

Chapter: Rules for State-Operated Programs and Facilities	<b>Effective Date: 7/1/16</b>  Page: 1 of 2  Replaces: GAP.380.9709, 9/1/10
Subchapter: Security and Control	
<b>Rule: Youth Search</b>	
ACA: 4-JCF-2A-20, 2A-22, 4C-63	
Statutes: N/A	

**RULE**

(a) **Purpose.**

This rule establishes requirements for searching Texas Juvenile Justice Department (TJJD) youth, their property, and their rooms to detect and deter contraband. The purpose of all provisions in this rule is to promote and protect the safety of the facility, staff, and youth.

(b) **Applicability.**

This rule applies to residential facilities operated by TJJD.

(c) **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) **Probable Cause**--a determination based on facts and circumstances that would cause a reasonably prudent person to believe it is more likely than not that the person to be searched has a prohibited item.

(d) **General Provisions.**

- (1) TJJD staff may conduct a search of a TJJD youth or a youth's room for the purpose of finding and seizing contraband.
- (2) When contraband is seized from a youth, the search and disposition of items must be documented. See [§380.9711](#) of this title.
- (3) Areas where youth are housed or served may be subject to be searched by the use of the canine (K-9) teams. See [§380.9713](#) of this title for more information on the use of K-9 teams.

(e) **Room Searches and Pat-Down Searches.**

- (1) Room searches and pat-down searches may be conducted with or without probable cause.
- (2) Room and pat-down searches must be conducted in accordance with the following rules.
  - (A) Room and pat-down searches may be unannounced and irregularly timed.
  - (B) Room and pat-down searches must be conducted routinely to control possession by youth of contraband or to recover missing or stolen property.
  - (C) Two trained staff members must be in attendance for room and pat-down searches.
  - (D) The staff conducting a pat-down search must be of the same gender as the youth being searched, except in exigent circumstances as defined in [§380.9337](#) of this title.
  - (E) Limited by consideration of facility and staff safety and security, TJJD honors the preference of a youth to be pat searched by a male or female staff member if the youth self-identifies as

transgender or intersex and that identification is supported by collateral assessment processes.

- (F) Room and pat-down searches must be conducted in a professional manner. Staff must not make jokes, conversation, or comments while conducting searches.
- (G) Room and pat-down searches are documented.

(f) **Strip Searches.**

- (1) Strip searches must be based on a reasonable belief that the youth has custody or control of contraband. However, reasonable belief is not required when a youth returns from contact with the general public or from outside the facility or from visitation.
- (2) Strip searches must be conducted in accordance with the following rules.
  - (A) The search must be conducted in a private setting.
  - (B) Two trained staff members must conduct the search.
  - (C) The staff members conducting the search must be of the same gender as the youth, except in exigent circumstances as defined in [§380.9337](#) of this title.
  - (D) Limited by consideration of facility and staff safety and security, TJJJD honors the preference of a youth to be strip searched by a male or female staff member if the youth self-identifies as transgender or intersex and that identification is supported by collateral assessment processes.
  - (E) The search must be conducted in a professional manner. Staff must not make jokes, conversation, or comments while conducting the strip search.
  - (F) The search must be documented.

(g) **Physical Body-Cavity Searches.**

- (1) Physical body-cavity searches may only occur on probable cause that the youth possesses contraband and with the authorization of the facility administrator.
- (2) Physical body-cavity searches must be conducted by off-site medical personnel who are not part of the facility's health care staff.
- (3) Physical body-cavity searches refer to manual or instrument inspection of body cavities including the vagina or rectum.
- (4) Physical body-cavity searches must be documented.

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- See [INS.91.81](#) for implementation procedures.
  - For precautionary guidelines relating to youth searches, see TJJJD's [Workplace Guidelines: Precautions & Procedures to Reduce the Risk of Infection of Contagious Diseases](#).