

Preventing Strip Searches of Children and Youth: A Guide for Advocates

ALABAMA SUPPLEMENT

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This guide is designed to inform individuals and organizations about the prevalence of the strip-searching of children and youth in Alabama and assist those parties in encouraging Alabama to enact policy prohibiting such strip searches, except in the most exceptional circumstances. Today, strip searches in Alabama are most publicized in juvenile centers and schools. But children and youth are also unnecessarily strip searched in many other settings, causing trauma that can have life-long consequences.

For these reasons, in 2020, the American Bar Association adopted a resolution that urges governments to enact policies to limit strip searches of children and youth to only those situations where certain enumerated requirements are met. This guide provides background research, talking points, and model language that can be used to enact statutes, regulations and contract provisions that govern child-serving agencies and facilities. The end goal is that fewer Alabama children and youth will be subjected to this demeaning and dehumanizing practice.

What is the definition of a strip search in Alabama?

The Code of Alabama does not provide a definition of a strip search. However, the Code requires a license to operate a juvenile detention center in the state.¹ The Code conditions these licenses on minimum standards set by the Department of Youth Services (“DYS”)² and directs the DHS to “establish and promulgate reasonable minimum standards for the construction and operation of detention facilities.”³ The DHS is a department of the State of Alabama⁴ and “has adopted the [American Correctional Association, (“ACA”)] Minimum Standards for Juvenile Detention Facilities, 1991, including the 2004 Standards Supplement.”⁵ The 2016 Standards Supplement to the ACA Minimum Standards⁶ defines a strip search as an “examination of an

¹ ALA. CODE § 44-1-27(b) (2020).

² *Id.*

³ ALA. CODE § 44-1-27(a) (2020).

⁴ ALA. CODE § 44-1-20 (2020) (“There is hereby created and established a department of the state to be known as the department of youth services.”).

⁵ ALA. ADMIN. CODE r. 950-1-5.01 (2021); *see also* ALABAMA DEPARTMENT OF YOUTH SERVICES, Licensing & Standards General Information, <https://dys.alabama.gov/community-services> (last accessed Oct. 19, 2021) (“DYS is the licensing agent for justice involved residential programs and follows American Correctional Association (ACA) Standards when approving facilities for licensure The DHS annual licensing audit will evaluate compliance with the various standards as they appear in the publication and periodic supplements published by ACA.”).

⁶ AMERICAN CORRECTIONAL ASSOCIATION, 2016 STANDARDS SUPPLEMENT iii (Nov. 2016), <https://www.aca.org/common/Uploaded%20files/2016%20Standards%20Supplement.pdf> [hereinafter 2016 STANDARDS SUPPLEMENT] (“The 2016 Standards Supplement is an update of ACA’s entire collection of adult and juvenile standards manuals. The supplement is a compilation of every addition, deletion, revision and/or interpretation approved by ACA’s Standards Committee through August 2015.”).

inmate/resident's naked body for weapons, contraband, and physical abnormalities. This also includes a thorough search of all of the individual's clothing while it is not being worn."⁷

How does a strip search affect youth?

Unfortunately, the effect of strip searches on children in Alabama is understudied and underreported. Even in Alabama court cases involving child strip searches, courts do not discuss the impact strip searches have on the children bringing suit.⁸

Scientific and psychological research also indicates that strip searches impact children and youth more severely than adults. Children understand from an early age that certain parts of their bodies are private, and with the onset of puberty, adolescents begin to view their bodies critically and are especially vulnerable to embarrassment.⁹ Thus, being stripped searched – compelled to expose one's private parts to a stranger who is not a medical practitioner – is particularly traumatic for children and youth.¹⁰ For youth who may be victims of abuse or neglect, strip searches are re-traumatizing.¹¹ Trauma during adolescence may have a significant effect on the development of the frontal lobe, the area of the brain responsible for thoughtful decision-making, and can lead to long-term negative consequences including anxiety, depression, loss of concentration, sleep disturbances, difficulty performing in school, phobic reactions, and lasting emotional scars.¹² Consequently, strip searches have a debilitating impact that clearly violates the best interests of children and youth.

Where and in what circumstances are children and youth in Alabama subjected to strip searches?

Children in Alabama may be subject to strip searches in a variety of settings, including:

In juvenile detention facilities

There are no statutory or regulatory protections in Alabama related to strip searching in juvenile detention facilities. However, there is a regulatory prohibition on body cavity searches¹³

⁷ *Id.* at 387.

⁸ *See, e.g.*, *H.Y. ex rel. K.Y. v. Russell County Bd. Of Educ.*, 490 F. Supp. 2d 1174 (M.D. Ala. 2007) and *Rudolph ex rel. Williams v. Lowndes County Bd. Of Educ.*, 242 F.Supp.2d 1107 (M.D. Ala. 2003).

⁹ *See* F. PHILLIP RICE & KIM GALE DOLGIN, *THE ADOLESCENT: DEVELOPMENT, RELATIONSHIPS AND CULTURE* 173 (10th ed. 2002).

¹⁰ Steven F. Shatz et al., *The Strip Search of Children and the Fourth Amendment*, 26 U.S.F. L. REV. 1, 12-13 (1991).

¹¹ *See* *N.G. ex rel. S.C. v. Connecticut*, 382 F.3d 225, 239 (2d. Cir. 2004) (Sotomayor, J., dissenting) (“We should be especially wary of strip searches of children, since youth ‘is a time and condition of life when a person may be most susceptible to influence and to psychological damage. . . . [W]ith children who may be victims of sexual abuse, the concerns are even greater.”). *See also* *Body Searches: Addressing Risk Factors to Prevent Torture and Ill-Treatment*, PENAL REFORM INT’L 1, 4 (2015), [hereinafter *Body Searches*], <https://www.penalreform.org/resource/detention-monitoring-tool-factsheet-body-searches/> (“For female detainees, the experience of a body search may be re-traumatizing due to sexual abuse in the past.”)

¹² *See* Scott A. Gartner, *Strip Searches of Students: What Johnny Really Learned at School and How Local School Boards Can Help Solve the Problem*, 70 S. Cal. L. Rev. 921, 929 (1997) (describing lasting and debilitating psychological effects of school's strip search of a student).

¹³ ALA. ADMIN. CODE r. 950-1-6-.01(1)(m) (2021).

in youth residential facilities and programs.¹⁴ Additionally, each youth residential facility must provide a written policy outlining a practice for searches that is “commensurate with security needs” and made available to staff and juveniles.¹⁵

While the 2016 Standards Supplement does not specifically address strip searches, the standards require Juvenile Correctional Boot Camp Programs,¹⁶ Juvenile Detention Facilities,¹⁷ and Small Juvenile Detention Facilities¹⁸ to establish written policies, practices, and procedures providing that visual inspections of juvenile body cavities be conducted by facility workers of the same sex, in private, and “based on reasonable belief that the juvenile is carrying contraband or other prohibited material.”¹⁹ However, in each of these facilities, “reasonable belief” is “not required when juveniles return from contact with the general public or from outside the institution.”²⁰ While these are national standards established by the ACA, the DYS’s adoption of these standards clarifies that visual inspection of juveniles’ unclothed bodies may occur in juvenile detention centers throughout the state.

A review of the DYS detention facilities in Alabama²¹ with publicly available policies indicates strip searches of residents’ bodies occur as a matter of security.²² Each DYS detention facility must also adhere to the standards established by PREA’s regulations, which prohibit “cross-gender strip searches or cross-gender visual body cavity searches” in juvenile facilities, “except in exigent circumstances or when performed by medical practitioners.”²³ While most DYS detention facilities surveyed did not have publicly available policies, the PREA audit reports of each facility are publicly available. Those reports indicate strip searches and cavity searches occur at each facility, but are generally performed by a detention center official of the same gender as the juvenile resident.²⁴

¹⁴ As a transition between large institutional care and a return to family life, Delinquent Youth may be placed in Residential Facilities Programs. These programs are small living units that act as group care and treatment. ALA. ADMIN. CODE r. 950-1-6-.01(3) (2021).

¹⁵ *Id.*

¹⁶ 2016 STANDARDS SUPPLEMENT at 219.

¹⁷ *Id.* at 259.

¹⁸ *Id.* at 308.

¹⁹ *Id.* at 219; *id.* at 259; *id.* at 308.

²⁰ *See id.*

²¹ ALABAMA DEPARTMENT OF YOUTH SERVICES, *Detention Centers*, <https://dys.alabama.gov/detentioncenters> (last visited Oct. 23, 2021).

²² Coosa Valley Youth Services, *Visitation*, <http://www.cvyys.net/visitation.html> (last visited Oct. 23, 2021) (“All youth must be strip-searched completely following each visitation.”)

²³ 28 C.F.R. § 115.315(a) (2012).

²⁴ PREA AUDIT REPORT, DALLAS COUNTY JUVENILE DETENTION CENTER (AUG. 21, 2019), http://www.dallascounty-al.org/_fileUploads/Perry%20Varner%20PDF%20FINAL%20REPORT.pdf; PREA AUDIT REPORT, JAMES T. STRICKLAND YOUTH CENTER (Aug. 2015), <https://www.stricklandyouthcenter.org/images/stories/Bowling/prea%20audit%20report.pdf>; PREA FACILITY AUDIT REPORT, MONTGOMERY COUNTY YOUTH FACILITY (June 15, 2021), <http://www.mc-al.org/home/showpublisheddocument/5169/637593357882530000>; PREA FACILITY AUDIT REPORT, NEAVES-DAVIS CENTER FOR CHILDREN (JUNE 11, 2019), https://madisoncountyjuvenileprobational.weebly.com/uploads/2/5/6/9/25698197/2019_prea.pdf; PREA AUDIT REPORT, SHELBY COUNTY REGIONAL JUVENILE DETENTION (July 22, 2019), <https://www.shelbyal.com/DocumentCenter/View/867/PREA-Audit-Report>; PREA AUDIT REPORT, SOUTHEAST ALABAMA YOUTH SERVICES DIVERSION CENTER (May 7, 2019), <https://static1.squarespace.com/static/598b3628197aea4997aafcb/t/5d1bc8a60b14640001d53f14/1562101927736/Final+Report+2019+SAYS.pdf>; PREA AUDIT REPORT, ELYJENN DETENTION SERVICES (APR. 30, 2019), http://www.elyjenn detention.com/TVJDC_Final_Audit_Report_2019.pdf.

Consistent with the ACA’s standards, the Eleventh Circuit has found that “law enforcement officers may conduct a strip search of a juvenile in custody, even for a minor offense, based upon reasonable suspicion to believe that the juvenile is concealing weapons or contraband.”²⁵ This principle was reiterated in *Pope v. Roulain, et al.*, when a federal district court in the Northern District of Alabama found the visual body cavity search of a juvenile at Shelby County Regional Juvenile Detention Facility, without reasonable suspicion, violated the Fourth Amendment.²⁶

In schools

The Alabama Code vests power in the state’s county boards of education to control “the general administration and supervision of the public schools” in each county.²⁷ The Code also delegates authority to a “city, county, or other local public school board” to “prescribe rules and regulations with respect to behavior and discipline of pupils enrolled” in schools under those boards’ jurisdictions.²⁸ A survey of several Alabama counties indicates a search of a student’s person must be based on “reasonable suspicion” or “reasonable belief” that the student possesses harmful or prohibited items in violation of school policy.²⁹ Public schools that carry out strip searches of students without “reasonable suspicion” or “reasonable belief” can become the subject of investigations.³⁰

²⁵ *Justice v. City of Peachtree*, 961 F.2d 188, 193 (11th Cir. 1992).

²⁶ *Pope v. Roulain, et al.*, No. 2:05-cv-01264-WMA, at 16-17 (N.D. Ala. June 19, 2006) (memorandum opinion).

²⁷ ALA. CODE § 16-8-8 (2020).

²⁸ ALA. CODE § 16-1-14 (2020); ALA. CODE § 16-28A-3 (2020) (“[T]he State Board of Education shall require each local board of education to develop a written policy on student discipline and behavior and to broadly disseminate them following its adoption.”).

²⁹ Autauga County Schools, *Interrogations, Interviews and Searches* (June 24, 2010), [hereinafter Autauga County School Policy], (<https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36031034&revid=oJGzRCw m3DIFWfBHJfN0Aw==&PG=6&st=search&mt=Exact>); Baldwin County Public Schools, *Search of Property and Individual* (May 2017), [hereinafter Baldwin County School Policy], (<https://www.bcbe.org/MANUAL>); Jefferson County Board of Education Policy Manual, *Personal Searches* (Aug. 2021), [hereinafter Jefferson County School Policy] (<https://www.jefcoed.com/site/handlers/filedownload.ashx?moduleinstanceid=2967&dataid=18546&FileName=JEFCOED%20Policy%20Manual%20-%20Revised%20Aug%202021.pdf>); Mobile County Public Schools, *General Policy Statements: Searches* (July 2017), [hereinafter Mobile County School Policy], (<https://content.schoolsites.com/api/documents/0fdaaa1f9b754ff8bbe5cb613f77a5dc.pdf>); Madison County Schools, *Board of Education Policies, Policy 6.16.3* (Mar. 2021), [hereinafter Madison County School Policy], (<https://www.mcssk12.org/Page/166>); Montgomery County Board of Education Policy, *Student Searches* (Dec. 2013), [hereinafter Montgomery County School Policy], (<https://www.montgomery.k12.nc.us/domain/37>); Tuscaloosa County School System Policy Manual, *Search of a Student’s Person* (Aug. 2021), [hereinafter Tuscaloosa County School Policy], (<https://www.tcass.net/cms/lib/AL01001644/Centricity/Domain/3836/Tuscaloosa%20Co%20Policy%20Manual%20Apr%202013%20Updated%208-9-2021.pdf>); Shelby County Board of Education Policy Manual, *Searches (Students)* (June 2021), [hereinafter Shelby County School Policy], (<https://www.shelbyed.k12.al.us/about/policy.html>); Lee County Board of Education Policy Manual, *Detention, Search, and Seizure* (Sept. 2013), [hereinafter Lee County School Policy], (<https://www.lee.k12.al.us/cms/lib/AL02210054/Centricity/Domain/1399/Chapter%2005.pdf>); Morgan County Board of Education Policy Manual, *Student Searches* (Apr. 2021), [hereinafter Morgan County School Policy], (<https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030917&revid=ZAFeHdaQmX0McUGLHVyrSQ==&ptid=amIgtZiB9plushNjl6WXhfiOQ==&secid=ruE8yj8gaZHBkLjNHwMKZw==&PG=6&IRP=0>); Calhoun County Board of Education Policy Manual, *Search and Seizure Policy* (July 2021), [hereinafter Calhoun County School Policy], (<https://al01901382.schoolwires.net/domain/60>).

³⁰ Rebecca Burylo, *MPS Investigates Students’ Strip-search Claims at Bellingrath*, MONTGOMERY ADVERTISER, (Nov. 17, 2015), (<https://www.montgomeryadvertiser.com/story/news/education/2015/11/17/investigation-underway-after-students-say-they-were-strip-searched/75944484/>) (describing investigation into strip search of all male students in a classroom after only two students were found with marijuana in a school bathroom).

However, the counties surveyed differ in their approaches to strip searches. Some county boards of education explicitly ban strip searches of students,³¹ others require searches that involve either physical contact between a student and a school official or the removal of a student's clothing be performed "in a way that preserves the dignity of the student to the extent practicable under the circumstances,"³² while others do not mention strip searches or provide safeguards to ensure the student's dignity is preserved during the search.³³ Due to the lack of uniformity among Alabama county boards of education regarding strip searches of students, rulemaking and legislation are required to set forth more consistent and concrete guidelines for strip searching students in Alabama public schools.

Courts reviewing strip search policies in public schools in Alabama follow the two-part test established by the Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).³⁴ In *H.Y. ex rel. K.Y. v. Russell Cty. Bd. of Educ.*, a federal district court in the Middle District of Alabama determined the constitutionality of strip searches in connection with a teacher's missing twelve dollars in cash and makeup bag.³⁵ The court applied the two-part test set forth by *New Jersey v. T.L.O.* in addressing the constitutionality of the strip searches.³⁶ The court then clarified that "[t]he requirement that school officials have reasonable grounds for suspicion" is not needed when "the privacy interests implicated by the search are minimal, and . . . an important governmental interest furthered by the intrusion would be placed in jeopardy by a requirement of individualized suspicion."³⁷ After finding the defendants "did not have individualized suspicion" that the students stole the teacher's makeup bag or cash, the court found the strip searches of the students violated the Fourth Amendment because the strip searches were "excessively intrusive in light of the suspected infraction," as the search "was occasioned by the possible theft of twelve dollars, rather than a student's possession of drugs or weapons."³⁸ And in *Rudolph ex rel. Williams v. Lowndes Cty. Bd. of Educ.*, another federal district court in the Middle District of Alabama applied the test established in *New Jersey v. T.L.O.* to the strip search of a high school student in response to the student's suspected possession of drugs, and found the strip search constitutional because the object of the search was to uncover drugs, was "conducted by male law enforcement officers in private room" and did not involve any touching of the student's body.³⁹

³¹ Autauga County School Policy; Mobile County School Policy; Montgomery County School Policy.

³² Jefferson County School Policy; Madison County School Policy; Shelby County School Policy; Morgan County School Policy.

³³ Baldwin County School Policy; Tuscaloosa County School Policy; Lee County School Policy; Calhoun County School Policy.

³⁴ In this case, the Supreme Court clarified that in assessing the constitutionality of a school search, courts must first consider "whether the . . . action was justified at its inception," *id.* at 341, and then "must determine whether the search as actually conducted 'was reasonably related in scope to the circumstances which justified the interference in the first place.'" *Id.* (quoting *Terry v. Ohio*, 392 U.S. 1, 20 (1968)).

³⁵ 490 F. Supp. 2d 1174, 1178-79 (M.D. Ala. 2007).

³⁶ *Id.* at 1183.

³⁷ *Id.* (quoting *Skinner v. Ry. Labor Executives' Ass'n*, 489 U.S. 602, 624 (1989)).

³⁸ *Id.* at 1186-87.

³⁹ 242 F. Supp. 2d 1107, 1116 (M.D. Ala. 2003).

To visit incarcerated family members in correctional facilities

Under Alabama’s Department of Corrections regulations, upon visiting an incarcerated family member, each visitor, including children, “shall be searched prior to entering the visitation area to prevent contraband from entering the institution.”⁴⁰ The regulations specify children must “be searched in the presence of their parent or legal guardian.”⁴¹ However, if there is reasonable suspicion that a visitor “is carrying contraband, an unclothed search may be undertaken.”⁴² Because the regulations do not limit an “unclothed search” to adult visitors, children visitors may be subject to strip searches when visiting incarcerated family members if reasonable suspicion is found.

By the Department of Human Resources or law enforcement in connection with child neglect or abuse proceedings

In Alabama, reports of suspected child abuse or neglect occurring in state-operated child residential facilities are investigated by law enforcement agencies, while “all other reports of child abuse and neglect” are “investigated by the Department of Human Resources.”⁴³ An investigation by the Department of Human Resources “may include a visit to the child’s home, an interview with the subject child, and may include a physical, psychological, or psychiatric examination of any child or children in that home.”⁴⁴ While Alabama’s child abuse statute does not mention strip searches, the Department of Human Resources is afforded great discretion in carrying out investigations.⁴⁵ There are no protections preventing a potential strip search of a child as part of child abuse investigations.

What have federal courts in the Eleventh Circuit said about strip searches of children and youth?

Both the Eleventh Circuit and leading scholars have noted the traumatic impact strip searches have on children. The Eleventh Circuit has described strip searches as “demeaning, dehumanizing, undignified, humiliating, terrifying, unpleasant, embarrassing, repulsive,

⁴⁰ STATE OF ALABAMA DEP’T OF CORRECTIONS, *Administrative Regulation 303: Visitation* (Aug. 2012), <http://www.doc.state.al.us/docs/AdminRegs/AR303.pdf>.

⁴¹ *Id.*

⁴² *Id.*

⁴³ ALA. CODE § 26-14-6.1(2)-(3).

⁴⁴ ALA. CODE § 26-14-7 (c).

⁴⁵ *Decatur City Bd. of Educ. v. Aycock*, 562 So. 2d 1331, 1334 (Ala. Civ. App. 1990) (finding Alabama’s child abuse statute “indicates the legislative intent to protect children from child abuse and to give DHR the power to act as necessary to carry out its responsibility within the parameters established” and “directs DHR to conduct a *thorough* investigation, and implicit with the mandate is the authority of DHR to determine what is thorough”). *Aycock* concerned the DHR’s request to conduct interviews of alleged child abuse victims at school outside the presence of a school official. *Id.* at 1332. Based on the child abuse statute’s grant of authority and discretion afforded to the DHR’s investigations of child abuse, the court found several Alabama boards of education could not require a school official’s presence during the DHR’s interviews with child abuse victims. *Id.* at 1335. While this case did not address searches of child abuse victims, the court’s deference to the DHR’s investigatory process for private interviews indicates deference in any aspect of the DHR’s investigations into child abuse, which includes physical examinations of the victim. *See also* *Love v. Davis*, 14 F. Supp. 2d 1273, 1278 (N.D. Ala. 1998) (“[I]t well settled that, under the [Alabama Child Abuse Reporting Act], DHR officials have the discretion to determine what constitutes a thorough investigation.” (citing *Aycock*, 562 So. 2d at 1335)).

signifying degradation and submission”⁴⁶ and an act of “visual rape.”⁴⁷ It has even quoted courts in other parts of the country, recognizing that “children are especially susceptible to possible traumas from strip searches . . . Youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and psychological damage.”⁴⁸

The Eleventh Circuit has acknowledged that children are particularly susceptible to trauma from strip searches and it has warned of the danger of permitting unconstitutional and invasive strip searches on youth.⁴⁹ However, it has also noted strip searches are “valuable law enforcement tools in maintaining security” in institutions.⁵⁰ Thus, the Eleventh Circuit starts with a balancing test for reasonableness, considering the facts against an objective standard. In the case of a juvenile strip search, any search based on less than probable cause “instinctively gives [the court] the most pause.”⁵¹

In a 2016 case, the Eleventh Circuit held that the strip search of a seventh grader was unconstitutional. D.H., a seventh grader suspected of possessing marijuana, was summoned to the school office, where the assistant principal asked him to remove his shoes, empty his pockets, take off his pants, and lower his underpants down to his ankles. The strip search was conducted in front of school officials and other students, and no marijuana or other contraband was found. The court upheld the denial of qualified immunity for the assistant principal, holding that while the strip search was reasonable at its inception, the scope of the search (“forcing D.H. to strip naked in front of his peers”) was unconstitutional.⁵²

A previous Eleventh Circuit ruling held the strip search of a youth detainee was constitutional, in part, because officers used a room where only the participants were present.⁵³ Based on this distinction, it appears the court has distinguished between public and private strip searches, viewing more public searches as unconstitutional and private searches as reasonable.

What can we do in Alabama to curb unnecessary strip searches of children and youth?

Alabama has no state-level laws or regulations protecting children from strip searches (with the limited exception of a prohibition of cavity searches at youth residential facilities). However, there are multiple ways to protect Alabama’s children and youth. For example, the state legislature can pass new laws that limit strip searches. State agencies can also enact regulations limiting searches by child-serving agencies and facilities that are under their jurisdiction or receive public monies. State agencies can also include limiting language in contracts with private service providers that directly interface with children and youth.

⁴⁶ *Justice*, 961 F.2d at 192 (quoting *Mary Beth G. v. City of Chicago*, 723 F.2d 1263, 1272 (7th Cir. 1983) (citation and internal quotation marks omitted)). See also *Body Searches*, *supra* note 11, at 1 (“All types of body search can be intimidating and degrading, and the more intrusive the method, the stronger the feeling of invasion will be.”).

⁴⁷ *Id.* (quoting Paul R. Shuldiner, *Visual Rape: A Look at the Dubious Legality of Strip Searches*, 13 J. MARSHALL L. REV. 278 (1980)).

⁴⁸ *Id.* (quoting *Flores v. Meese*, 681 F. Supp. 665, 667 (C.D. Cal. 1988)).

⁴⁹ *Justice*, 961 F.2d at 192.

⁵⁰ *Id.*

⁵¹ *Id.* at 193 (quoting *Bell v. Wolfish*, 441 U.S. 520, 559 (1979)).

⁵² *D.H. v. Clayton County School District*, 830 F.3d 1306 (11th Cir. 2016).

⁵³ *Justice*, 961 F.2d at 193.

Additionally, many individuals are not aware of the prevalence of child and youth strip searches. It is critical that we educate our communities and enact laws and regulations that will protect Alabama's children from unnecessary, traumatizing strip searches.

Do you have model language we can use in statutes, regulations, and contact provisions?

Yes. The American Bar Association passed a resolution urging all federal, state, local, territorial, and tribal governments to adopt policies and contractual provisions that prohibit conducting strip searches of children and youth, except in exceptional circumstances, using the following language:

Strip searches of children and youth are prohibited except when all of the following conditions are met: (1) the child or youth is in custody; (2) there is reasonable suspicion that the child or youth possesses or has immediate access to an implement that poses a threat of imminent bodily harm to themselves or others; (3) all other less intrusive methods of discovering and removing the implement have been exhausted, including the use of alternative search techniques that can be performed while the child or youth is fully clothed; and (4) the child or youth has been given notice, in a manner that is consistent with the child's or youth's primary language and developmental stage, and that takes into account accommodations for disability, that they will be searched and that they have an opportunity to reveal any implement they are carrying instead of being searched.

If a child or youth must be strip-searched, the search shall be conducted in a manner that respects the sexual orientation and gender identity of the child or youth and in the least intrusive manner possible.

Body cavity searches of children and youth are prohibited.

The model language approved by the ABA allows for a strip search of a child or youth in custody when there is reasonable suspicion that the child or youth possesses or has immediate access to an implement that poses a threat of imminent bodily harm to themselves or others. The model language includes guidelines for how to conduct these searches in the least invasive way.