



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Casey Gerber

Name of Individual Certifying this Document/Proposed Document

Director, Office of Juvenile Offender Review

Title



Casey Gerber

Signature

06/24/2019

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Juvenile Corrections</p> <p style="text-align: center;">Policy and Procedure</p>	EFFECTIVE DATE 5/15/2018	PAGE NUMBER 1 of 6
	MANUAL REFERENCE	<input checked="" type="checkbox"/> New <input type="checkbox"/> Revision
	DJC POLICY # 200.05.02	Original Date: 5/15/2018
	ORIGINATED BY John D Paquin, Administrator	
	X  Date Signed: 5/15/2018	
DISSEMINATION <input type="checkbox"/> All Staff <input type="checkbox"/> Institution <input checked="" type="checkbox"/> Field Offices <input type="checkbox"/> Health Services <input type="checkbox"/> Community Facilities <input type="checkbox"/> Confidential-Security Related <input type="checkbox"/> Supervisory Staff Only	PRIORITY <input checked="" type="checkbox"/> Policy/Directive Discuss at Staff Meeting <input type="checkbox"/> Information Read/Route/Post	
REPLACES POLICY		
SUBJECT: Searches		

Purpose

The purpose of this policy is to establish guidelines for the personal search of youth and a youth's living quarters and property.

Policy

The Division of Juvenile Corrections (DJC) shall conduct searches of youth and youth's living quarters and property in a professional, respectful, and trauma informed manner to detect possible violation of supervision rules, to ensure staff safety, and to protect public safety.

References

DCC Electronic Case Reference Manual (ECRM)

Wisconsin Administration Code 376.17 Security in a Type 1 Secured Correctional Facilities

Wisconsin Administration Code 396.18 Type 2 Correctional Facilities Searches and Seizures

Wisconsin Administration Code 393.09 Youth Aftercare Conduct and Revocation Searches and Seizures

Wisconsin Administration Code 392 Drug testing

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 specimen including but not limited to a sample of urine, breath, saliva, blood, stool, hair, tissue, or any body fluids for testing for the presence of intoxicating substances.

COMPAS- Correctional Offender Management Profiling for Alternative Sanctions

Contraband - Any item a youth may not possess under the rules or conditions of supervision.

DJC- Division of Juvenile Corrections

DOC-1918 – Juvenile Corrections Home Search Plan

DOC -1919 – Statement of Items Seized or Damage to Property Searched

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 - A Juvenile Management System

Personal search (pat down) – A search of a youth's person, including but not limited to the youth's pockets, frisking the body, an examination of the youth's clothing, and an inspection of the youth's mouth.

POSC- Principles of Subject Control

Strip search – A search in which a youth is required to remove all clothing. Permissible inspection includes examination of the youth's clothing and visual inspection of body cavity orifices.

Trauma Informed - an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma.

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.

Procedure

- I. General
 - A. All youth searches shall be conducted in compliance with Wisconsin Administrative Codes Chapter 393 or Chapter 396 which permits four types of searches.
 1. Personal search.
 2. Strip search.
 3. Body contents search.
 4. Living quarters and property search.
 - B. When considering to conduct a search, reasonable grounds to believe the requirements for a search have been met, the following shall be considered:
 1. The observation of staff.
 2. Information provided by a reliable informant.
 3. Prior seizures of contraband from the person or living quarters of the youth.
 - C. Staff shall conduct all searches of youth in a professional, respectful, and trauma informed manner.
 - D. Whenever possible, before a search is conducted the youth will be informed that a search is about to occur, the nature of the search, and the place where the search is to occur.
- II. Personal Searches (Pat Search)
 - A. A personal search may be initiated for any of the following reasons:
 1. Staff has reasonable belief that a youth possesses contraband.
 2. After the youth has been taken into custody and before transporting the youth, a thorough, systematic search shall be conducted, as trained in POSC.
 3. Upon release from a secure detention center or type 1 secured correctional facility or other secured confinement.

4. Routinely when the youth enters a report center, a staff office, or other placement or sanction facility.
 5. At random with the prior authorization of a Corrections Field Supervisor, Regional Chief, or Designee.
 6. At the direction of the Corrections Field Supervisor, Regional Chief, or Designee.
- B. Personal searches shall be conducted in accordance with training. POSC trained Staff shall conduct a thorough systematic pat search when reasonably safe to do so every time a youth is placed in restraints.
- C. Cross gender personal searches of youth is prohibited, except in emergency situations. If only opposite gender staff are available, another staff shall observe the search. Transgendered, transsexual, or intersex offenders may be searched by female staff or the youth may be asked to indicate which gender staff is preferred to perform the search.
- 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. Documentation
1. The agent shall document the search by completing a COMPAS Note.
 2. The agent shall complete a J-Tracker Incident Report when a youth is placed into custody or contraband is found on a youth.
 3. The agent shall complete a DOC-1919 when property or contraband is seized from a youth.

III. Strip Search

- A. A strip search may be initiated for any of the following reasons and only when staff have a reasonable belief that the youth is concealing contraband within the youth's underclothing or external body areas and the youth refuses to voluntarily give the suspected contraband to staff.
- B. Staff shall obtain prior approval from a Corrections Field Supervisor and Regional Chief, or Designee before conducting a strip search. The Corrections Field Supervisor shall determine if the requirements in paragraph A are met prior to receiving Regional Chief, or Designee approval.
- C. A strip search shall be conducted in a clean and private place by a person of the same sex as the youth being searched. The search shall be conducted by two persons of the same sex as the youth whenever possible.
- D. Staff shall attempt to gain voluntary compliance by informing the youth that a staff assisted strip search shall be performed if the youth refuses to give the suspected contraband to staff.
- E. Documentation
1. The agent shall document the search by completing a COMPAS Note.
 2. The agent shall complete a J-Tracker Incident Report.
 3. The agent shall complete a DOC-1919 when property or contraband is seized from the youth.

IV. Body Contents Search

- A. Staff may conduct a body contents search if staff have reasonable belief that a youth has consumed an intoxicating substance or is concealing contraband in a manner that might be discovered by such a search and prior authorization has been obtained from a Corrections Field Supervisor.
- B. Drug and Alcohol tests.
 - 1. Staff shall conduct drug and alcohol tests according to current supervision standards.
 - 2. Staff may conduct a drug or alcohol test when staff believe a youth is under the influence of illegal drugs or alcohol or has recently consumed, ingested, injected, or smoked illegal drugs or alcohol.
 - 3. When an agent or supervisor requires that collection of a urine specimen be observed, staff of the same sex as the youth shall observe and collect the urine specimen.
- C. Staff shall obtain prior approval from a Regional Chief or Designee for any other body contents searches. Blood and stool samples or X-Rays shall only be collected by a medical professional or other person authorized by law.
- D. Documentation
 - 1. The agent shall document the drug and alcohol test and result or other body contents search by completing a COMPAS Note.
 - 2. The agent shall document the drug or alcohol test and results in the COMPAS Drug Test Module.

V. Search of Living Quarters or Property

- A. Staff may search a youth's property and living quarters at any time with the approval of a Region Chief or designee.
- B. When staff have reasonable grounds to believe a living quarter or property search is necessary, staff should:
 - 1. Discuss with a Corrections Field Supervisor the reason for the search, specific information they received including by whom or where the information was received, what was reported, the contraband, where the contraband may be located, location of the residence, type of residence, other occupants, other residents under Department of Corrections supervision, known criminal activity, or other potential hazards at the residence and neighborhood.
 - 2. Develop a search plan utilizing form DOC-1918.
 - 3. Brief search team of the plan prior to leaving the office.
- C. Searches of living quarters and property shall be confined to areas occupied by the youth, which would include common areas such as kitchen, bathroom, living room, etc. While conducting a search, care must be taken to prevent infringement on the rights of other occupants of the dwelling.
- D. Under no circumstances is forced entry by DJC staff permitted. If a youth, parent or other adult with whom a youth resides denies access to any part of the youth's property or living quarters, agents shall terminate the search plan and issue an apprehension request. Youth refusing entry shall be detained when apprehended. The youth's agent may require the youth to move to another placement approved by DJC.
- E. Whenever practical staff may request the assistance of law enforcement authorities to assist in the search.

1. Law enforcement shall be utilized in home searches whenever possible. Law enforcement's primary role is to secure the residence. It must be made clear to law enforcement that the agent is in charge of the search and that law enforcement is present to advise and provide protection. If illegal contraband is located in a search, the search may be turned over to Law Enforcement at their discretion.
 2. Police dogs may be used during home searches when there is reason to suspect drugs in the home and with the following conditions:
 - a. The Regional Chief or designee shall approve all searches involving the use of police dogs.
 - b. DJC staff are to conduct the search; therefore, staff shall direct law enforcement on the usage/placement of the dogs.
- F. Any cell phone, computer, or other electronic device possessed by a youth shall be considered under their control and therefore subject to search. All cell phone, computer, or other electronic device searches shall be conducted with supervisory approval. Images and conversations depicting illegal activity shall be staffed with a Corrections Field Supervisor and the device may be turned over to law enforcement.
- G. Any vehicle driven by a youth shall be considered under their control and therefore subject to search. All home search policies and procedures apply to the search of vehicles. Vehicles driven to the agent's office may be searched without law enforcement being present if reasonable grounds exist and with Corrections Field Supervisor approval.
- H. Staff shall take care not to damage or disturb the youth's property, while still conducting a thorough search. If any property is damaged during the search of a youth's property or living quarters, the youth shall be informed in writing utilizing DOC-1919. A youth shall be reimbursed for the repair or replacement of damaged property that is not contraband. Property which is damaged shall be valued at its fair market value, not its replacement cost.
- I. Staff shall not read legal materials belonging to a youth during a search.
- J. Documentation
1. The agent shall document the search by entering a COMPAS note.
 2. The agent shall complete a J-tracker incident report.
 3. The agent shall complete a DOC-1918 and DOC-1919.

VI. Items Seized

- A. Allowable property seized from a youth shall be returned to the youth, guardian, or designated person as soon as possible, but no later than 90 days. After 90 days, the property shall be disposed of consistent with DOC 376.17. The youth shall receive a notice of the proposed disposition of the property at least three days before the property will be disposed
- B. Contraband that is unlawful to possess under state or federal law, intoxicating substances, or weapons shall be turned over to local law enforcement.
- C. Contraband that is not unlawful to possess shall be seized and shall not be returned to the youth but disposed.
- D. The agent shall document items seized, returned, and/or disposed by completing the DOC-1919.

cc: Office of the Secretary
DJC Leadership Team

Division of Juvenile Corrections Facility/Region Implementation Procedure	
Facility/Region: Community Supervision/Northwest Regional Office and Southeast Regional Office	
DJC Policy Number 200 05 02	
Subject: Searches	
New Effective Date: 5/15/2018	Original Effective Date: 5/15/2018
Will Implement. <input checked="" type="checkbox"/> As Written <input type="checkbox"/> With following procedures for facility implementation	
Superintendent's/Regional Chief's Approval <i>Auan Anderson</i>	