


The City of New York  
Administration for Children's Services

Policy and Procedure  
# 2016/xx

### Searches of Juvenile Justice Placement Facilities

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<b>Related Forms/Links/Sources:</b> Searches for Contraband Log			
<b>SUMMARY:</b> This policy articulates guidelines for non-secure and limited secure juvenile justice placement (NSP and LSP, respectively) provider agencies for the development and periodic review of policies and procedures pertaining to searches of facility spaces in juvenile justice residential placements.			
<b>SCOPE:</b> This policy applies to all facilities having care and custody of youth placed with ACS pursuant to Article 3 of the Family Court Act.			

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## **I. INTRODUCTION**

The following policy was developed for use in the juvenile justice placement system of the New York City Administration for Children's Services (ACS), the spirit of which rests firmly on the premise that youth placed in residential settings shall be placed in programs close to home and for only as long as is necessary to maintain public safety and impart the skills and tools each youth needs to succeed in the community. All non-secure placement (NSP) and limited secure placement (LSP) settings are to prioritize youth-centered programming and strive to provide youth with a full range of individual supports they need to achieve their treatment goals. Like the youth in NSP and LSP programs, families are to be treated with utmost dignity and respect, and shall be integrated into programming and treatment as full partners throughout the period of each youth's placement and aftercare. Communities and the natural resources they possess are to be valued and relied upon as part of the formula for success in each case. The primary responsibility of all those associated with the LSP system is to protect the safety and security of communities and safety and security of the youth in placement.

## **II. PURPOSE**

The purpose of this policy is to provide guidelines for juvenile justice placement provider agencies to follow with respect to searches of facility spaces. Provider agencies are required to implement search policies and practices designed to maintain contraband<sup>1</sup>-free programs throughout the juvenile justice placement system. The primary purpose of any search of facility space is to protect the safety of youth and staff of the facility, the community, and others who may be present, within a context that respects and promotes dignity, healthy relationships with youth, and establishing a structured, consistent environment.

## **III. POLICY**

- A. It is the policy of ACS 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 ACS policy.
- B. This policy pertains to facility searches conducted by contracted providers of juvenile justice placement services.

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<sup>1</sup> See ACS Policy and Procedure #2015/03, *Contraband Policy for Juvenile Justice Placement*.

#### IV. DEFINITIONS

- A. Inspection – A routine close visual examination to check that standards of cleanliness, order, safety, and security are being maintained, and to detect and report any deficiencies or exceptions.
- B. 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.
- C. Area Search - A search of a specified area of the facility or facility grounds (but not youth bedrooms), as directed by the facility director or designee.

#### 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 once each week and document the visit and inspection in the Facility Activity/Communication Log Book. Facility areas that require weekly inspection by the director/designee include, but are not limited to the following:
    - a. Staff office spaces;
    - b. Youth bedrooms and living spaces;
    - c. Kitchen and food storage;
    - d. Program spaces;
    - e. Classrooms (where applicable);
    - f. Staff bathrooms, youth bathrooms, and shower areas;
    - g. Recreational areas inside and outside of the facility;
    - h. Visitation areas;
    - i. Storage spaces;
    - j. Facility perimeter;
    - k. Alarms, cameras, and other security systems;
    - l. Interior windows, doors, and fire escapes;
    - m. Medical and clinical spaces, including medication storage lockers; and
    - n. Intake, reception, and/or admission areas.

2. Supervisory staff shall conduct an inspection of each area under their supervision while on duty, and document this inspection in the Facility Activity/Communication Log Book.<sup>2</sup>
  3. Direct care staff shall inspect the areas to which they are assigned at least one (1) time per shift, and document each inspection in the Facility Activity/Communication Log Book. If youth safety and facility security may be compromised and staff cannot conduct an inspection of the area to which they are assigned, this must be documented in the Facility Activity/Communication Log Book.<sup>3</sup>
- B. The purpose of inspections is to provide a clean, orderly, safe, and secure environment for youth and staff. Inspections shall include, but shall not be limited to, confirming that:
1. All security devices, including those around the perimeter of the facility, are in good working order (e.g., locks, doors, windows/screens, alarms, fences, hand held radios, cameras, and gates);
  2. All safety devices/procedures are in place and in good working order (e.g., fire extinguishers, smoke/heat detectors, sprinkler heads, interior and exterior emergency lights and signs, evacuations plans, first aid kits, spill kits, and lighting);
  3. Log books are in place at appropriate locations around the facility and completed according to ACS policy;
  4. Youth bedrooms and all bathrooms are clean, neat, graffiti-free, contraband-free, and equipped with all required furnishings and fixtures;
  5. Youth attire conforms to ACS standards;
  6. All mandated posted materials are visible and in the required places, posted materials have not been tampered with, and there are no inappropriate and/or prohibited materials posted;
  7. Furniture, equipment, and walls have not been broken and/or vandalized; and
  8. Medications are not expired or discontinued.

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<sup>2</sup> See *Log Books for Juvenile Justice Placement Facilities*: Supervisory inspections can be included in the required supervisory entry or as a separate entry upon completion of the inspection.

<sup>3</sup> See *Log Books for Juvenile Justice Placement Facilities*: Direct care staff inspections can be included in the shift summary or as a separate entry upon completion of the inspection.

- C. Any areas of improvement identified during any inspection must be documented in the Facility Activity/Communication Log Book and, where applicable, report and document such issues immediately pursuant to ACS policy.<sup>4</sup> Staff shall report any areas of improvement as soon as feasible to a supervisor and/or the facility director prior to the end of the shift. The facility director shall oversee the initiation and implementation of any subsequent corrective action.

## VI. SEARCHES OF FACILITY SPACES

The following searches shall be authorized:

- A. Room Search – 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 once each week. Additional room searches shall be performed if staff reasonably suspect that contraband is concealed within, and as authorized by the facility director or designee.
  - 1. Each provider agency must establish a written policy or procedural guide specifying how often and by whom routine room searches will be conducted. This procedural guide must be distributed to all staff and shall be readily available for review upon request by ACS, the Office of Children and Family Services (OCFS), and any other oversight bodies or investigative agencies.
  - 2. Staff shall search a youth's room only while the youth is present except when the youth is unavailable **and** there is reasonable cause to believe that youth, staff or others might be subject to harm upon the youth's return. If the youth is not present during the search, he or she shall be notified that the room has been searched in his or her absence. Notification shall be made prior to or upon the youth's return to the room.
  - 3. 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. If there is reasonable suspicion that the youth has contraband on his or her person, a youth exiting a room during a routine room search shall be pat-frisk searched in accordance with ACS policy.<sup>5</sup>

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<sup>4</sup> See *Incident Reporting for Juvenile Justice Placement Facilities* and #2015/03, *Contraband Policy for Juvenile Justice Placement Facilities*.

<sup>5</sup> See ACS Policy and Procedure #2012/06, *Non-Secure Placement Personal Youth Search Policy* and #2016/05, *Limited Secure Placement Personal Youth Search Policy*.

4. Pursuant to ACS policy *Personal Property of Youth in Juvenile Justice Placement Facilities*, youth shall be notified of any articles confiscated during a room search by a designated staff member during a review and update of the youth's personal property inventory.
  5. Care shall be taken to avoid damage or destruction of a youth's personal property. If permissible property is damaged during a search, the staff member conducting the search shall report the damage on a Close to Home Incident Report form before the end of the shift. If possible, date-marked photos shall be taken of the damage. If permissible property belonging to a youth is damaged or destroyed during an inspection, arrangements will be made with the youth to repair or replace damaged property.<sup>6</sup>
  6. Reasonable efforts shall be made to return the room to the condition it was in prior to the search.
  7. The date, time, specific rooms searched, staff members conducting the search, and the results of the search must be noted in the Facility Activity/Communication Log, the Searches for Contraband Log, and in each youth's case record.
- B. Area Search – A search of a specified area of the facility or facility grounds (but not youth 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. Every non-bedroom area shall be routinely searched a minimum of three (3) times per week.
1. Each provider agency must establish a written policy or procedural guide specifying how often and by whom routine area searches will be conducted. This written policy or procedural guide must be distributed to all staff, submitted to ACS for review, and shall be available to OCFS and any other oversight bodies or investigative agencies upon request. Upon distribution, the provider must submit confirmation of staff receipt to ACS.
  2. Facilities may conduct unannounced general searches of a portion of or the whole facility at any time if staff believe that youth safety is at risk due to suspicions that weapons or other dangerous contraband may be in the facility.

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<sup>6</sup> Provider agencies shall develop policies and a claims process regarding replacement of any lost or damaged permissible personal property items and include them in the Facility Handbook or Resident Manual. See *Personal Property of Youth in Juvenile Justice Placement Facilities*.

- a. For NSP, unannounced area searches require prior approval from the regional director or designee of OCFS, or if time does not permit prior approval, notification must be provided to OCFS no later than one (1) business day after the search.
  - b. For LSP, unannounced area searches require prior approval from the facility director or designee after staff document the reasonable suspicion that contraband is in the area of the facility to be searched. Prior OCFS approval is not required.
3. The time, specific areas searched, the staff members conducting the search, and the results of the search shall be noted in the Facility Activity/Communication Log and the Searches for Contraband Log.

## **VII. CONTRABAND CONFISCATION AND REPORTING**

Contraband found in the possession of youth, during a room search, or as a result of an area search shall be immediately confiscated and handled in accordance with the *Contraband Policy for Juvenile Justice Placement* and *Incident Reporting for Juvenile Justice Placement Facilities*.



**CLOSE TO HOME SEARCHES FOR CONTRABAND FORM**

Provider Agency and Facility Name: \_\_\_\_\_

Date of Log Start: \_\_\_\_\_

Facility Address: \_\_\_\_\_

Date of Log End: \_\_\_\_\_

Date	Time	Staff Name	Category (Circle one)	Type of Search (circle one)	Search Details (where applicable): <ul style="list-style-type: none"> <li>• Youth name(s)</li> <li>• Bedroom(s)</li> <li>• Living Area</li> </ul>	If Unscheduled, why was the search conducted?	If contraband was recovered, note the following: <ul style="list-style-type: none"> <li>• Type of Contraband or Unauthorized Item</li> <li>• Voucher #</li> <li>• Chain of custody</li> <li>• Law Enforcement Info (if applicable)</li> </ul>	On-Duty Supervisor
			Routine  Unscheduled	Pat Frisk Security Search Strip Search (LSP ONLY) Area Search Bedroom Search				

Signature of Facility Director: \_\_\_\_\_

Date: \_\_\_\_\_