

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 7/1/16 Page: 1 of 2 Replaces: GAP.380.9710, 11/8/05
Subchapter: Security and Control	
Rule: Entry Search	
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.

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