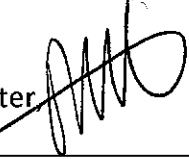


Non-Secure Placement: Searches of Facility Spaces

Approved By:  Ronald E. Richter Commissioner	Date Issued: <u>1/28/13</u>	Number of Pages: 5	Number of Appendices: 0
Related Laws: Soc. Serv. Law § 404 (13)	Children's Services Divisions/Provider Agency: Division of Youth and Family Justice/Office of Youth and Family Development; and NSP provider agencies	Contact Office/Unit: Sarah Bass, Executive Director of Non-Secure Placement, at Sarah.Bass@dfa.state.ny.us	
Supporting Case Law: NA	Supporting Regulations/Standards: NA		
Regulatory Bulletins & Directives: NA	Related Policies: <i>Personal Searches in Non-Secure Placement;</i> <i>Contraband</i>	Supersedes: NA	
Related Forms/Links/Sources: Searches for Contraband Log			
SUMMARY: This policy articulates guidelines to non-secure juvenile justice placement (NSP) provider agencies for the development and periodic review of policies and procedures pertaining to searches of facility space in non-secure residential placements.			
SCOPE: This policy applies to all non-secure juvenile justice placement (NSP) facilities procured through the Negotiated Acquisition Operation of Non-Secure Delinquent Placement Services, PIN: 06812N0001, dated January 26, 2012.			

I. INTRODUCTION

The following policy regarding searches of facility spaces is to be implemented in the context of residential programs informed by core principles, beliefs and values that guide the non-secure juvenile justice placement (NSP) system. As a whole, the system is premised on the assumption that youth who are placed in residential confinement should be placed close to home and that programming should be youth-centered and strive to provide youth with the individual support they need to succeed. Families and communities should be integrated into programming and treatment throughout placement and aftercare to the maximum extent possible. Further, the primary responsibility of all NSP system participants is to protect the safety and security of communities and of youth in care. Placement of youth in residential facilities is to be limited to circumstances where youth pose a risk to community safety; youth will be placed in the least restrictive environment necessary under the circumstances.

II. PURPOSE

The purpose of this policy is to provide guidelines for NSP provider agencies to follow with respect to searches of facility spaces. NSP provider agencies are required to implement search policies and practices designed to maintain contraband-free programs throughout the NSP system. The primary purpose of any search of facility space is to protect the safety of youth and staff of the NSP facility, the community, and others who may be present, within a context that respects and promotes dignity and healthy relationships with youth including employing effective communication, making empathetic connections, and establishing a structured, consistent environment.

III. POLICY

- A. It is the policy of Children's Services to operate contraband free programs through extensive use of contraband control functions including, but not limited to, searches of visitors and youth; searches of living, program and recreation areas; the proper training of staff in the conduct of searches; and/or the consideration of criminal charges, where necessary to enforce Children's Services' policy.
- B. This policy pertains to facility searches conducted by contracted providers of NSP services.

IV. DEFINITIONS

- A. Contraband is defined to include:
 - 1. Those articles:
 - a. The possession of which is prohibited under any law applicable to the general public, or

- b. Which are readily capable of being used to cause injury including, but not limited to, firearms, cartridges, knives, razor blades, explosives, or sharpened objects;
 - c. Illegal drugs;
 - d. Prescription medications that are not lawfully issued to the bearer;
 - e. Other unauthorized items such as:
 - i. Alcohol or alcoholic beverages,
 - ii. Tobacco products (e.g. cigarettes, chewing tobacco),
 - iii. Hazardous material (e.g. gasoline, poisons, unapproved cleaning fluids, acids),
 - iv. Sexually explicit materials,
 - v. Needles,
 - vi. Mace,
 - vii. Matches,
 - viii. Lighters, or
 - ix. Any other item that is prohibited by the regulations and policies of Children's Services and/or the rules of the individual facility.
- B. Inspection – a routine close visual examination to check that standards of cleanliness, orderliness, safety and security are being maintained, and to detect and report any deficiencies or exceptions.
- C. Search – an organized process or processes conducted specifically to look for contraband and/or to engage in an active, thorough method of seeking out contraband and utilized for the express purpose of preventing the introduction of contraband.

V. INSPECTIONS

- A. Regular inspections help to maintain a safe environment for staff, youth, and visitors. They promote efficient facility operations and permit for the assessment of youth behavior and staff effectiveness in the performance of duties.
1. The facility director or designee shall visit and inspect every area in the facility at least twice per week and document same in the Facility Activity/Communication Log and Searches for Contraband Log.
 2. Supervisory staff shall inspect each area under their supervision every day.
 3. Line staff shall inspect the areas for which they are responsible at the beginning and end of each shift.
- B. The purpose of inspections is to provide a clean, orderly, graffiti-free, safe and secure environment for youth and staff. Inspections shall include, but shall not be limited to, confirming the following:

1. All security devices are in good working order (e.g. locks, doors, windows/screens, alarms, fences, and gates);
 2. All safety devices/procedures are in place and in good working order (e.g. fire extinguishers, smoke/heat detectors, sprinkler heads, emergency lights and signs, evacuations plans, first aid kits, spill kits, and lighting);
 3. Log books are completed according to Children's Services' policy;
 4. Youths' bedrooms are clean, neat, graffiti-free, and contraband free;
 5. Youths' attire conforms to Children's Services' standards;
 6. Posted materials have not been tampered with; and
 7. Furniture, equipment, and walls have not been broken and/or vandalized.
- C. Deficiencies identified during any inspection shall be entered in the Facility Activity/Communication Log book. They shall also be reported immediately, or as soon as feasible, to the supervisor on duty and followed by a written report, through appropriate channels, to the facility director/designee prior to the end of the shift. The facility director shall oversee the initiation of corrective action when necessary.

VI. SEARCHES OF FACILITY SPACES

The following searches shall be authorized:

- A. Room Searches – A thorough and orderly search of a youth's room and its contents, as directed by the facility director or designee, shall be conducted at least every other week. Additional room searches shall be performed if staff reasonably suspect that contraband is secreted within, and as authorized by the facility director or designee.
1. A youth should be present during a routine room search, except where this is impossible because the youth is not present and there is reasonable cause to believe that person(s) at the facility or home will be endangered by awaiting the youth's return. If the youth is not present during the search, he/she shall be notified that the room has been searched in his/her absence. Notification shall be made prior to or upon the youth's return to the room.
 2. If a youth is present during a room search, the youth shall exit the room and may observe the search from across the corridor or from a safe proximity, depending on the physical layout of the facility, provided that the youth's conduct remains appropriate.
 3. Youth shall be provided written notification of any articles confiscated during a room search.
 4. Care shall be taken to avoid damage or destruction of property. If non-contraband property is damaged during a search, the employee conducting the search shall report the damage to the supervisor, in writing on an Incident Report, before the end of the shift. If possible, date marked photos shall be taken of the damage.

5. Reasonable efforts shall be made to return the room to the condition it was in prior to the search.
 6. The time, specific areas searched, the staff members conducting the search, and the results of the search shall be noted in the Searches for Contraband Log and case record.
- B. Area Search – A search of a specified area of the facility or facility grounds (but not youths' bedrooms), as directed by the facility director or designee. This may include areas such as day rooms, living rooms, kitchens, recreation rooms, bathrooms, vehicles, classrooms, and linen, clothing, and supply closets.
1. Every non-bedroom area shall be routinely searched a minimum of once per week. Each NSP provider agency is required to establish a written policy as to how often routine area searches will be conducted, and to submit the policy to ACS and OCFS as part of their facility search policy.
 2. Facilities may conduct unannounced general searches of a portion of, or the whole facility. Such searches require prior approval from the regional director or designee of the New York State Office of Children and Family Services (OCFS), or if time does not permit prior approval, notification must be provided to OCFS not later than one business day after the search.
 3. The time, specific areas searched, the staff members conducting the search and the results of the search shall be noted in the Searches for Contraband Log.

VII. CONTRABAND CONFISCATION AND REPORTING

Contraband found in the possession of youth shall be immediately confiscated and handled in accordance with the Non-Secure Placement Policy on Contraband.

VIII. APPLICABILITY OF AGENCY GRIEVANCE PROCEDURE

Agency grievance procedures will apply to issues related to searches.