## Searches of Offenders and Offender Property in OYA Facilities

**Subject:** Searches of Offenders and Offender Property in OYA Facilities

**Section – Policy Number:** A: Security – 2.0

**Supersedes:**
- II-A-2.0 (05/12)
- II-A-2.0 (01/11)
- II-A-2.0 (09/05)
- II-A-2.0 (12/00)

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**Related Standards and References:**
- **ORS 162.135** (Definitions for ORS 162.135 to 162.205)
- **ORS 162.185** (Supplying contraband)
- **ORS 420A.108** (Policy regarding rules and dispositions for violations of rules; review of dispositions)
- **ORS 419C.478** (Commitment to Oregon Youth Authority or Department of Human Services)
- **OAR Chapter 416, Division 420** (Visitors to OYA Facilities)
- **OAR Chapter 416, Division 470** (Prohibited Offender Behaviors and Processing Behavior Violations)
- Performance-based Standards (PbS), *Juvenile Correction and Detention Facilities; Security; Safety*
- American Correctional Association, *Standards for Juvenile Correctional Facilities; 4-JCF-2A-20 (Contraband Control); 4-JCF-2A-22 (Strip Searches)*
- **OYA policy:** II-A-1.2 (Preserving Chain of Evidence)
  - II-A-3.1 (Facility Offender Transports and Escorted Trips)
  - II-B-2.1 (Offender Accountability in OYA Facilities)
  - II-E-9.0 (Offender Personal Property in OYA Facilities)
- **OYA form:** YA 4008 (OYA Facilities Offender Prohibited Items)
- **Attachments:**
  - Attachment A (Frisk Search Checklist)
  - Attachment B (Restrained or Non-compliant Offender Frisk Search)
  - Attachment C (Comprehensive Search Checklist)

**Related Procedures:**
- FAC I-E-1.0 (Youth Incident Reports)
- HS I-A-10.0 (Preventing, Responding to and Monitoring Offender Sexual Abuse)

**Policy Owner:** Facility Services Assistant Director

**Approved:** Fariborz Pakseresht, Director
I. PURPOSE:
This policy provides guidelines for staff when conducting searches of offenders and offender property in OYA facilities.

II. POLICY DEFINITIONS:

Administrative hold: Any instance when an offender is separated from the general population for reasons other than behavior intervention, which may include isolation.

Contraband: Any article or thing which an offender is prohibited by statute, rule, policy, or order, from obtaining, possessing, or which the offender is not specifically authorized to obtain or possess, or which the offender alters without authorization.

Designated manager: Superintendent, camp director, officer-of-the-day, or onsite management-level staff member in charge of daily facility operations.

Frisk search: A search that consists of physically searching an offender by patting down the offender’s clothed body.

Full comprehensive search: A search that consists of visually inspecting the unclothed body of an offender, and physically searching the offender’s clothing and possessions.

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 sex development.

Isolation: Any instance when an offender is confined alone in a locked room because of the offender’s behavior or conduct.

Mechanical search: A search of a person that consists of using a screening device such as walk-through metal detector or hand-wand-type metal detectors.

Partial comprehensive search: A search that consists of visually inspecting the partially-clothed body of an offender. The offender remains clothed in undergarments, and no visual inspection of the offender’s genital, buttocks, or female breast areas is performed.

Probable cause: A determination based on facts or circumstances that would cause a reasonable person to believe it is more likely than not that the offender to be comprehensively searched has a prohibited item.

Reasonable belief: A belief based on facts or circumstances sufficient to cause a reasonable person to believe that the offender to be searched has prohibited items.
Special program placement: Any instance when an offender is placed on a special program for the offender’s safety or the safety of others to regulate the offender’s routine activities (e.g. meals, recreation, school, treatment and other programs) and help the offender regain adequate behavior control.

Supplying contraband: A person commits the crime of supplying contraband if the person knowingly introduces any contraband into a facility, or a person confined in such facility knowingly makes, obtains, or possesses any contraband item.

Time-out: Any instance when an offender is separated from others for a limited time to another location (chair or table), unlocked room, or sleeping area to help the offender regain adequate behavior control.

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.

III. POLICY:

Staff, offender, and facility security and safety may be at risk when offenders in OYA facilities possess contraband items. Staff will conduct searches of offenders and offender areas within OYA facilities to control offender contraband possession. Every search will be carried out as thoroughly as possible using techniques trained by the Training Academy that protect the safety and dignity of those involved.

In all cases, contraband searches and confiscation will comply with OYA standards and training.

Supplying contraband is a felony, and OYA may initiate criminal charges against any person committing such crime.

IV. General Standards

A. A search may be conducted when a probable cause or a reasonable belief exists that an offender possesses a contraband item(s), there is need to control contraband within the facility, or to determine an offender’s compliance with a court order.

1. All items brought into facilities may be searched.

2. Facilities must designate offender prohibited items using OYA form YA 4008 (Offender Prohibited Items) and display such for staff, offender, and visitor knowledge. Prohibited items become contraband when in possession of an offender.

3. Random and scheduled searches of persons or property may be conducted to seek out contraband items, within the parameters defined by this policy.
4. All searches must be conducted in a professional manner, using techniques that avoid unnecessary force or indignity to persons involved in the search, while maintaining the integrity of the search.

a) Staff will be trained on the emotional effect searches may have on offenders, and recognize that such events may be especially traumatic for offenders who are abuse victims.

b) Staff will be trained in search techniques designed to protect persons involved and preserve evidence.

c) All facilities must have search kits to facilitate searches that protect staff safety, and ensure chain of custody for confiscated items. The search kit must contain:

   (1) Gloves;
   (2) Evidence bags;
   (3) Receipts; and
   (4) Other items (such as a small mirror or flashlight) that will assist in conducting the search.

B. Law enforcement may be involved in the search when firearms, potentially dangerous items, or controlled substances are the subject of the search.

C. Prior to conducting a search, staff must:

1. Determine the type of search necessary;

2. Secure the offender or area to be searched to ensure contraband is not transferred to another individual or destroyed during the search;

3. Ensure the offender’s reasonable privacy and dignity; and

4. Inform the offender of the search procedure and give instructions. Give the offender an opportunity in advance of the search to surrender any contraband he/she may have.

D. When conducting a search, staff must:

1. Wear gloves for personal protection;

2. Guard against interruptions; and

3. If interrupted, resume the search as soon as possible. A completed search is when all contraband has been located and removed from the offender or area.
V. Searches of Offenders

A. Mechanical Search

1. A mechanical search consists of using a screening device such as a walk-through metal detector or hand-wand-type metal detector.

2. Staff may conduct a mechanical search of an offender when:
   a) There is a reasonable belief that an offender may be in possession of contraband items; or
   b) When an offender is exiting visiting, vocational training programs, work assignments, or other secure areas.

3. An offender must clear the metal detection device without activating the alarm, unless:
   a) The source of the alarm activation is identified and does not present a threat to facility safety, security, and order; or
   b) A documented medical condition or disability precludes the offender from being screened with a metal detection device.

4. Screening and searching of personal property may require the removal of shoes, jackets, sweaters, suspenders, belts, jewelry, body piercings, or other accessories, and emptying of pockets for closer inspection and additional screening.

5. Staff will use due diligence to locate the activation source of a metal detection device alarm.

6. When the activation source of a metal detection device alarm cannot be identified (e.g. undergarment with an underwire, metal in shoes, belt buckle, metal that is part of apparel) or confirmed, the offender will be subject to a frisk or comprehensive search.

B. Frisk search

1. Staff must conduct frisk searches of offenders when:
   a) There is a reasonable belief that an offender may be in possession of contraband items;
   b) When an offender returns from visiting, vocational training programs, work assignments, or other secure areas;
   c) Randomly during line movements from school, recreation, events and other activities;
d) At a minimum, when an offender initially occupies a room because of isolation, time-out, special program or administrative hold;

e) Before and after a secure transport, if the offender was under an OYA staff member’s direct supervision; and

f) After an off-site activity, appointment, recreation or work crew from a transition facility or camp.

g) A designated manager may approve a partial comprehensive search in lieu of a frisk search in situations where a more thorough search is needed for security reasons or when a frisk search is detrimental to the offender’s mental health.

2. The frisk search consists of physically searching an offender by patting down the offender’s clothed body. The offender must not be touched any more than is necessary to conduct a complete search (See Attachment A: Frisk Search Checklist).

a) Frisk searches must be conducted by a same-gender staff.

An exception may be if a transgender or intersex offender requests opposite gender staff to search that offender. The request will have been determined at intake and documented in the offender’s JJIS “Alert” as “Search – Requires Female/Male (one is selected) staff.” Staff who perform the search must document the cross-gender search in the JJIS Unit Log.

b) Garments and articles must be searched carefully, including pant cuffs, sleeve cuffs, and waistbands.

c) The offender will be asked to remove outer clothing, such as coat, hat, and shoes.

d) The offender will be asked to empty his/her pockets.

e) The contents of pockets and personal effects, such as wallets, must also be searched.

f) The mouth, nose, ears, and hair must be visually searched.

g) Staff may ask the offender to run the offender’s fingers through the offender’s hair to facilitate the search.

h) If an offender is in restraint devices or does not follow staff directions during a search, staff must follow steps listed in
Attachment B (Restrained or Non-compliant Offender Frisk Search).

C. Comprehensive Searches

1. Staff must conduct comprehensive searches of offenders within facilities:
   a) When there is probable cause to believe that such search will lead to the discovery of contraband that may be used to harm the offender or others or is a threat to the safety and security of the facility;

      A designated manager must authorize a comprehensive search in these instances. The designated manager must also determine if a full or partial comprehensive search will be performed.

   b) After a secure transport in the community or to another secure facility if the offender was not under an OYA staff member’s direct supervision; and

   c) As part of a new offender’s intake process.

2. A comprehensive search consists of visually inspecting an offender’s body and physically searching the offender’s clothing and possessions. (See Attachment C: Comprehensive Search Checklist).

   a) Comprehensive searches must be conducted by a same-gender staff, with another same-gender staff assisting and standing by for safety and security reasons.

      An exception may be if a transgender or intersex offender requests opposite gender staff to search that offender. The request will have been determined at intake and documented in the offender’s JJIS “Alert” as “Search – Requires Female/Male (one is selected) staff. Staff who perform the search must document the cross-gender search in the JJIS Unit Log.

   b) If the second staff standing by is not of the same gender as the offender, that staff must remain out of view of the offender.

   c) Staff must not conduct a comprehensive search of a non-compliant offender.
d) Once an offender is complying with staff direction and has removed his/her own clothing, staff will not touch any part of the offender’s body.

e) Staff must visually inspect the unclothed body of an offender during a full comprehensive search.

f) Staff must visually inspect the partially-clothed body of an offender during a partial comprehensive search. The offender will remain clothed in undergarments.

(1) Staff will not visually inspect the offender's genital, buttocks, or female breast areas.

(2) Staff must have authorization from a designated manager prior to conducting a partial comprehensive search.

g) Staff may ask the offender to open the offender's mouth, move the tongue, and assume postures which facilitate visual inspection of the offender's body.

h) Once removed, staff must carefully inspect the offender's clothing.

i) Staff will be vigilant and look for signs of abuse or injuries on the offender. All concerns will be immediately reported to a supervisor.

D. Physical body cavity searches are prohibited within OYA facilities. Staff may take other measures to ensure safety and security by placing the offender in a dry cell.

E. Staff may not search an offender for the sole purpose of determining biological gender. If the biological gender of an offender is unknown and this information is needed for purposes of appropriate placement, staff must refer to a health care provider to obtain this information. See Health Services procedure HS I-A-10.0 Preventing, Responding to and Monitoring Offender Sexual Abuse.

V. Searches of Offender Rooms and Personal Spaces

A. Searches must be conducted by trained staff. Staff must maintain documentation in the appropriate JJIS unit log of all areas searched.

B. Searches must be unannounced in order to detect and eliminate contraband.

C. Staff must completely search an offender's assigned room and personal space prior to initially allowing the offender to occupy the room.
D. Staff must search all offenders’ rooms and personal spaces a minimum of once per week.

1. During the search, the offender must be out of the room and the immediate area.

2. Staff must pay particular attention to assigned boxes, containers, drawers, shelves, beds and bedding.

3. Staff must carefully inspect all personal property, boxes, containers, canteen items, books, magazines, newspapers, clothing, or any other item that might be used as a place of concealment.

4. Staff must search areas including window seals, fixtures, hollow furniture legs, vents, door and window frames, walls and all cracks and crevices in and around the personal space.

5. Staff must leave the room and personal space in reasonable order. Care must be taken not to damage an offender’s property or leave it in disarray.

VI. Documentation

A. Offender Personal Property and Comprehensive Searches

A record of all offender personal property and comprehensive searches must be kept in the appropriate JJIS facility or unit log and include the following information:

1. Date, time, and type of search conducted;

2. The name of the offender or area searched;

3. Name of staff member conducting the search;

4. Name of supervisor/manager authorizing search, if applicable;

5. Specific reason for the search;

6. Itemization of items confiscated during the search; and

7. Any other information related to the search.

B. Confiscated Contraband

1. After finding contraband items, staff must:

   a) Document the items in a contraband log;
b) Notify the offender of the property confiscation; and

c) Document all offender prohibited behavior in a Youth Incident Report (YIR). (See Facility Services procedure FAC I-E-1.0 Youth Incident Reports)

2. Confiscated items will be preserved in an evidence bag and stored in a secure place, if such items will be used as evidence in court proceedings. Staff will follow chain of evidence procedures if the item is to be used as evidence. (See OYA policy II-A-1.2 Preserving Chain of Evidence)

3. Nuisance contraband must be secured in a location designated by the facility superintendent or camp director.

4. Illegal or dangerous items, such as weapons, explosives, or drugs must immediately be turned over to local law enforcement.

5. OYA facilities may keep confiscated items only so long as necessary to support criminal charges or facilitate an offender refocus option as described in OYA policy II-B-2.1 (Offender Accountability in OYA Facilities).

6. All other confiscated items must be destroyed or returned to the offender or offender’s family in accordance with OYA policy II-E-9.0 (Offender Personal Property in OYA Facilities).

a) Items that may be returned to the offender upon the offender’s release from an OYA facility must be stored by the offender’s family. If the family is unresponsive to requests to store items, the items may be stored or destroyed at the discretion of the superintendent or camp director.

b) Items that will not be returned to the offender will be destroyed at the discretion of the superintendent or camp director. The date, method, and reason for the destruction must be documented.

c) Under no circumstances will confiscated contraband items become the property of staff or contracted providers.

VII. LOCAL OPERATING PROTOCOL REQUIRED: NO
Attachment A: Frisk Search Checklist

1. It is recommended that you have another staff present when possible.
2. Introduce yourself to the youth.
3. While facing the youth tell them that you will be conducting a frisk search. A statement of compliance from the youth is not required.
4. Ask the youth if he/she has any contraband on their person.
5. Direct the youth to remove everything from their pockets.
6. Direct the youth to remove jackets, hats, and/or shoes (if any). Set the items aside and search them after searching the youth.
7. Ask the youth if he/she has anything in their possession that could cut you or hurt you in any way.
8. Visually inspect the youth’s ears, nose mouth, and eyes checking carefully for contraband. During this time you are also making an assessment of the youth’s demeanor. (Is the youth compliant? Has the mood of the youth changed [sad/happy/agitated]? Does the youth have new marks (tattoos/bruises) on his/her body?)
9. Direct the youth to run their fingers through their hair (and beard if they have one). Direct them to repeat the process if you are not satisfied.
10. Direct the youth to turn around (facing away from you) and stand with their arms extended shoulder level to the sides.
11. Approach the youth and place the outside edge of your right foot against heel of the youth’s left foot.
12. Beginning with the neck and shoulders, squeeze the seams of the shirt feeling for anything unusual and pat down each arm to the hand.
13. For males, pat-down the youth’s upper body paying special attention to the small of the back, under the arms, and the chest area.
14. For females, pat-down under arms and back paying special attention to the small of the back under the arms, and the area between and under the breasts.
15. When searching the breast area of a female youth, use the back of the hand to go over the top and bottom portion of the breast. Use the blade of the hand when going down the center of the breast area. If the staff is unable to reach around the youth, the staff may ask the youth to turn and face them.
16. Direct the youth to unbutton the top button of their pants (if applicable) and roll over the waistband. Visually inspect the waistband, and then physically feel along the waistband, paying special attention to the belt loops.
17. Pat-down each leg, paying special attention to the buttocks, the front pockets, the fly area, and the sides of each calf. Use the knife-edge of your hand to search the groin area, and between the buttock cheeks.
18. Step away from the youth and direct him/her to raise one foot at a time. Visually inspect each foot.
19. If you find contraband during the frisk search, follow immediately with a comprehensive search.
Attachment B: Restrained or Non-compliant Offender Frisk Search Checklist

1. It is recommended that you have another staff present when possible.
2. Introduce yourself to the youth.
3. Tell the youth that you will be conducting a frisk search. A statement of compliance from the youth is not required.
4. Ask the youth if he/she has any contraband on their person.
5. Search the youth’s pockets for items.
6. Remove jackets, hats, belts, and/or shoes (if any). Set the items aside and search them after searching the youth.
7. Ask the youth if he/she has anything in their possession that could cut you or hurt you in any way.
8. Attempt to visually inspect the youth’s ears, nose mouth, and eyes checking for contraband. During this time you are also making an assessment of the youth’s demeanor. (Has the mood of the youth changed [sad/happy/agitated]? Does the youth have new marks (tattoos/bruises) on his/her body?)
9. If the youth is standing, place the outside edge of your right foot against heel of the youth’s left foot.
10. Beginning with the neck and shoulders, squeeze the seams of the shirt feeling for anything unusual and pat down each arm to the hand.
11. For males, pat-down the youth’s upper body paying special attention to the small of the back, under the arms, and the chest area.
12. For females, pat-down under arms and back paying special attention to the small of the back under the arms, and the area between and under the breasts.
13. When searching the breast area of a female youth, use the back of the hand to go over the top and bottom portion of the breast. Use the blade of the hand when going down the center of the breast area. If the staff is unable to reach around the youth, the staff may ask the youth to turn and face them.
14. Visually inspect the waistband, and then physically feel along the waistband, paying special attention to the belt loops.
15. Pat-down each leg, paying special attention to the buttocks, the front pockets, the fly area, and the sides of each calf. Use the knife-edge of your hand to search the groin area, and between the buttock cheeks.
16. Visually inspect each foot.
17. If you find contraband during the frisk search, follow immediately with a comprehensive search.
Attachment C: Comprehensive Search Checklist

**Full comprehensive search:** A search that consists of visually inspecting the unclothed body of an offender, and physically searching the offender's clothing and possessions.

**Partial comprehensive search:** A search that consists of visually inspecting the partially-clothed body of an offender, and physically searching the offender's clothing and possessions. The offender remains clothed in undergarments, and no visual inspection of the offender's genital, buttocks, or female breast areas is performed.

1. All **partial** comprehensive searches must be approved by a designated manager. If a partial comprehensive search is performed, skip the steps below regarding inspection of the youth's genital, buttocks, or female breast areas.

2. All comprehensive searches are conducted and observed by two same-gender staff as the youth being searched. The first staff will give instructions while the second staff assists and stands by.

3. The search must be conducted in a professional manner protecting the dignity of the youth. The youth should be out of view of a camera and others when unclothed.

4. Introduce yourself and the other staff to the youth.

5. While facing the youth, tell them that you will be conducting a comprehensive search which requires you to view their unclothed body.

6. Ask the youth if he/she has any contraband on their person.

7. Direct the youth to remove everything from their pockets.

8. Direct the youth to remove jackets, hats, and/or shoes (if any). Set the items aside and search them after searching the person.

9. Ask the youth if he/she has anything in their clothing that could cut you or hurt you in any way.

10. Have the youth remove braids prior to removing clothing. If the youth is claiming a religious significance to their hairstyle, check with Religious Services staff when available for verification.

11. Visually inspect the youth’s ears, nose, mouth, hair and eyes checking carefully for contraband. During this time, you are also making an assessment of the youth’s demeanor. (Is the youth compliant? Has the youth’s mood changed [sad/happy/agitated]? Does the youth have new marks [tattoos/bruises] on his/her body?)

    Direct the youth to:
    a) Run their fingers along their gum line from back to front and rolling each lip out.
    b) Lift his/her tongue and move it around.
    c) Tilt their head back and flare their nostrils.
    d) Lift their hair to expose the neckline.
e) Move their hair and bend each ear forward.

f) Run their fingers through their hair (and beard if they have one). Direct them to repeat the process if you are not satisfied.

12. Direct the youth to remove their clothing one article at a time as directed. Begin with the youth removing their shirt, pants and/or shorts, then undergarments.

13. The second staff will inspect each piece of clothing from the youth carefully, paying attention to pockets and seams.

14. Visually inspect the front of the youth’s unclothed body by directing them to:
   a) Place their hand in front of them and spread their fingers while turning them to expose the front and back.
   b) Raise their hands above their head exposing their armpits.
   c) Lift their breasts or folds of skin.
   d) Lift and separate genitals.
   e) Extend each leg towards you and spread their toes.
   f) Turn around and face away from you.

15. Visually inspect the back of the youth’s unclothed body by directing them to:
   a) Extend arms outward from the sides.
   b) Lift each foot and spread their toes.
   c) Bend over and spread their buttocks and cough twice.

16. Return the clothing promptly.

17. Remain with the youth until they are fully dressed.

18. If you find contraband during the comprehensive search, ask the youth to give you the contraband, secure the contraband and continue with the search. Determine if the youth warrants placement in isolation or a lesser refocus option.

19. Document the search in the JJIS unit log and any findings.