

facility employment, custody, treatment or rehabilitative efforts; any item introduced that is reasonably likely to aid in the escape of a client, including but not limited to tools, wire/bolt cutters, maps, masks or disguises, extra clothing or false identification; any item where the manufacture, transport, transfer, selling, possession or ownership by a juvenile is prohibited or controlled by New Mexico State Statute or regulation, federal law or local ordinance where the facility is located, including but not limited to pornography and tobacco; and any item legal to possess or own by a juvenile or client in a facility, which is brought to the facility by a visitor and is reasonable to assume is being transferred to, sold to, given to or otherwise provided to a client in violation of the facility rules, including but not limited to jewelry, photographs, shoes and money.

- 7.3 **“Class C Contraband”** refers to approved items that are in excess of approved amounts or items that might be generally available that are not to be retained by a visitor during visitation periods or passed to a client during visitation, including any item that has been altered or manufactured in a manner that makes it difficult to examine or search, any pencils, pens, electronic or digital video play or recording devices, personal hygiene or make-up, gum or consumables, or any other item not required as part of a visit that has not been declared by the visitor and approved by the facility superintendent or on-call manager in charge; and any item, substance, material or object approved to be retained by a client but exceeds approved amounts, any item that has been altered, any item approved for another client, any item not listed on a client’s property list, or any item possessed or used in an unauthorized location or location other than the approved location.
- 7.4 **“Pat (frisk) search”** refers to a staff member rubbing or running their hand down the outer clothing of an individual or their belongings to detect the presence of contraband or prohibited items.
- 7.5 **“Electronic search”** refers to a staff member using an electronic control device or mechanism designed to detect objects, materials or substances. Electronic searches include, but are not limited to, metal detectors and ion spectrometry devices
- 7.6 **“Visual (strip) search”** refers to a staff member visually inspecting an individual’s unclothed body to detect the presence of contraband or prohibited items.
- 7.7 **“Routine screening”** refers to the routine inspection of an individual, their vehicles and their belongings to establish identity, objects in their possession and any evidence of contraband or prohibited items.
- 7.8 **“Body cavity search”** refers to tactile, manual or instrument inspection of an individual’s oral, anal or vaginal cavity.
- 7.9 **“Non invasive search”** is a search of clients, their rooms or their possessions.
- 7.10 **“Reasonable suspicion”** exists if a staff member knows of facts and circumstances that warrant rational inferences by a person with correctional experience that a person may be engaged in, attempting, or about to engage in, criminal or other prohibited activity or possession of prohibited items. Reasonable suspicion may be based on direct observation; information received and deemed reliable from law enforcement, internal investigation; confidential informant; a positive reading by a metal detector or special screen; the finding of contraband or indication of contraband during the screening process; or other direct observation or evidence that would reasonably lead a person to believe that a person may be engaged in, attempting, or about to engage in, criminal or other prohibited activity or in possession of prohibited items.
- 7.11 **“Special searches”** include, but are not limited to canine-aided searches, remote video observation, or searches conducted at non-routine times or locations.

8 GENERAL PROVISIONS FOR SEARCHES

- 8.1 Each facility superintendent shall develop and implement a facility search plan that includes the frequency, type and location of searches. This includes searches of visitors, staff, clients, housing areas/rooms, administrative and support areas, visiting areas, program spaces, social and recreational space, educational space, the facility perimeter, parking areas and vehicles; including ensuring that all vehicles entering and leaving the facility are logged in and out with the name of driver and passenger(s), vehicle identification (license plate), and purpose of visit.
 - 8.1.1 The plan should specifically detail what posts or stations are required to be searched, what staff member is expected to complete the search and how the search should be documented.
- 8.2 Each client will be informed during orientation or intake of the facility's right to search their persons and belongings.
- 8.3 All searches of clients, client belongings and facility space shall be documented in a search report and submitted for regular review by the supervisory level employee assigned to the area or location.
 - 8.3.1 Search reports shall include the location of the search, the name of searching staff member(s), the date and time of the search, the description of any incidents or significant contraband found, and the names of parties involved.
- 8.4 Any person subject to a search will be treated with respect and dignity and the search shall be conducted with the utmost professionalism and privacy.

9 REASONABLE SUSPICION

- 9.1 Reasonable suspicion is required for any form of non-random search of visitors, to conduct forced visual searches of clients, or to conduct non-random searches of staff.
 - 9.1.1 Prior to the request of a reasonable suspicion search, the staff member with suspicion of contraband must be able to document on the reasonable suspicion search request form the specific behaviors, observations or other information supporting the inference of reasonable suspicion.
 - 9.1.2 A reasonable suspicion search request must be reviewed and approved by the on-call manager in charge and the facility superintendent.
 - 9.1.3 The reasonable suspicion search request must also include the person to be searched, the staff member(s) conducting the search and the type of search to be conducted.

10 CLIENT SEARCHES

- 10.1 Unless an urgent situation exists as directed by the facility superintendent, on-call manager in charge or on-shift supervisor, only staff members trained in proper search techniques shall be authorized to conduct a search of a client.
- 10.2 Clients can be electronically searched for the possession of contraband at scheduled times, randomly or for cause at any time.
- 10.3 Clients can be pat searched for the possession of contraband at scheduled times, randomly or for cause at any time.
 - 10.3.1 When conducting a pat search the clothing and any carried property shall be thoroughly hand searched for contraband. In addition, shoes shall be examined for split soles, false linings, and removable insoles or heels.
- 10.4 Clients shall only be subjected to a visual search at predetermined times (i.e., before or after transport, during reception/intake, before or after visitation, entering or exiting a secured area or during an investigation) or with reasonable suspicion and the approval of the on-site supervisor.

- 10.4.1 In a visual search the entire body will be visually checked, including hair, ears, mouth, armpits, hands, pubic region, between toes, soles of feet, outside rectum, and inner portions of legs. This may include direction to bend over or stand in a squatting position.
- 10.4.2 There shall be no physical or tactile contact between the client and the employee during a visual search.
- 10.4.3 Visual searches will be conducted in a private setting, by at least two employees of the same sex as the client, and be done with respect for the client's dignity.
 - 10.4.3.1 JJS staff member are specifically prohibited from making remarks or comments about the client's physique during a visual inspection.
- 10.5 Clients can be subject to a non-invasive search of their person or possessions at any time.
- 10.6 Searches of clients by law enforcement will be facilitated as requested by the law enforcement authority. Law enforcement entities shall conduct their own searches.
- 10.7 Unless ordered by a court of competent jurisdiction, body cavity searches are prohibited. If so ordered, body cavity searches shall only be conducted by appropriately trained off-site health services staff members.
- 10.8 Unless there is reasonable suspicion to believe that a client is concealing contraband dangerous to themselves or others, clients shall not be subjected to a "forced" search. An example of a forced visual search is a client being held or restrained while the clothing is removed, or a client's clothing being forcibly removed by a staff member.
 - 10.8.1 A forced visual search must be approved in advance by the facility superintendent or on-call manager in charge before is completed.
 - 10.8.2 The procedure on forced visual searches does not preclude a medical or behavioral health order requiring such action as a course of treatment or protection.

11 SPACE SEARCHES

- 11.1 The facility search plan shall include the thorough search of housing or living areas, administrative, operational and support areas, visitation space, program spaces, social and recreational space and educational space on an unannounced and irregular schedule that ensures the search of each area at least once each month.
 - 11.1.2 In addition, if the areas referenced above are accessed or used by clients, the area shall be searched prior to and upon exit of the clients.
- 11.2 The search plan shall include the thorough search of the perimeter and parking area spaces on an unannounced and irregular schedule monthly.
- 11.3 The search plan shall include the search of sleeping and assigned client rooms on an unannounced and irregular schedule that ensures that each assigned space is searched at least once per week.
 - 11.3.1 In addition, there shall be a complete search and inspection of each individual living area before it is occupied by a new client.
 - 11.3.2 After a search, the search area shall be left similarly situated to the way it was found. Personal and state property will be respected and not be intentionally discarded, broken or damaged. Doing so may result in disciplinary action up to and including dismissal.
- 11.4 JJS staff members may increase the frequency of searches for clients, client belongings or the unit based on program phases/levels, unit needs or evidence of contraband.
- 11.5 Clients and their belongings shall be routinely screened for the possession of contraband when entering or exiting the housing or living unit, program or services space or social activity areas.

- 11.5.1 This includes checking carry-in or carry-out items, checking pockets and irregular pat or frisk searches.
- 11.5.2 Routine screening is not considered a search under this procedure.
- 11.6 Though recommended, the client does not have to be present for a search of their individual living space or belongings.
 - 11.6.1 If the client is not present during the search of their individual space, the searching staff member must leave written notification in the client's individual space indicating that a searched was conducted and list any items seized.
- 11.7 Any approved search method can be used in searching facility space and does not require reasonable suspicion or cause.

12 STAFF SEARCHES

- 12.1 Staff members, staff member vehicles and staff member property shall only be subject to electronic searches, pat searches or special searches and be searched through random selection or based on reasonable suspicion.
- 12.3 JJS' staff members are subject to the random search schedule.
 - 12.3.1 Staff members are notified of this ability to search through the issuance of this procedure.
- 12.4 Staff members and their belongings shall be routinely screened when entering or exiting the facility or security compound for the possession of prohibited items.
 - 12.4.1 Staff member work stations or offices can be screened at the discretion of the work supervisor or facility superintendent.
 - 12.4.2 Routine screening is not considered a search under this procedure.
 - 12.4.3 Any staff member found in the possession of contraband or prohibited items may be subject to disciplinary action, up to and including dismissal.
- 12.5 JJS does not participate in visual or body cavity searches of staff members.
- 12.6 Staff members refusing to submit to or comply with authorized search procedures shall be denied entry to the facility and may be subject to disciplinary action, up to and including dismissal.

13 SEARCHING VISITORS

- 13.1 All visitors shall be screened and possibly searched. If a visitor has a need for accommodation based on handicap or other accessibility concern, the facility shall make reasonable efforts to meet the provisions of this procedure while accommodating the visitor.
- 13.2 Each visitor will be asked if they have any items to declare at the traffic or pedestrian point of entry to the facility. Any item or material found in a search cannot be declared. Declarations must occur at the point of entry or during screening.
 - 13.2.1 Any visitor claiming to possess an item of material that is Class A contraband shall not be admitted to the facility.
 - 13.2.2 Any visitor claiming to possess and item or material that is Class B or Class C contraband will be told to secure the contraband in their vehicle and that possessing such contraband past the pedestrian entry point is a violation of facility rules and possibly a criminal offense.
 - 13.2.3 Depending on the nature of the item or material that is Class B or Class C contraband, the facility reserves the right to not admit the visitor until such item is completely removed from facility property.
- 13.3 The routine screening of visitors, vehicles and visitor property is not considered to be a search.
- 13.4 If the visitor is removed from the egress point to be screened, is requested to remove themselves from a vehicle, if vehicle compartments are required to be opened or are

- opened by a staff member, if a visitor is requested to remove any articles of clothing (beyond head wear, gloves, jacket, glasses or shoes), if a special scanning device is used (canine, x-ray, chemical reaction or detection), or if a visitor is asked to remove items in their pockets, it shall be recorded as a visitor search.
- 13.5 Visitors, vehicles or visitor property may be searched either randomly or based on reasonable suspicion.
- 13.5.1 Visitors refusing to submit to or comply with authorized search procedures shall be denied entry to the facility, or required to leave if already admitted.
- 13.6 Random searches can be conducted at any time and at any visitor egress point in the facility.
- 13.6.1 Random searches must be impartial and not conducted based on a visitor's age, race, religion, national origin, or sex (no profiling).
- 13.6.2 Visitors shall be given the option of either consenting to the random search as a condition of entry, or refusing the search and leaving the facility.
- 13.6.3 The facility superintendent or on-call manager in charge shall only approve random searches either by all visitors entering at a given time or by searching visitors according to a predetermined selection method (i.e., every third visitor, every third visitor plus or minus one).
- 13.6.4 Visitors shall not be searched out of the predetermined random selection method unless reasonable suspicion indicates the visitor's possible involvement with prohibited activities or possession of contraband.
- 13.6.4.1 If the staff member at the egress point feels that reasonable suspicion exist, the staff member will notify the shift supervisor and complete a reasonable suspicion search request form.
- 13.7 The electronic search of a visitor or their belongings for the possession of contraband is approved for both random and reasonable suspicion searches.
- 13.8 Visitors may be asked to empty pockets, purses, etc. If the visitor or parent/guardian refuses to remove items from their pockets, etc. entry may be denied and the visitor may be required to immediately depart the facility.
- 13.9 The visual search of a visitor is not allowed. If a visitor's behavior, conversation, or other conduct gives reasonable cause to believe that they are concealing or attempting to introduce contraband into a facility and that contraband cannot be discovered by an electronic search or voluntary disclosure, the visitor may be denied entry.
- 13.10 Searches by law enforcement of visitors will be facilitated as requested by the law enforcement authority. Law enforcement entities shall conduct their own searches and comport to their internal regulations.
- 13.11 The special search of a person or their belongings for the possession of contraband is approved for both random and reasonable suspicion searches.
- 13.12 All contraband discovered will be seized and handing in accordance with JJS Procedure.
- 13.12.1 JJS will make reasonable efforts to detain visitors carrying Class A Contraband and, depending on the circumstance, Class B Contraband for local or state law enforcement authorities.
- 13.13 If any visitor refuses to leave facility property after being directed to do so, the shift supervisor should immediately contact law enforcement.
- 13.14 If no contraband is found after a search or request for disclosure the visitor will be thanked for their cooperation and allowed to continue with the visit unless there is valid reason pursuant to procedure for the visit to be cancelled or re-schedule.

- 14 VEHICLE SEARCHES
- 14.1 All vehicles whether visitor, staff or delivery, are to be routinely screened and are subject to search upon entry or exit of the facility.
 - 14.2 Vehicle screening shall include a visual inspection of all viewable areas to determine if any prohibited items are evident, and the questioning of occupants about the possession of prohibited items or contraband.
 - 14.3 Vehicle screening is not considered a search under this procedure.
 - 14.4 If a vehicle search is conducted, the search may include the following:
 - 14.4.1 The checking of any reasonably accessible area, the engine compartment, under seats, interior compartments, trunk, glove compartment, ashtray, and inside any containers or tool boxes for contraband items.
 - 14.4.2 The checking of delivery trucks for false compartments, hidden clients and confirmation of delivery schedules.
 - 14.4.3 The staff member shall ask for the keys to any locked compartments rather than allowing the vehicle occupant to unlock them. If the vehicle occupant refuses or claims that a locked compartment cannot be opened, the occupant shall be recorded as refusing the search and may not be allowed access to the facility.
 - 14.4.3.1 Staff members shall not pry, force, or break open any areas to obtain access.
 - 14.5 Work vehicles entering the facility shall have all items and goods that could be used as weapons or present safety and security hazards removed from the vehicles before they enter the security compound.
 - 14.5.1 Necessary work items such as tools, equipment and supplies will be pre-approved and inventoried when entering or exiting the facility.
- 15 DOCUMENTING SEARCHES
- 15.1 Shift logs maintained at the point of entry to the facility, whether traffic or reception, will document:
 - 15.1.1 that all movement into or exiting the facility was screened, and
 - 15.1.2 if random searches were completed, the method of randomization, a list of individuals searched, the type of search and if any contraband was discovered.
 - 15.2 If any contraband is recovered based on a random search, a Serious Incident Report will be completed with a copy of the shift log attached.
 - 15.3 A reasonable suspicion search request must be completed for any reasonable suspicion search and attached to a Serious Incident Report. A Serious Incident Report must be completed for any reasonable suspicion search regardless if contraband is recovered.
 - 15.3.1 A note documenting the search should also be included in the shift log.
- 16 SEARCH EXEMPTIONS
- 16.1 Law enforcement personnel called or responding to a facility incident or criminal act may be excluded from screening or searches by the shift supervisor.
 - 16.1.1 Law enforcement personnel carrying weapons will be required to lock their weapon in their vehicle or unload the weapon and placed it in a locked security storage box provided by the facility.
 - 16.1.2 No firearm or ammunition will be allowed into the security compound or client activity areas without the approval of the JJS Director or designee.
 - 16.2 District or Children's Court Judges, Federal Judges, State or Federally elected Officials and their aides, Church officials and their aides, Diplomatic Representatives recognized by the United States State Department, the Attorney General and his or her aides and Cabinet Secretaries from other New Mexico agencies shall not be screened or searched without the authorization of the Cabinet Secretary of CYFD.

16.3 Deputy Cabinet Secretary(s), Service Director(s), Deputy Service Director(s), Facility Superintendent(s) or on-call manager in charge during their specific tour of duty shall not be screened or searched without the authorization of the Cabinet Secretary of CYFD.

17 PRIVILEGED OR PROTECTED VISITORS

17.1 Attorneys visiting clients in their capacity as a court officer, judges, elected officials, approved child advocacy representatives, approved members of the media, approved faith, religious or spiritual leaders, and law enforcement personnel are only subject to screening and shall not be searched without the approval of the facility superintendent.

17.1.1 Representatives above shall be required to open their bags, briefcases and other personal or professional carry-ins for inspection, however the contents of any documents shall only be examined for contraband but not read for content. Staff members shall visually search the materials only to determine their qualification as protected materials and to ensure the absence of contraband.

17.1.2 Any item intended to be retained by the client must be approved and declared at the beginning of the visit. For example, legal documents, photographs, religious or spiritual books, religious or spiritual medallions or medals, or business cards.

17.1.3 Religious headwear is not considered part of a visitor's belongings, but rather their person. Visitors shall not be required to remove religious headwear unless reasonable suspicion has been documented and approved.

18 CONTINUOUS QUALITY IMPROVEMENT

18.1 Each facility superintendent shall complete and forward to the Deputy Director of Facility Operations a quarterly contraband report detailing the total number of special, scheduled, random and reasonable suspicion searches conducted during the quarter. The report shall include the following:

18.1.1 The contraband description and class of any discovered contraband;

18.1.2 Known or suspected involvement of visitors, clients or staff;

18.1.3 Location of discovery;

18.1.4 If the discovery was the result of a special search, schedule search, screening, random search or reasonable suspicion search;

18.1.5 The total number of searches refused by category;

18.1.6 A comparison to the previous quarter(s) to indicate possible trends;

18.1.7 Any special intervention efforts (i.e., special searches, increase or decrease in searches, change in search locations) proposed for the upcoming quarter.

18.2 The report shall also include an approved or proposed suspended visitor list.

19 AUTHORIZED SIGNATURE:



APPROVED: _____

**Bill Dunbar, Cabinet Secretary
Children Youth and Families Department**

08/04/10

Date