

Chapter: Rules for State-Operated Programs and Facilities	<b>Effective Date: 7/1/16</b>  Page: 1 of 2  Replaces: GAP.380.9710, 11/8/05
Subchapter: Security and Control	
<b>Rule: Entry Search</b>	
ACA: 4-JCF-3A-19	
Statutes: N/A	

**RULE**

(a) **Purpose.**

This rule establishes requirements for conducting searches at the entry point of Texas Juvenile Justice Department (TJJD) facilities to prevent the introduction of items that are prohibited.

(b) **Applicability.**

This rule applies to residential facilities operated by TJJD.

(c) **General Provisions.**

Each person entering a facility operated by TJJD is subject to a search of his/her person, vehicle, and any property he/she is bringing into the facility.

(d) **Definitions.**

- (1) **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.
- (2) **Routine Search**--a search conducted at a scheduled time during which every person is searched at the entry point of a TJJD facility.
- (3) **Random Search**--a search conducted at an unannounced time during which every person will be searched at the entry point of a TJJD facility.

(e) **Entry Searches.**

- (1) TJJD conducts routine searches, random searches, or a search anytime there is a reasonable belief a person possesses an item that is prohibited.
- (2) Entry searches may involve one or more of the following:
  - (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).
- (3) Entry searches must use the least intrusive method possible as determined by the circumstances.
- (4) Whenever possible, considering facility and staff safety and security, pat-down searches conducted at the entry point are conducted by a staff member who is the same gender as the person being searched. Limited by operational considerations and by facility and staff safety and security, TJJD honors the preference of a person to be pat-searched by a male or female staff member if the person self-identifies as transgender or intersex.

- (5) Any person who refuses to be searched may be prohibited from entering the facility and may be subject to other administrative action, as appropriate.
  - (6) Any person who refuses to have his/her personal property searched will be prohibited from taking the property into the facility and may be subject to other administrative action, as appropriate.
  - (7) Any item that is or appears to be a prohibited item and/or contraband as defined in [§380.9107](#) of this title will not be allowed in a residential facility and may be seized.
  - (8) Seized items may be turned over to the TJJJ Office of Inspector General (OIG) for identification or disposition.
  - (9) If personal property is seized, TJJJ determines within 24 hours (or the next business day if on a weekend or holiday) whether the item will be:
    - (A) retained as evidence for an administrative investigation;
    - (B) turned over to OIG for criminal investigation and/or disposition; or
    - (C) returned to the person from whom the property was seized.
- (f) **Prohibited Items.**
- (1) A list of prohibited items and contraband is prominently posted at each security search point in secure facilities and halfway houses.
  - (2) Items on the prohibited list may be seized during entry searches.
  - (3) Individual facilities may not add items to the prohibited list. Requests to include additional items on the list must be made in writing to the division director over residential facilities.

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See [INS.93.07](#) for implementation procedures.