



Juvenile Justice Services (JJS) Policies and Procedures (P&P)

Directive

To: All JJS Employees

Subject: Prison Rape Elimination Act (PREA) - Compliant Searches

Directive: Reissue 16-001

From: Tamera Marcantel, Director of Juvenile Justice Services

Issue Date: September 1, 2016

Effective Date: September 1, 2016

All JJS employees who conduct searches must complete the PREA-Compliant Search Training and follow these additional guidelines.

Cross-gender pat (frisk) searches are prohibited except in exigent circumstances that demand immediate action. Exigent circumstances must be documented on the Search Report.

All visual (strip) searches will be conducted with two employees present except in exigent circumstances that demand immediate action. Exigent circumstances must be documented on the Search Report.

All searches [pat (frisk), visual (strip), electronic, and non-invasive] of transgender and intersex (see definitions listed below) clients will be conducted with two employees present except in exigent circumstances that demand immediate action. Exigent circumstances must be documented on the Search Report.

Transgender: A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Intersex: A person whose sexual and/or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

At intake, self-identified transgender and intersex clients may request the gender of the employees who will conduct their searches. This preference is documented on a Client Search Exception Form and retained in the client's file. Regardless of whether or not a client specifies a preference, the client's gender identity still must be considered when selecting appropriate employees to perform their searches.

Clients may not be searched for the sole purpose of determining their sexual anatomy.

Per P.5.29.10.4.3, "Visual searches will be conducted in a private setting, by at least two employees of the same sex as the client, and be done with respect for the client's dignity. "

Per P.5.29.10.7, "Body cavity searches are prohibited. If so ordered, body cavity searches shall only be conducted by appropriately trained off-site health services employees. "

Per P.5.29.8.3, "All searches [including pat (frisk) searches] of clients... shall be documented in a search report and submitted for regular review by the supervisory level employee assigned to the area or location."

Employees conducting searches will do so in a professional, respectful, and minimally intrusive manner.

This Directive modifies P.5.29 Searches and P.21.11 Admission, Reception and Orientation.

cc: Monique Jacobson, Cabinet Secretary of Children, Youth and Families