

**Chapter: Conditions of Employment**  
**Title: Search of Employees, Personal Property**  
**and Vehicles, and Agency Property**

**Effective Date:** 12/1/11  
**Page:** 1 of 2  
**New**

ACA Standard(s): N/A

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(a) **Policy.**

All Texas Juvenile Justice Department (TJJD) employees, their personal possessions, their vehicles parked in certain locations, and their work areas or agency property assigned to them are subject to search as necessary to maintain safe, rehabilitative environments in TJJD facilities or to investigate employee misconduct. All state vehicles are subject to a search.

(b) **Applicability.**

- (1) Additional rules governing searches entering secure facilities are found in GAP.97.10 (relating to Entry Searches).
- (2) Use of trained canines (K-9s) may be used to detect contraband. Refer to GAP.97.13 (relating to Use of Canine (K-9) Teams).
- (3) For inspections of non-secure TJJD parking lots, see GAP.97.13.

(c) **Explanation of Terms Used.**

- (1) **Secure TJJD Parking Lot** – a parking lot within the perimeter fence of a high restriction TJJD facility.
- (2) **Reasonable Belief** – a belief based on facts or circumstances sufficient to cause a reasonable person to believe that the person to be searched has prohibited items.

(d) **Rules.**

(1) **Searches of Employees.**

An employee may be asked to submit to a personal search when:

- (A) there is a reasonable basis for believing the employee has evidence of misconduct on his/her person; and
  - (B) the request for a personal search has been approved by the superintendent or designee.
- (2) An employee who refuses consent to be searched or refuses consent to search his/her personal property, including his/her personal vehicle parked in a secure TJJD parking lot, his/her work area, his/her assigned agency property, including an assigned state vehicle, will be subject to immediate removal from the facility and disciplinary action, up to and including termination of employment, and local law enforcement may be notified.

(3) **Method of Searches.**

Searches of an employee, his/her personal property (including an employee's personal vehicle parked in a secure TJJD parking lot), agency property, and state vehicles may consist of one or more of the following procedures and will be conducted in a reasonable manner using the least intrusive method possible as determined by the circumstances:

- (A) use of metal detectors (walk-through or wand);
- (B) use of trained detection dogs;

- (C) visual or touch inspection of property;
- (D) requiring pockets to be emptied;
- (E) removal and inspection of shoes; or
- (F) pat-down body search outside the person's clothing by a person of the same gender. Refer to GAP.97.10 for pat down body search procedures.

**(4) Search of Employees' Personal Property and Vehicles.**

An employee's personal property (such as a purse or briefcase), including an employee's vehicle parked in a secure parking lot, may be searched when:

- (A) there is reason to believe the item contains contraband or evidence of work-related employee misconduct; and
- (B) the employee gives permission.

**(5) Searches of Agency Property Assigned to Employees.**

All agency property is generally subject to search without limitations, however, any agency property (e.g., offices, desks, lockers, computers, vehicles , etc.) assigned to a specific employee may be searched without the employee's knowledge or consent when a search is necessary to pursue agency business or there is a reason to believe a search will reveal evidence of employee misconduct.

**(6) Seizure of Property.**

- (A) Any item found during a search may be seized if:
    - (i) possession of the item is a violation of law;
    - (ii) possession of the item is a violation of agency policy or facility rules; or
    - (iii) the item constitutes evidence of employee misconduct.
  - (B) Items seized may be turned over to law enforcement for identification or disposition.
  - (C) If personal property is seized from an employee, the employee may be escorted from the campus/facility/building and will be notified within 24 hours (or the next business day if on a weekend or holiday) whether the item will be retained by the agency for purposes of establishing employee misconduct, turned over to a law enforcement agency for disposition, or returned to the employee.
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