li>c) <u>For DCS foster homes</u>: The Team Coordinator/Team Leader for the Placement Division /Foster Parent Support conducts administrative reviews.</li> </ol> </li> </ol>

<p><b>Forms:</b></p>	<p><a href="#"><u>CS-0350. Transportation Report</u></a></p> <p><a href="#"><u>CS-0670. Foster Parent Oath to Abide</u></a></p> <p><a href="#"><u>CS-1044. Child Safety Plan</u></a></p>
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<b>Collateral documents:</b>	<a href="#">20.20. Guidelines for Managing Children/Youth in DCS Custody Related to Sexual Orientation, Gender Identity and Expression</a> <a href="#">27.21 Contraband and Preservation of Physical Evidence</a> <a href="#">Youth Handbook for Tennessee Youth Development Centers.</a>
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<b>Glossary:</b>	
<b>Term</b>	<b>Definition</b>
<b>Contraband:</b>	Any item possessed by a child/youth or found within a placement that is illegal or that is expressly prohibited by those legally charged with the responsibility for the child/youth and the administration and operation of the placement.
<b>Routine Search</b>	A customary or regular course of procedure; a usual or everyday occurrence that is unvarying. Routine searches are usually performed without <i>suspicion</i> . Other descriptions that could be used are scheduled or standard procedure.
<b>Non-Routine Search</b>	Searches that are out of the ordinary and not standard procedure. There is "reasonable suspicion" that a person possesses contraband that may warrant such a search.
<b>Reasonable suspicion</b>	Situations or actions by a child/youth which are sufficient to cause a reasonable belief by staff, taking into account his or her training and experience, to <i>believe</i> that the child/youth to be detained for a search was, or is about to be, involved in criminal or prohibited activity.