

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

SEARCHES IN BOOKING, DETENTION AND TREATMENT FACILITIES

Title 15, Section 1360

Authority:

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Purpose:

The purpose is to provide clear direction on maintaining safety and security in Booking, Detention, and Treatment Facilities (TFs) by conducting searches. Searches shall be conducted to ensure the safety and security of the facility, public, visitors, youth, and staff.

Definitions:

In Custody Searches: All youth in custody are subject to pat-down searches, metal detector searches and thorough clothing searches.

Strip Search: A search that requires a youth to remove or arrange some or all of the youth's clothing to permit a visual inspection of the youth's underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring a youth while the youth is showering or changing clothes and the youth's underclothing, buttocks, genitalia, or female breasts are visible to the monitoring member.

Physical Body Cavity Search: A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a youth, and the vagina of a female youth.

Room/Property Searches: All youth in custody are subject to having the contents of their room thoroughly searched.

Responsibilities:

I. Probation Corrections Officers (PCOs):

A. Prior to searching:

1. Ask the youth if they identify as male or female in a non-judgmental manner.
 - a. If the youth identifies as transgender or intersex:
 - i. Contact the area Supervisor prior to conducting a search.
 - ii. The youth may request either a male or female staff member to conduct the search. Whenever feasible, staff shall respect the youth's preference regarding the gender of the staff member who conducts any search of the youth. If the youth has no preference, they will be searched by a staff member of the same biological sex.
 - a) A whole body search must be conducted by one (1) person. Searching of the youth cannot be divided into upper or lower quadrant based on known or perceived anatomy.
 - iii. Staff shall respect every youth's gender identity, and shall refer to the youth by their preferred name and gender pronoun, regardless of the youth's legal name. Staff shall prohibit the use of gang or slang names or names that otherwise compromise the facility operations as determined by the facility manager or designee, and shall document any decision made on this basis.
 - iv. Staff shall provide youth with the institution's clothing and undergarments consistent with their gender identity.

- v. Staff shall make every effort to ensure the safety and privacy of transgender and intersex youth when the youth are using the bathroom or shower, or dressing or undressing.
- vi. Staff shall document the youth's search preference in CE and note the area Supervisor that was notified.

B. Searches:

1. Instruct the youth to remove their shoes and socks.
2. Visually inspect the bottom of their feet, nostrils, ears, and mouth including under the tongue.
3. Conduct a pat down search and a metal detector search.
4. Search the youth's shoes and socks and place them out of reach.
5. Escort the youth to the shower and instruct the youth to brush their hair forward and backward with their fingers.
6. Provide the youth with a robe, shower shoes, and toiletries.
7. Instruct the youth to change into the robe in privacy with the door closed and inform staff when they have changed into the robe (staff shall remain outside of the door).
8. Instruct the youth to put their clothing in a plastic bag held by staff.
9. Instruct the youth to shower, and inform staff when they are robed.
10. While the youth showers, staff shall search the youth's clothing.
11. A metal detector search shall be conducted immediately upon the youth's exit from the shower.
12. Ensure all property is logged and the youth is given a property receipt.
13. Conduct pat down searches, metal detector searches and thorough clothing/property searches of all youth who have been out of direct supervision or returning from furlough.
14. Observation of youth will only be incidental and in compliance with routine room check guidelines.

II. Strip Searches:

- A. Strip searches shall not be conducted on youth being held in custody for infractions or misdemeanors.
 1. Exceptions include offenses involving:
 - a. Weapons.
 - b. Controlled substances.
 - c. Violence.
 - d. Felonies.
 - e. 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.
- B. A strip search shall not be conducted without prior written authorization by the Watch Commander (WC)/Treatment Facility Supervisor (TFS) on duty. The authorization shall include the specific and articulable facts and circumstances upon which the reasonable suspicion determination was made by the WC/TFS.
- C. Staff conducting a strip search shall not touch the breasts, buttocks, or genitalia of a person being searched.
- D. Staff conducting or present during a strip search shall be of the same sex as the person being searched or as otherwise documented in CE, except for physicians or licensed medical personnel (See Guidelines).
- E. Strip searches shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the search, including within the Closed Circuit Television Security System film footage area.
- F. Probation Corrections Officer (PCO):

1. Notify the area Probation Corrections Supervisor I (PCSI) of any circumstances that may require a strip-search, prior to the search being conducted. In the event the area PCSI is not available, the PCO shall notify the WC/TFS.
 2. Complete the Strip Search/Body Cavity Search Authorization Form (Attachment A) and submit to the PCSI/WC/TFS for approval prior to the search.
 3. All strip searches shall be audio recorded.
 4. An Incident Report (IR) shall be completed for all strip searches that result in the discovery of contraband. Refer to the Incident Reports procedure.
- G. Probation Corrections Supervisor I (PCSI):
1. Review all Strip Search/Body Cavity Search Authorization Forms submitted by the PCO and submit to the WC/TFS for approval.
 2. Be present for all strip and visual body cavity searches. Adhere to Section II. D. of this procedure.
 3. On strip searches that result in the discovery of contraband, an IR shall be completed and submitted to the WC/ TFS.
- H. Watch Commander (WC)/Treatment Facility Supervisor (TFS):
1. Review and sign all Strip Search/Body Cavity Search Authorization Forms prior to the search being conducted.
 2. Review all IRs prepared by the PCO and PCSI.
 3. Place the original authorization form in the WC Strip Search binder.
 4. Distribute copies of all completed Strip Search/Body Cavity Search Authorization Forms and IRs, if any, to the youth's facility file and medical file.
 5. Ensure every strip search approved is witnessed by a PCSI. If a PCSI is not available, a PCSII shall witness the strip search. Adhere to Section II. D. of this procedure.
- I. Facility Division Director:
1. Review all IRs.
 2. Report the number, frequency, and location of strip/body cavity searches to the Deputy Chief Probation Officer (DCPO) monthly.
- III. Physical Body Cavity Search:
- A. A youth described in Section II. A. of this procedure shall not be subjected to a physical body cavity search without a search warrant issued by a magistrate specifically authorizing the physical body cavity search.
1. Physical body cavity searches shall only be conducted by a medical professional and only after a search warrant has been authorized by a magistrate.
- B. Probation Corrections Officer (PCO):
1. Notify the area PCSI of any circumstances that may require a physical body cavity search. In the event that the PCSI is not available, contact the WC/TFS.
 2. Complete a Strip Search/Body Cavity Search Authorization Form.
- C. Probation Corrections Supervisor I (PCSI):
1. Review the completed Strip Search/Body Cavity Search Authorization Form.
 2. Consult with the WC/TFS for further action.
- D. Watch Commander (WC)/Treatment Facility Supervisor (TFS):
1. Review the completed Strip Search/Body Cavity Search Authorization Form.
 2. Consult with the Division Director (DDI/II).
- E. Division Director (DDI/II):
1. If cause has been established, contact the Supervising Probation Officer (SPO) of the Intake Unit to complete the required search warrant request.
 2. When the search warrant is signed by a magistrate, direct Medical Services to notify Arrowhead Regional Medical Center (ARMC) that the youth is being referred for a physical body cavity search.

- F. Supervising Probation Officer (SPO):
 - 1. Review the case and ensure there is sufficient cause to support a search warrant.
 - 2. If a search warrant is required, ensure the warrant is completed.
 - 3. Review and approve all search warrant requests before they are submitted to a magistrate.
- G. Probation Officer:
 - 1. Complete a search warrant request as directed by the SPO.
- H. Medical Services:
 - 1. Shall not participate in any aspect of physical body cavity searches or collection of any evidence that may have legal implications.
 - 2. When directed by the DDI/II, and with proof of a signed search warrant, notify ARMC the youth is being referred for a physical body cavity search.

IV. Room/Property Searches:

- A. Probation Corrections Officer (PCO):
 - 1. Each unit shall document in the Room Search Log in Caseload Explorer (CE).
 - 2. During first and second shifts, one room per shift per staff shall be searched.
 - 3. Rooms shall be randomly selected.
 - a. All rooms randomly searched shall include those with youth on ITW and/or SOS.
 - b. Staff on ITW/SOS3 detail shall not conduct/participate in the room searches.
 - 4. Staff shall use a systematic technique pursuant to training guidelines to ensure a thorough and complete search.
 - 5. Each staff member shall wear latex gloves while searching to adhere to universal safety precautions.
- B. Probation Corrections Supervisor I (PCSI):
 - 1. Ensure staff conduct room/property searches as required.
 - 2. Review the unit Room Search Logs once per day on third shift and document completion of the review in CE.

V. Public/Visitor Searches:

- A. Anyone entering a JDAC or TF will be subject to metal detector searches for weapons and visual inspection of any purse, backpack, briefcase, bag, or any object capable of carrying contraband into any institution. Anyone refusing such search or visual inspection will be denied entrance.
- B. Probation Corrections Officers (PCO):
 - 1. Conduct visual inspection of any purse, backpack, briefcase, bag, or any object capable of carrying contraband into the JDAC or TF.
 - 2. Conduct metal detector searches.

Guidelines:

- A. Searches shall be conducted in a manner that preserves the privacy and dignity of the person being searched and shall not be conducted for harassment or as a form of discipline or punishment.
- B. 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 that the youth is concealing contraband. The reasonable suspicion shall be documented.
- C. 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.
- D. Searches of transgender and intersex youth shall comply with Title 15 Section 1352.5. Refer to Section I. A. of this procedure and the LGBTQI and GNC Youth in JDACs and TFs procedure.

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1. Staff shall not conduct physical searches of any youth for the purpose of determining the youth's anatomical sex.
- E. Strip searches and visual or physical body cavity searches shall comply with Penal Code section 4030.

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Foundation:

AB 303
California Penal Code, Sections 4030 and 4031
Code of Federal Regulations (28 CFR 115.315)
Doe vs. Calumet City, 754 F. Supp. 1211 (N.D. ILL. 1990)
Fuller vs. M.G. Jewelry, 950 F.2d 1437 (9th Cir. 1991)
Kennedy vs. Los Angeles (1989)
Martinez vs. Tully (1994)
Mary Beth G. vs. City of Chicago, 723 F.2d 1263 (1983)
Minimum Standard for Juvenile Facilities, Title 15, Section 1360, 1352.5
Rodriguez vs. Furtado, 950 F.2d 805 (1st Cir. 1991)

References:

Policy:

Collection of Forensic Evidence
Employee Responsibility
Safety
Training

Procedures:

Discipline
Handling of Contraband and Evidence
Incident Reports
Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex (LGBTQI) and Gender Non-Conforming (GNC) Youth in Juvenile Detention and Assessment Centers and Treatment Facilities
Roles and Expectations of a Probation Corrections Officer (PCO)
Roles and Responsibilities of Probation Corrections Supervisors (PCSI/II)
Room Checks in Juvenile Detention and Assessment Centers and Treatment Facilities
Visitation in Juvenile Detention and Assessment Centers and Treatment Facilities

Issued by:


Michelle Scray Brown, Chief Probation Officer

Date

10/15/19

Original Issue Date: May 24, 2005

Revised: October 21, 2016
Revised: November 27, 2017
Revised: March 4, 2019
October: October 15, 2019

Attachments:

A - Strip Search/Body Cavity Search Authorization Form

San Bernardino County Probation Department



**STRIP SEARCH/BODY CAVITY SEARCH
AUTHORIZATION FORM**

FACILITY: SELECT...

SEARCH TYPE: SELECT...

DATE: [] **TIME OF REQUEST:** []

Youth's Name (First/Last): [] **Sex:** Male/Female/Non-Binary

DOB: [] **PIN:** []

SYNOPSIS OUTLINING REASONABLE SUSPICION FOR SEARCH (STRIP SEARCHES AND/OR BODY CAVITY SEARCHES):

STRIP SEARCHES

Requesting Officer (Print/Sign): _____ Employee # []

Approving WC/TFS (Print/Sign): _____ Employee # []

PCSI/PCSII Present (Print/Sign): _____ Employee # []
Sex: Male/Female

Searched by (Print/Sign): _____ Employee # []
Sex: Male/Female

Location of Search: [] Time of Search: []

Results of Search: []

BODY CAVITY SEARCH REQUESTS

Requesting Officer (Print/Sign): _____ Employee # []

Reviewing WC/TFS (Print/Sign): _____ Employee # []

Authorizing Division Director I/II (Print/Sign): _____ Employee # []

SPO requesting a Search Warrant (Print/Sign): _____ Employee # []

Search Warrant authorized/signed by Magistrate **YES/NO**
*Attach the signed search warrant

Date/Time of Search: [] Location of Search: []

Results of Search: []