
 <p style="text-align: center;"><b>WISCONSIN</b> <b>DEPARTMENT OF CORRECTIONS</b> <b>Division of Juvenile Corrections</b></p> <p style="text-align: center;"><b>Policy and Procedure</b></p>	EFFECTIVE DATE 03/16/2021	PAGE NUMBER 1 of 8
	DJC POLICY # 300.05.09	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revision Original Date: 10/16/2018
	ORIGINATED BY Ron E. Hermes, Administrator X  Date Signed: 03/16/2021	
DISSEMINATION  <input type="checkbox"/> All Staff <input type="checkbox"/> Restricted from Printing <input checked="" type="checkbox"/> Facilities <input type="checkbox"/> Field Offices <input type="checkbox"/> Health Services	<input checked="" type="checkbox"/> Guidance Document	<input type="checkbox"/> Additional Competency Required
REPLACES POLICY		CLS/LHS P&Ps 6.10 & 6.12 SIMPs 13 & 23
<b>SUBJECT: Searches of Youth</b>		

**Purpose**

The purpose of this policy is to establish guidelines for the search of a youth in a Division of Juvenile Corrections facility.

**Policy**

The Division of Juvenile Corrections shall conduct searches of youth in a professional and respectful manner while utilizing trained trauma-informed care principles to prevent the movement or introduction of contraband, and to detect evidence of an assault, self-inflicted injury or disfigurement.

**References**

DJC Policy 300.05.20 – Youth Property in DJC Facilities

DJC Policy 500.70.24 – Clinical Observation Policy

DJC Policy 500.70.27 – Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex (LGBTQ<sup>2</sup>I+) Youth

Prison Rape Elimination Act (PREA) of 2004

Prison Rape Elimination Act, Prison and Jail Standards 05/12/2013; Standard – PI03 – Forensic Information Wisconsin Administrative Code 376.18 Security in Type 1 Secured Correctional Facilities

Wisconsin Administrative Code s. 396.18 Searches and Seizures

Wisconsin Statutes s. 973.047 – Deoxyribonucleic acid analysis requirements

State of Wisconsin Administrative Code DOC Chapter 376 – Security in Type 1 Secured Correctional Facilities

United States District Court for the Western District of Wisconsin 17-CV-47 Consent Decree

## **Definitions, Acronyms, and Forms**

Advanced Care Provider (ACP) – Provider with prescriptive authority.

Body Contents Search - A search in which a youth is required to provide a biological sample including deoxyribonucleic acid (DNA), urine, breath, or blood for analysis. Body contents searches do not include examinations and tests requested by medical staff for medical reasons.

Body scan search – means using body scanner technology to produce an image revealing the presence of drugs, weapons, or other harmful materials concealed on or inside of the body.

Body scan device - a stationary system for obtaining full height radiographic images of a youth to detect any kind of weapons, drugs, or other harmful materials either concealed under a youth's clothes, swallowed, or hidden in anatomical cavities of the body, without causing harm to the scanned youth.

Exigent Circumstances – Temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Intersex – A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sexual development.

J-Tracker – Juvenile Information Management System.

Personal (pat down) search - A search of a youth's person including the clothing, frisking the body, and an inspection of the mouth.

PREA – Prison Rape Elimination Act

Staff assisted strip search – The strip search of a youth conducted by staff when a youth does not voluntarily comply with a strip search.

Strip search - a search in which a youth is required to remove or rearrange clothes. Permissible inspection includes examination of the person's body and clothing and visual inspection of the breast, buttocks, or genitalia.

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.

DOC-1625 - Personal Search Record

## **Procedure**

### **I. General**

A. All youth searches shall be conducted in compliance with Wisconsin Administrative Codes Ch. 376 or Ch. 396 which permits four types of searches.

1. Personal search.
2. Body scan search
3. Strip search.
4. Body contents search.

B. All searches shall be conducted in accordance with DOC training.

- C. Staff shall conduct all searches of youth in a professional and respectful manner while utilizing trained trauma-informed care principles.
- D. Staff shall not physically examine or search a transgender or intersex youth for the sole purpose of determining the youth's genital status. If unknown, a youth's genital status may be determined through the following methods:
  - 1. Conversations with the youth.
  - 2. Review of medical records.
  - 3. As part of a broader medical examination conducted in private by an ACP.
- E. Youth searches shall be documented utilizing DOC-1625 produced in J-Tracker
  - 1. Documentation of all searches shall be kept in locations designated by the Superintendent, Regional Chief, or designee.
  - 2. Records shall be readily accessible for audit purposes.
- F. Superintendent, Regional Chief, or designee shall determine the number of required searches.
- G. Documentation on the DOC-1625 shall include:
  - 1. The identity of the staff who conducted the search
  - 2. The date and time of the search
  - 3. The identity of the youth searched
  - 4. The reason for the search
  - 5. Any objects seized pursuant to the search
  - 6. The identity of all staff present when the search was conducted

## II. Personal Searches

- A. A personal search may be initiated for any of the following reasons:
  - 1. At the direction of a supervisor or as described in facility procedure.
  - 2. Before a youth enters or leaves the secure perimeter of a secure facility or the grounds of a non-secure facility.
  - 3. Before and after a visit.
  - 4. As part of a periodic search and lockdown of a facility or part of a facility.
  - 5. Staff has reasonable grounds to believe the youth possesses contraband.
- B. Before performing a personal search the youth shall be directed to remove shoes, cap, coat and all items from their clothing pockets for staff inspection.
- C. Personal searches shall be conducted in accordance with training. Staff shall:
  - 1. Direct the youth to have his or her back toward the staff with their arms extended, fingers separated and feet apart at least 12 to 18 inches.
  - 2. Utilize both hands and start at the back of the head, follow a direct course across the back of the arms to the hands, then across the front of the arms to the shoulders.

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3. Return hands to the original starting position and search the collar, the shoulders, and down the back and sides, including the belt line, all pockets and chest area.
  - a. Search the area between the beltline and groin of the youth.
  - b. The back of the hand shall be used while checking around the breast area of female and transgender/intersex youth.
4. From the back at the waistline, proceed down the back, sides and front of the legs to the ankles, checking the trouser cuffs and socks and the inside of the legs well up to the groin utilizing a bladed hand.

D. When searching a large group of youth, such as a work detail, the following procedures shall be followed:

1. The youth shall be required to line up and present themselves for a search one at a time, with hats off, coat unbuttoned, pockets emptied, arms outstretched, and back toward the staff member.
2. The first youth searched shall be directed to form the start of a new line far enough from the unsearched youth so that contraband cannot be passed between those who have been searched and those who have not.
3. After the search of all the youth has been completed, staff shall look over the area where youth were standing to look for any contraband which may have been dropped or thrown away by a youth in order to avoid having it found in his or her possession.

### III. Body Scan Search

A. Currently DJC has two facilities that have a Body Scan device:

1. Lincoln Hills School
2. Copper Lake School

B. A body scan search of a youth is only permitted when a supervisor has concluded that there is probable cause to believe that the individual youth possesses drugs, weapons, or materials potentially harmful to the youth that could not be discovered through less intrusive means; and:

1. Less intrusive searches including use of a metal detector, personal (pat down) search, or allowing the youth to change into a tank top or other clothing has already been attempted; or
2. It has been determined by PSU in consultation with the youth that less intrusive searches which may include physical contact would cause greater trauma to the youth.

C. Body scan searches of youth shall be conducted in accordance with the following guidelines:

1. Body scan searches may only be conducted by a person of the same gender identity as the youth being searched unless the search is conducted by a medical professional.
2. Body scan searches may only be conducted by staff trained in trauma-informed practices.
3. If a youth with a known or suspected mental health diagnosis or history of sexual abuse objects to a body scan search, staff must consult with mental health practitioners before conducting the search.

- D. In addition to the documentation requirements listed for all searches in section I.G. of this policy, documentation on the DOC-1625 for body scan searches shall include how the limitations set forth in A and B of this subsection have been met.
- E. Images produced utilizing body scanner technology shall only be viewed when necessary by supervisors, PSU, HSU staff, or an off-grounds medical professional.
- F. Images shall not be stored on any external storage device or copied in any manner, unless authorized by the Superintendent.
- G. PSU shall be notified as soon as practicable when a youth has been body scan searched.
- H. HSU shall be notified of all completed body scan searches at least monthly.
- I. Scanning Process
  - 1. Two staff shall be present when a body scan of a youth is conducted. One staff shall operate the body scan device while the other observes and instructs the youth.
  - 2. The staff member conducting the search shall enter the necessary youth identifying information into the scanner console.
  - 3. Each youth shall be instructed on the proper manner in which to enter the body scanner for scanning. No property shall be allowed in the scanner at the time of scanning.
  - 4. The youth shall be instructed to stand in the designated area of the scanner platform and remain still until the scan is complete.
  - 5. A scan of the youth shall only be completed once unless permission is granted by a Supervisor for additional scans to be completed.
- J. Detection of Contraband
  - 1. If the scanning process reveals an object that is clearly identifiable as a weapon, drugs or other contraband the Superintendent or their designee shall be notified immediately and the following shall be completed:
    - a. If a weapon or weapons have been detected, the weapon(s) shall be removed immediately from the youth's possession. In cases of weapons being ingested or inserted into a body cavity, the supervisor shall consult HSU.
    - b. In the event contraband is detected (i.e. ingested drugs, etc.), a Supervising Youth Counselor shall consult with medical staff.
    - c. If HSU staff determines that the contraband does not pose a life-threatening situation, the youth shall be asked again to remove the contraband if possible. If the youth continues to refuse to remove the contraband the youth may be placed on observation status in accordance with DJC Policy 500.70.24.
    - d. If HSU staff determine that the contraband could pose a serious or life-threatening situation arrangements shall immediately be made to transport the youth to an off-site medical facility. No facility staff shall conduct a body-cavity examination.

#### IV. Strip Search

- A. Strip searches are only permitted when a supervisor has concluded that there is probable cause to believe that a youth possesses drugs or weapons that could not be discovered through less intrusive means and:
1. Less intrusive searches including use of a body scanner, metal detector, personal (pat down) search, or allowing the youth to change into a tank top or other clothing has already been attempted; or
  2. It has been determined by PSU in consultation with the youth that less intrusive searches which may include physical contact would cause greater trauma to the youth.
- B. Strip searches of youth shall be conducted in accordance with the following guidelines:
1. Staff must ensure that no unintended individuals are able to view the search, including by video or other recording device.
  2. Under no circumstance may a youth be strip searched within view of another youth.
  3. Strip searches may only be conducted by individuals of the same gender identity as the youth being searched, unless the search is conducted by a medical professional.
  4. Strip searches must be conducted by staff trained in trauma-informed practices.
  5. If a youth with a known or suspected mental health diagnosis or history of sexual abuse objects to a strip search, staff must consult with mental health practitioners before conducting the search.
- C. In addition to the documentation requirements listed for all searches in section I.G. of this policy, documentation on the DOC-1625 for strip searches shall include how the limitations set forth in A and B of this subsection have been met.
- D. The L-Strip Search model shall be used to conduct all strip searches.
1. This involves one staff member directly observing the youth during the search, while the second staff member observes the first staff member.
  2. Both staff shall be in close proximity to the youth.
- E. The observer shall ensure proper strip search procedures are followed. This requirement reduces the possibility of accusations of impropriety being made against the staff member performing the search.
- F. When a strip search is conducted, the youth may be directed to remove all clothing and make it available for staff inspection.
- G. All clothing is searched for articles concealed in seams, cuffs, labels, linings, hat bands, belts and shoes. Shoes shall be closely examined for split soles and heels, false linings and removable insoles or heels.
- H. During a strip search the youth is required to undress completely and expose body orifices for visual inspection.
1. The search shall include hair, ears and mouth. Removable dental appliances shall be taken out.

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2. The entire body shall be checked, including armpits, hands, pubic regions, between toes, soles of the feet, anus and inner portion of legs. Youth is to lift breast and/or genitals, if appropriate.
  3. Any bandages, casts or prosthesis shall be thoroughly examined. Medical assistance shall be requested if it becomes necessary to remove a bandage or cast.
- I. Visual inspection of body cavities may be made by any staff member of the same gender identity.

V. Body Contents Search

- A. A body contents search may be conducted under one of the following conditions, and only after approval by the Superintendent, Regional Chief or designee:
1. For security reasons.
  2. For program reasons.
  3. For investigation purposes if one or more staff, from direct observation or reliable sources, have reasonable grounds to believe that a youth has used, possesses, or is under the influence of intoxicating substances.
  4. As part of a random testing program.
  5. As required by a court for DNA analysis or any other biological specimen analysis.
- B. Only trained staff assigned to obtain samples may do so as part of a body contents search.
- C. A trained security staff member of the same gender identity as the youth providing the sample shall collect urine tests.
- D. Only trained staff may conduct a breathalyzer tests.

cc: Office of the Secretary  
DJC Leadership Team

<b>Division of Juvenile Corrections Facility/Region Implementation Procedure</b>		
Facility/Region:	<input type="checkbox"/> Guidance Document	<input type="checkbox"/> Competency Required
DJC Policy Number: 300.05.09		
Subject: Searches of Youth		
Original Policy Effective Date: 10/16/2018	New Policy Effective Date: 03/16/2021	
Original Procedure Effective Date:	New Procedure Effective Date:	
Will Implement: <input type="checkbox"/> As Written	<input type="checkbox"/> With following procedures for facility implementation	
Replaces Policy: CLS/LHS P&Ps 6.10 & 6.12    SIMPs 13 & 23		
Superintendent's/Regional Chief's Approval:		

**REFERENCES**

**DEFINITIONS, ACRONYMS, AND FORMS**

**FACILITY PROCEDURE**

- I.
  - A.
  - B.
    - 1.
    - 2.
      - a.
      - b.
      - c.
    - 3.
  - C.

II.

III.

**RESPONSIBILITY**

I. Staff

II. Youth

III. Other