



**SAN MATEO COUNTY  
PROBATION DEPARTMENT  
INSTITUTIONS SERVICES MANUAL**

**ARTICLE 5  
Classification and Separation  
§1360**

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**Topic                      Searches**

**Policy**                      This policy provides clear direction on maintaining the safety and security of the facility by conducting searches, in balance with protecting the rights afforded by the U.S. Constitution. Searches shall be conducted in a manner that preserves the privacy and dignity of the youth being searched (15 CCR 1360).

Contraband in the juvenile facility poses a serious risk to the safety and security of staff, detained youth and others. Contraband such as intoxicants or weapons can seriously jeopardize the safety and security of our juvenile facilities. Carefully restricting the flow of contraband into our facilities can only be achieved by thorough searches of youth and their facility environment.

The purpose of this policy is to minimize the presence of contraband in the facility to ensure the safety of staff, detained youth, and others by conducting appropriate searches of youth and frequent searches of areas within the facility in accordance with applicable laws.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from a youth.

Searches shall not be used for intimidation, harassment, punishment, or retaliation.

**1360.1 PAT-DOWN SEARCHES**

Pat-down searches will be performed on all youth upon entering the secure admission area of the facility. At a minimum, the Group Supervisors should conduct pat-down searches in circumstances that include:

- a. When youth return from any activity outside of the facility.
- b. During institution searches.
- c. When youth return from visiting with people who do not have security clearance from the Probation Department.
- d. Any time staff reasonably suspects the youth may have contraband on their persons. Except in emergencies, male Group Supervisors shall not pat down female youth and female Group Supervisors shall not pat down male youth. Absent the availability of a

same-sex group supervisor, it is required that a witnessing staff member be present during any pat-down search of an individual of the opposite sex. All cross-gender pat-down searches shall be documented (28 CFR 115.315; 15 CCR 1360)

### **1360.2 STRIP SEARCHES AND MODIFIED STRIP**

Institution staff will generally consider the reason for the search, the scope, intrusion, manner, and location of the search, and will utilize the least invasive search method to meet the need for the search.

- a. No youth shall be subjected to a modified strip search or strip search unless there is reasonable suspicion based on specific and articulable facts to believe the youth has a health condition requiring immediate medical attention or is concealing a weapon or other contraband (Penal Code § 4030; Penal Code § 4031).

### **SEARCHES**

Strip searches shall be conducted as follows:

1. All modified strip searches and strip searches shall be conducted in a professional manner under sanitary conditions and in a private area so that the search cannot be observed by persons not participating in the search (Penal Code § 4031).
2. Unless conducted by a qualified health care professional or in case of an emergency, a modified strip search or strip search shall be conducted by group supervisors of the same sex as the youth being searched (Penal Code § 4030; Penal Code § 4031).
3. Under special circumstances (cross gender youth; safety concerns), a second staff member of the same sex should be present during the search for security purposes and to witness the discovery of evidence.
4. Staff shall consider whether the youth have a history of physical or sexual abuse and, when reasonable to do so, consider having the search conducted by a qualified health care professional.
5. The group supervisor conducting a strip search shall not touch the breasts, buttocks, or genitalia of the person being searched (Penal Code § 4030; Penal Code § 4031). These areas may be touched through the clothing during a modified strip search.

Factors to be considered in determining reasonable suspicion include but are not limited to:

1. The detection of an object during a pat-down search that may be a weapon or other contraband that cannot be safely retrieved without a modified strip search or strip search.
2. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband.
3. Detention history (e.g., past possession of contraband while in detention, assaults on staff, escape attempts).
4. The person's actions or demeanor, such as a refusal to submit to a pat-down search.
5. Criminal history (e.g., level of experience in a detention setting, including convictions for escape, possession of drugs or weapons, crimes of violence, being a fugitive or detainee for any of those offenses).
6. An alert by a metal detector or drug detection device.
7. Credible information that the person possesses, weapons, or other contraband.

- a. Except in the case of a medical emergency, no modified strip search or strip search of a youth shall be conducted without prior written authorization from the Institution Services Manager/Officer of the Day (ISM/OD) (Penal Code § 4030).

Any youth held after a detention hearing shall only be strip searched with prior approval of an ISM/OD when there is reasonable suspicion based on specific and articulable facts to believe that youth is concealing contraband. The reasonable suspicion shall be documented in the log.

Staff conducting the modified strip search or strip search shall use the Search Authorization Form to document the following (15 CCR 1360):

1. the name and sex of the person subjected to the modified strip search or strip search.
2. the facts that led to the decision to perform a strip search of the youth.
3. the reasons less intrusive methods of searching were not used or were insufficient.
4. the supervisor's approval.
5. the time, date, and location of the search.
6. the names, sex, and roles of any staff present.
7. written itemization of any contraband discovered by the search.
8. Staff shall process all contraband in accordance with the Department's current evidence procedures.
9. If appropriate, staff complete a crime report and/or Incident report.
10. Staff shall ensure any documentation is placed in the youth's file. A copy of the written authorization shall be retained and made available to the youth or the youth's authorized representative upon request (Penal Code § 4030).

### **1360.3 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be completed as follows:

1. No person shall be subjected to a physical body cavity search without approval of the Superintendent or the authorized designee, and only with the issuance of a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the youth or authorized representative (except for those portions of the warrant ordered sealed by a court).
2. Only medical personnel may conduct a physical body cavity search. Except in exigent circumstances, only a physician who is responsible for providing ongoing care to the youth may conduct the search (Penal Code § 4031).
3. Except for the medical professional conducting the search, persons present must be of the same sex as the person being searched. Only the necessary staff needed to maintain the safety and security of the medical personnel shall be present (Penal Code § 4030; Penal Code § 4031).
4. Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
5. All such searches shall be documented on an Incident Report, including:
  - a. The facts that led to the decision to perform a physical body cavity search of the youth.
  - b. The reasons less intrusive methods of searching were not used or were insufficient.
  - c. The Superintendents approval.
  - d. A copy of the search warrant.

- e. The time, date, and location of the search.
  - f. The medical personnel present.
  - g. The names, sex, and roles of any other staff present.
  - h. Any contraband or weapons discovered by the search.
6. Completed documentation should be placed in the youth's file. A copy of the written authorization shall be retained and made available to the youth or the youth's authorized representative upon request (Penal Code § 4030).
  7. All weapons and other contraband shall be processed in accordance with the Department's current evidence procedures.
  8. If appropriate, the staff member shall complete a crime report and/or disciplinary report.

#### **1360.4 MAGNOMETER SEARCH/ WAND SEARCH**

A magnometer/wand search shall be conducted as follows:

1. When youth leave their housing units to participate in activities elsewhere in the facility upon their return.
2. When youth return to the housing unit following contact with other youth housed outside of their unit, such as for work details or while attending school.
3. Staff may also conduct a magnetometer search at their discretion if there is reasonable suspicion that such a search would reveal contraband. The search shall include all areas of the body as well as the interior of the youth's shoes and other property.

#### **1360.5 TRANSGENDER SEARCHES**

Institution staff shall not search or physically examine a transgender or intersex youth for the sole purpose of determining genital status (see the Prison Rape Elimination Act Policy for transgender and intersex definitions) (15 CCR 1352.5).

If genital status is unknown, it may be determined during conversations with the youth, by reviewing medical records, or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.315).

When it is reasonably practicable and safe to do so, staff should consider the youth's preference regarding the gender of the staff member who conducts the search (15 CCR 1352.5). (See Transgender and Intersex Policy for additional guidance).

#### **1360.6 HOUSING UNIT SEARCHES**

Housing unit searches shall occur as directed by an ISM/OD. These searches should include all living spaces occupied by youth. Housing unit searches should be scheduled in a manner that does not create a pattern where the youth can predict such searches.

1. Any weapons or other contraband located shall be processed in accordance with the current evidence procedures.
2. The staff shall attempt to identify the youth who possessed the contraband and file appropriate youth discipline and/or reports.
3. Any allowable item found in excess of the allowable amount, (e.g., food items,

newspapers) shall be seized and discarded.

If contraband is located, staff shall document their findings in an Incident Report. A copy of the Incident Reports shall be forwarded to the Superintendent for review.

At the conclusion of the housing unit search, closely supervised youth workers should clean the unit. All authorized youth personal property shall be respected and living areas should be returned to an orderly condition.

### **1360.7 PHYSICAL FACILITY SEARCHES**

The following areas of this juvenile facilities shall be periodically searched for contraband:

1. Exercise yards should be scanned for contraband prior to and after each youth group occupies the yard.
2. Holding rooms shall be searched prior to and after each youth occupies the room.
3. Program areas, such as classrooms and multipurpose rooms, shall be frequently searched after each use by a youth or youth group.
4. Laundry areas shall be searched after each youth group occupies the area.
5. Kitchen areas shall be searched prior to, and after every meal for contraband and to account for tools, knives, and food items.
6. Youth visiting areas with public areas shall be searched for contraband following every youth visit.
7. The facility perimeter shall be scanned at least once each shift for contraband.

### **1360.8 CRIMINAL EVIDENCE SEARCHES**

The Superintendent or their authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the facility or other area controlled by the facility staff, and there is a need to search for evidence related to the crime. The Superintendent is responsible for notifying the chain of command.

Any evidence collected in connection with an alleged crime shall be reported, documented, and stored to protect it from contamination, loss, or tampering, and to establish the appropriate chain of custody. A search for evidence may be conducted by staff whenever there is a need for such action.

### **1360.9 TRAINING**

Staff shall be provided training to conduct pat-down searches, modified strip searches, strip searches, and wand/magnometer searches in a professional and respectful manner and in the least intrusive manner possible. Training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex youth. All training shall be consistent with this policy. (28 CFR 115.315).