



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 10/16/2018	PAGE NUMBER 1 of 8
	MANUAL REFERENCE	<input checked="" type="checkbox"/> New <input type="checkbox"/> Revision
	DJC POLICY # 300.05.09	Original Date: 10/16/2018
	ORIGINATED BY John D Paquin, Administrator	
	X  Date Signed: 10/16/2018	
DISSEMINATION <input type="checkbox"/> All Staff <input type="checkbox"/> Confidential-Security Related <input checked="" type="checkbox"/> Facilities <input type="checkbox"/> Field Offices <input type="checkbox"/> Health Services <input type="checkbox"/> Supervisory Staff Only	PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post	
	REPLACES POLICY CLS/LHS P&Ps 6.10 & 6.12 SIMP s 13 & 23	
SUBJECT: Searches of Youth		

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 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 500.70.27 – Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex (LGBTQ²I+) 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

Definitions, Acronyms, and Forms

- Advanced Care Provider (ACP) – Provider with prescriptive authority.
- Body cavity search – An x-ray or a strip search in which body cavities are inspected by the entry of an object or fingers into body cavities.
- Body contents search – A search in which the youth is required to provide a biological specimen, including, but not limited to a sample of urine, breath, blood, stool, hair, fingernails, saliva or semen for analysis.

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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.

Hygiene Check - A hygiene check is the exchange of clothing, visual inspection of the youth’s body for any rashes, injury and overall cleanliness.

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, but not limited to, the youth’s pockets, frisking the body, an examination of the youth’s clothing and an inspections of the youth’s 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 that includes the examination of the youth’s clothing and body and a visual inspection of his or her body, so as to permit a visual inspection of the person’s 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-1523 Search of Offender Log

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. Strip search.
 - 3. Body cavity search.
 - 4. Body contents search.
- B. Hygiene checks shall also be conducted.
- C. All searches and hygiene checks shall be conducted in accordance with DOC training.
- D. Staff shall conduct all searches of youth in a professional and respectful manner.
- E. Cross gender searches and hygiene checks of youth are prohibited, except in emergency circumstances.
- F. All strip searches and hygiene checks shall be conducted by two staff members, unless there are emergency or other exigent circumstances that exist or a facility has received a written waiver from the DJC Administrator.
- G. Staff directly observing the youth during a strip search shall be required to be the same sex as the youth. A second staff shall only observe the staff performing the strip search.
- H. 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.
 - I. All body cavity searches and certain body content searches must be conducted by off-site health professionals. Coordination is required between security and off-site regarding these searches.
 - J. Youth searches shall be documented utilizing DOC-1523.
 1. Documentation of all searches shall be kept in locations designated by the Superintendent, Regional Chief, or designee.
 2. Documentation of exigent circumstances where cross-gender pat-down searches of youth is conducted shall be maintained.
 3. Records shall be readily accessible for audit purposes.
 - K. Superintendent, Regional Chief, or designee shall determine the number of required searches.
- II. Personal Searches
- A. A personal search may be initiated for any of the following reasons:
 1. At the direction of the Shift Supervisor or designee, in post orders or policies and procedures.
 2. Before a youth enters or leaves the secure perimeter of a secure facility or the grounds of a non-secure facility.
 3. Before a youth enters or leaves restrictive housing or status changed within the restrictive housing unit.
 4. Before and after a visit.
 5. As part of a periodic search and lockdown of a facility or part of a facility.
 6. Staff has reasonable grounds to believe the youth possesses contraband. If contraband is found, another type of search may be performed.
 - 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.
 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. Hygiene Checks

- A. A hygiene check may be initiated for any of the following reasons:
1. At the direction of the Shift Supervisor or designee, in post orders or policies and procedures.
 2. Before a youth enters or leaves the secure perimeter of a secure facility or the grounds of a non-secure facility.
 3. Before a youth enters or leaves restrictive housing or status changed within the restrictive housing unit.
 4. Before and after a visit.
 5. As part of a periodic search and lockdown of a facility or part of a facility.
- B. Staff will gather the youth clothes, except undergarments, and inspect the clothes before returning them to the youth or placing them in a secure bag for youth in restrictive housing.
- C. Youth will not exchange undergarments (underwear, socks, and bra) except for intake youth who do not have any facility issued clothing.
- D. Perform an inspection of the youth body and behind the ears only. Again looking for rashes, injury and overall cleanliness.
- E. Youth shall be given a new set of clothing.
- F. Inspect the search area after the youth leaves.
- G. During the check if you believe the youth has contraband or contraband was found, contact a supervisor to complete another type of search.

IV. Strip Search

- A. Strip searches are permitted under the following conditions:
1. After a discussion with PSU where youth requests a strip search instead of a personal search or hygiene check.
 - a. Before a youth leaves or enters the secure perimeter of a secure facility or the grounds of a non-secure facility.
 - b. When returning to a facility, a strip search may be conducted prior to the youth entering the transport vehicle.

- c. Before or after a visit and during a visit, if observation indicates a reason to conduct the search.
 - d. Before a youth enters or leaves restrictive housing or status changes within the restrictive housing
 2. If there is probable cause to believe the youth possesses contraband.
 3. As part of a periodic search and lockdown of a facility under Wisconsin Administrative Code Ch. DOC 376.
- B. Strip searches of youth may occur at various times and shall be performed in accordance with the following guidelines:
 1. Conducted in a clean and private place (i.e., a separate room or screened area) with as much dignity as possible.
 2. Staff must ensure that no unintended individuals are able to view the search, including by video or other recording device.
 3. Under no circumstance may a youth be strip searched within view of another youth.
 4. 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.
 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.
 6. The L-Strip Search model shall be used to conduct all strip searches.
 - a. This involves one staff member directly observing the youth during the search, while the second staff member observes the first staff member.
 - b. Both staff shall be in close proximity to the youth.
 7. 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.
 8. When a strip search is conducted, the youth may be directed to remove all clothing and make it available for staff inspection.
 9. 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.
 10. During a strip search the youth is required to undress completely and expose body orifices for visual inspection.
 - a. The search shall include hair, ears and mouth. Removable dental appliances shall be taken out.
 - b. 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.
 - c. Any bandages, casts or prosthesis shall be thoroughly examined. Medical assistance shall be requested if it becomes necessary to remove a bandage or cast.
 11. Visual inspection of body cavities may be made by any staff member of the same sex.

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V. Body Cavity Search

- A. A body cavity search shall be conducted only if the Superintendent, Regional Chief, or designee authorizes the search.
- B. Body cavity searches do not include examinations and tests required by medical staff for medical reasons.
- C. Authorization for the search may be given verbally or in writing. If the authorization is given verbally, a written memorandum shall be prepared documenting the authorization.
- D. A non-DOC healthcare provider shall conduct all body cavity searches for the purpose of gathering forensic information.
- E. Security staff of the same gender shall be present during the search.
- F. While the actual body cavity search shall be conducted by a non-DOC health care provider, security staff may need to assist, such as when the youth is unwilling to submit to the search.
- G. Staff shall use only the minimum force necessary to accomplish the search and it shall be conducted in a humane manner.
- H. Before the search is conducted, the youth shall be informed that:
 - 1. A search is about to occur.
 - 2. The search shall be a body cavity search.
 - 3. The search shall be conducted at a certain place.
- I. Security staff shall document all body searched on DOC-1523.

VI. Body Content Search

- A. A body contents search shall be conducted if the Superintendent, Regional Chief, or designee authorizes the search.
- B. Body contents searches do not include examinations and tests required by medical staff for medical reasons.
- C. Trained staff may obtain samples as part of a body contents search.
- D. A trained security staff member of the same gender as the youth being searched shall collect body contents.
- E. Any trained staff member may conduct breathalyzer tests.
- F. A body contents search shall only be conducted under one of the following conditions:
 - 1. Security reasons.
 - 2. Program reasons.
 - 3. Investigation purposes.
 - 4. As part of a random testing program.
 - 5. As required by a court for deoxyribonucleic acid or DNA analysis or any other biological specimen analysis.
- G. Before a search is conducted, the youth shall be informed the search:
 - 1. Is about to occur.
 - 2. Shall be a body contents search.

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- 3. Shall be conducted at a designated location.
- H. A written report or written log entry shall be prepared for all body contents searches except urine and breathalyzer tests.

cc: Office of the Secretary
DJC Leadership Team

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Division of Juvenile Corrections Facility/Region Implementation Procedure	
Facility/Region:	
DJC Policy Number: 300.05.09	
Subject: Searches of Youth	
New Effective Date: 10/16/2018	Original Effective Date: 10/16/2018
Will Implement: <input type="checkbox"/> As Written <input type="checkbox"/> With following procedures for facility implementation	
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