



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.5.H.06	PAGE NUMBER 1 OF 3
		DISTRIBUTION:	Public
		SUBJECT:	Search and Seizure - Juvenile
RELATED STANDARDS:	None	EFFECTIVE DATE:	June 01, 2023
		SUPERSESSION:	03/28/2022
DESCRIPTION: Safety and Emergency Procedures	REVIEW MONTH: March	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) that juvenile offenders under supervision in the State of South Dakota submit to warrantless search and seizure of their person, possessions, vehicle, and any other personal property, whenever a juvenile corrections agent determines there is reasonable suspicion. Searches of juvenile offenders being supervised are also authorized when conducted as part of an investigation, or when an offender under supervision is transported.

## II. PURPOSE

The purpose of this policy is to establish and provide guidelines governing search and seizure by Juvenile Community Corrections staff and any subsequent disposition of confiscated contraband.

## III. DEFINITIONS

### Contraband

An unauthorized item that is not permitted in the institution **or** is not sold in commissary. Approved items may be contraband if altered, possessed in a higher quantity than authorized, used in ways for which it is not intended, or obtained through an unapproved source.

### Personal Protective Equipment:

Personal protective equipment, commonly referred to as “PPE”, is equipment worn to minimize exposure to a variety of hazards.

### Reasonable Suspicion:

Judgment based on specific objective facts and/or reasonable inferences drawn in light of, and based on, experience, training, and education.

## IV. PROCEDURES

### 1. Search of a Juvenile Offender:

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- A. To conduct a search, Juvenile Community Corrections (JCC) staff must have an objectively reasonable suspicion. In deciding whether particular facts give rise to an objectively reasonable suspicion the staff must have more than an inchoate and unparticularized suspicion or hunch, but less than the level of suspicion required for probable cause to conduct the following:
  - 1. Search of the person (body).
  - 2. Search of any personal effects.
  - 3. Search of the offender's residence, to include their bedroom and any common areas that are visible upon entry.
  - 4. Search of the offender's vehicle.
  - 5. Search of any property under the offender's control.
- B. Under no circumstances will the search of an offender be conducted as a measure of punishment or harassment.
- C. Whenever possible, the JCC staff will conduct the search with the assistance of another juvenile corrections agent (JCA) or law enforcement, as determined necessary by the JCA.
- D. Staff will maintain universal precautions while searching youth or property. Personal protective equipment is effective in protecting staff from exposure to sharp objects or hazardous substances that may be present at the scene or on the juvenile.
  - 1. Whenever possible JCC staff will wear gloves to conduct the search.
  - 2. Staff shall ensure they have reasonable access to Naloxone while conducting searches.
- E. JCC staff may, at their discretion, utilize mechanical restraints, such as handcuffs, leg cuffs, and belly chains, when conducting a search of an offender.
- F. Searches will be conducted in a manner avoiding unnecessary force, undue embarrassment, and/or indignity to an offender.
- G. JCC staff conducting a search will handle religious and/or cultural items with respect for the item and the religion and/or culture.
- H. If JCC staff at any point in the process of a search does not feel safe, even if accompanied by law enforcement or a secondary staff, they should suspend the search at any time and consult with their respective JCA supervisor.

## 2. Seizure of Contraband

- A. During the course of the search of a juvenile offender, JCC staff may confiscate contraband.
- B. All contraband confiscated, as a result of the search of an offender, will be handled as follows:
  - 1. All contraband will be handled in a manner which will preserve the evidence and the chain of custody.
  - 2. JCC staff will document all evidence collected using the "*Evidence/Inventory/Disposal Receipt*" (see attachment #1).
- C. The following procedures will be followed by JCC staff when they suspect controlled substances and/or weapons are possessed by a juvenile offender:
  - 1. If a JCC staff discovers firearms and/or what appears to be any quantity of a controlled substance or other illicit substance, the JCA will immediately notify the proper law enforcement authorities.
  - 2. Confiscated materials or substances will be turned over to law enforcement under most circumstances. If law enforcement rejects confiscated materials for any reason, a regional supervisor shall be notified for instruction on disposal.

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- D. Any item confiscated during the search of a juvenile that is not used as evidence will be returned to the juvenile, if the item is not deemed dangerous, illegal, or inappropriate.

### **3. Disposal of Confiscated Contraband**

- A. Any item confiscated during the search of an offender that is deemed dangerous or inappropriate, but not unlawful, will be turned over to the respective regional JCA supervisor for proper disposal or disposed of at his/her direction.
- B. The regional JCA supervisor, or designee, will document disposal method, date, and staff present, using the “*Evidence/Inventory/Disposal Receipt*”.
1. When contraband is destroyed, it will be done in the presence of at least one (1) witness.

## **V. RESPONSIBILITY**

The director of Juvenile Services is responsible for the annual review and revision of this policy.

## **VI. AUTHORITY**

- A. SDCL § 26-11A-12

## **VII. HISTORY**

May 2023  
March 2022  
March 2021  
March 2020  
March 2019  
April 2017  
April 2016

## **ATTACHMENTS**

1. Evidence/Inventory/Disposal Receipt\*
2. DOC Policy Implementation / Adjustments



### South Dakota Juvenile Community Corrections Evidence/Inventory/Disposal Receipt

Juvenile: \_\_\_\_\_

JCA: \_\_\_\_\_

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

Search Location: \_\_\_\_\_

Description of Seized Item(s):	
Current Location of Seized Item(s):	
Was Law Enforcement Contacted? If so, Who? Date? Time?	

Comments: \_\_\_\_\_

**Juvenile Signature:** \_\_\_\_\_

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

**JCA Signature:** \_\_\_\_\_

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

Method of Disposal:	
Date of Disposal:	
Witness of Disposal (if any):	
Were item(s) returned to owner? If so, To whom? Date?	

Comments: \_\_\_\_\_