

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

ILLINOIS STATE 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 Illinois and assist those parties in encouraging Illinois to enact policy prohibiting such strip searches, except in the most exceptional circumstances. Today, strip searches in Illinois are most prevalent in juvenile centers. But children and youth are also unnecessarily strip searched in 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 Illinois children and youth will be subjected to this demeaning and dehumanizing practice.

What is the definition of a strip search in Illinois?

The definition of a strip search in Illinois depends on the context in which the search is conducted.

In the context of arrests, strip searches are defined and regulated by statute. A “strip search” occurs where “an arrested person remove[s] or arrange[s] some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments.”¹ Strip searches must be performed in private by an officer of the same sex as the arrestee and are only permissible when authorized by a police commander.² Strip searches of persons arrested for minor offenses are permissible only where there is a reasonable belief that the person is concealing a weapon or controlled substance.³ Body cavity searches (except for oral cavity searches) are prohibited in the absence of a duly executed search warrant.⁴ Where body cavity searches are authorized, they must be performed under sanitary conditions and conducted either by or under the supervision of a licensed physician. The statute expressly notes that it does not apply to persons taken into custody by the sheriff or correctional institutions.⁵

State regulations for the Department of Corrections and Department of Juvenile Justice govern strip searches in correctional settings. Regulations define a “strip search” as “the removal or arrangement of some or all of a person’s clothing so as to permit a visual inspection of the body or undergarments of such person.”⁶ Regulations define a “body search” as “the removal

¹ 725 ILL. COMP. STAT. ANN. 5/103-1(d) (2021).

² *Id.* at 5/103-1(e)-(f).

³ *Id.* at 5/103-1(c).

⁴ *Id.* at 5/103-1(g).

⁵ *Id.* at 5/103-1(j).

⁶ ILL. ADMIN. CODE tit. 20, §§ 501.210, 2501.210 (2021).

and search of all outer garments such as coats, jackets, sweaters covering shirts, shoes, hats and gloves and a pat down of the person subsequent to removal of the outer garments.”⁷ An “intrusive” body cavity search is defined by “physical entry into a body cavity,” including “anal or vaginal body cavities.”⁸

Strip searches in schools and other contexts are not governed by statute or statewide regulations. Thus, school districts, beyond complying with broad constitutional mandates governing strip searches discussed below, largely create their own rules and procedures surrounding the strip search of children. For example, Chicago Public Schools defines a “strip search” as when a school official “removes or arranges, or directs a student or visitor to remove or arrange, some or all of the student or visitor’s clothing in order to permit a visual or manual inspection of his/her genitals, buttocks, anus, female breasts or undergarments.”⁹ The district exempts from that definition a strip search that involves “visually inspecting, conducting a pat down or using a hand-held wand to inspect the portion of these undergarments which is visible to others.”¹⁰

How does a strip search affect children and youth?

In general, a strip search can traumatize children and youth. The practice of strip searches is “invasive” and “degrading.”¹¹ A strip search can leave a number of emotional and psychological scars, such as anxiety, depression, sleep disturbances, phobic reactions, shame, and guilt.¹² Because trauma during youth has a significant effect on the development of the brain, the experience of a strip search can have long-lasting effects and even affect adulthood.¹³ In addition, survivors of abuse or neglect are susceptible to greater trauma from strip searches.¹⁴

Illinois courts at both the state and federal levels have recognized that strip searches and body cavity searches are “traumatic,”¹⁵ “a serious invasion of one’s rights,”¹⁶ an “extreme intrusion into personal privacy,”¹⁷ and have described them as “humiliating, degrading and embarrassing,”¹⁸ as well as a “violation of any known principle of human decency.”¹⁹ The courts have also noted that the level of “self-consciousness about one’s body” particularly affects

⁷ *Id.*

⁸ *Id.* at §§ 501.220(b)(3), 2501.220(b)(3).

⁹ *Search and Seizure*, CHI. PUB. SCHS. (Dec. 16, 2009), <https://policy.cps.edu/download.aspx?ID=190>.

¹⁰ *Id.* While Chicago Public Schools explicitly define what constitutes a strip search, school officials and personnel are prohibited from conducting such searches.

¹¹ *Addressing Trauma: Eliminating Strip Searches*, JUV. L. CTR. (June 1, 2017)

<https://jlc.org/sites/default/files/attachments/2020-04/AddressingTrauma-EliminatingStripSearch%20March%202020.pdf>

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Bell v. Marseilles Elem. Sch. Dist. 150*, No. 00 C 2553, 2001 U.S. Dist. LEXIS 2367, at *11 (N.D. Ill. Mar. 6, 2001).

¹⁶ *People v. Seymour*, 84 Ill. 2d 24, 36, 416 N.E.2d 1070, 1075 (1981); *People v. Johnson*, 334 Ill. App. 3d 666, 673, 778 N.E.2d 772, 778 (2002) (quoting *Seymour*, 84 Ill. at 36, 416 N.E.2d at 1075)).

¹⁷ *Young v. Cnty. of Cook*, 616 F. Supp. 2d 834, 846 (N.D. Ill. 2009)

¹⁸ *People v. Seymour*, 80 Ill. App. 3d 221, 223, 398 N.E.2d 1191, 1193 (1979), *rev’d*, 84 Ill. 2d 24, 416 N.E.2d 1070 (1981).

¹⁹ *Cornfield v. Consol. High Sch. Dist. 230*, No. 91 C 1887, 1992 U.S. Dist. LEXIS 2913, at *27 (N.D. Ill. Mar. 12, 1992) (quoting *Doe v. Renfrow*, 631 F.2d 91, 92-93 (7th Cir. 1980)).

children and youth.²⁰ Evidence from psychologists supports the assumption that strip searches and body cavity searches of children and youth have a greater impact than such searches would have on adults because the development of a sense of privacy is a critical part of a child's maturation and development.²¹

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

Children and youth in Illinois are subjected to strip searches in a variety of settings, including:

In juvenile detention facilities

Children and youth in Illinois juvenile detention facilities are subject to strip searches when they are admitted to and while they are detained at such facilities.²²

Upon admission to a state juvenile detention facility, children and youth may be strip searched by staff members to “assure against the introduction of weapons, contraband or body pests.”²³ Searches must be conducted in private by a person of the same sex.²⁴ Body cavity searches are only permitted when there is reasonable suspicion that the child or youth is carrying contraband in a body cavity.²⁵ Body cavity searches “may only be conducted by medically trained persons . . . in a private location and under sanitary conditions.”²⁶

Children and youth are also subject to strip searches and body cavity searches for the duration of their stay at state juvenile detention facilities. Absent emergency situations, strip searches and visual body cavity searches must be conducted in private by a person of the same sex.²⁷ Where there is reasonable suspicion that a child or youth detainee is hiding contraband in a body cavity, intrusive body cavity searches may be performed in private by medical personnel.²⁸ However, if a child or youth detainee does not consent to an intrusive body cavity search, such a search is only allowed if approved by the facility's Chief Administrative Officer after consulting

²⁰ See *Carlson v. Bremen High Sch. Dist.* 228, 423 F. Supp. 2d 823, 827 (N.D. Ill. 2006) (citing *Cornfield v. Consol. High Sch. Dist. No. 230*, 991 F.2d 1316, 1321 n.1 (7th Cir. 1993)).

²¹ See, e.g., Gary B. Melton, *Minors and Privacy: Are Legal and Psychological Concepts Compatible?*, 62 NEB. L. REV. 455, 488 (1983) (“[A]s children approach adolescence, privacy becomes important as a marker of independence and self-differentiation. Threats to the privacy of school-aged children may be reasonably hypothesized to be, therefore, functionally threats to self-esteem.”).

²² ILL. ADMIN. CODE tit. 20, §§ 2602.50, 2501.220 (2021).

²³ *Id.* at § 2602.50(f). A child or youth's clothing is also subject to search upon admission to a juvenile detention facility. *Id.* at § 2602.50(f)(3).

²⁴ *Id.* at § 2602.50(f)(2).

²⁵ *Id.* at § 2602.50(f)(4).

²⁶ *Id.*

²⁷ *Id.* at § 2501.220(b)(2).

²⁸ *Id.* at § 2501.220(b)(3) (providing an emergency exception where intrusive body cavity searches may be conducted in the presence of other persons).

with the facility’s physician or the Agency Medical Director.²⁹ Child and youth detainees are “subject to search at any time.”³⁰

By child protective services workers as part of child welfare investigations

Although state statutes and regulations concerning the Department of Children and Family Services (DCFS) do not explicitly reference strip searches, DCFS workers are required to “have direct, in-person contact with” alleged victims of child abuse or neglect.³¹ In investigating reports of child abuse or neglect, DCFS workers may also take and obtain “color photographs” and “x-rays” of an alleged victim when they observe marks or injuries believed to be caused by abuse or neglect.³² Section 300.50(c)(5) of DCFS’s procedures requires that there be a “parent/guardian/caregiver or other professional person, preferably of the same sex as the child, present when a [DCFS worker] observes a child.”³³ DCFS workers may not “observe any part of a child’s body that would normally be covered by a bikini bathing suit if the child is age 7 or older unless the [DCFS worker] is the same sex as the child.”³⁴ Children ages 6 and under must be awakened and undressed for observation.³⁵ Children should be told the purpose of the observation in plain language.³⁶ DCFS workers may not attempt to examine children for “internal injuries” nor examine children that “may have been sexually abused.”³⁷

In schools

While Illinois statute provides that students “have no reasonable expectation of privacy” in areas such as lockers, desks, parking lots, etc., the statute is silent as to the permissibility of strip searches.³⁸ Illinois regulations governing school searches also do not address strip searches.³⁹ Accordingly, school districts are free to establish their own strip search policies.

²⁹ *Id.* When consulting the facility’s physician or the Agency Medical Director, the Chief Administrative Officer must consider, among other factors, “whether the search is medically contraindicated, whether the committed youth’s health may be endangered if the contraband is not removed, whether alternative means of securing the contraband are feasible, and institutional security.”

³⁰ *Id.* at § 2501.220(b)(1).

³¹ ILL. ADMIN. CODE tit. 89, § 300.110(c) (2021); *see also id.* at § 300.100(d) (“An investigation normally shall be started by in-person contact with all the children alleged to have been abused or neglected.”).

³² *Id.* at § 300.110(g)(1); 325 ILL. COMP. STAT. ANN. 5/6 (2021).

³³ *Reports of Child Abuse and Neglect*, ILL. DEP’T OF CHILD. AND FAM. SERVS., https://www2.illinois.gov/dcf/aboutus/notices/Documents/procedures_300.pdf (last visited July 26, 2021).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ 105 ILL. COMP. STAT. ANN. 5/10-22.6(e) (2021); *see also Carlson v. Bremen High Sch. Dist. 228*, 423 F. Supp. 2d 823, 829 (N.D. Ill. 2006) (“Strip searches of students, while potentially reprehensible, are not addressed by [Section 5/10-22.6(e)]. It appears that this portion of the Illinois School Code was designed, not to prevent strip searches, but rather to clearly articulate students’ expectations of privacy for personal property left in public school areas.”).

³⁹ ILL. ADMIN. CODE tit. 89, § 830.60(c) (2021). Although regulations do not specifically address strip searches, they require that any search of a student be conducted “in such a manner that it is not observed by or known to other students.” *Id.* Further, searches conducted “as a means of embarrassing or punishing a student” are prohibited. *Id.*

Illinois’s largest school system, the Chicago Public School (CPS) system, prohibits all school officials from conducting strip searches.⁴⁰ Although CPS’s policy does not authorize school officials, school police officers, or other security personnel to conduct strip searches,⁴¹ there have still been reports of such searches being conducted in Chicago schools.⁴²

Many other Illinois school districts do permit strip searches. The policies of Illinois’s other largest school districts do not explicitly refer to “strip searches”; however, they permit “reasonable” searches of students and generally require that such searches are conducted privately by a school employee or school police officer of the same sex in the presence of an adult witness.⁴³

To visit incarcerated family members in correctional facilities

All visitors—whether adult or child—are subject to strip searches when visiting adult and juvenile correctional facilities.⁴⁴ Strip searches are permitted where (1) the visitor consents to the search after being informed of his or her right to refuse, and (2) the facility personnel have “reasonable suspicion that the visitor may be in possession of contraband or be attempting to transport contraband into the facility.”⁴⁵ Although all visitors are “subject to [strip] search[es],” anal and vaginal cavity searches are prohibited.⁴⁶ When searches are conducted, they must be performed in private by an employee of the same sex as the visitor.⁴⁷ While a visitor “may refuse to submit to a search,” refusal “may result in denial, suspension or restriction of visiting privileges.”⁴⁸

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

As a general matter, the Seventh Circuit has long criticized the use of strip searches, describing strip searches involving visual inspections of the anal and genital areas as

⁴⁰ *Search and Seizure*, CHI. PUB. SCHS., at II (B) (Dec. 16, 2009), <https://policy.cps.edu/download.aspx?ID=190> (prohibiting “Board employees, contractors, volunteers and School Officials . . . from conducting Strip Searches and Washroom Searches”).

⁴¹ *Id.* at IV (A) (“School Police, and Security Employees if no School Police are immediately available, are authorized to conduct four types of individualized searches—Weapons Pat Downs, Contraband Searches, Belonging Searches and individual desk and locker searches.”).

⁴² *E.g.*, Ted Gregory, *2 more CPS students say they were strip-searched*, CHI. TRIB. (Jan. 25, 2009) <https://www.chicagotribune.com/news/ct-xpm-2009-01-25-0901240347-story.html>; *Parents Of Teen Strip-Searched At School Sue Assistant Principal, Police*, CBS CHI. (Dec. 5, 2012)

<https://chicago.cbslocal.com/2012/12/05/parents-of-teen-strip-searched-at-school-sue-assistant-principal-police/>.

⁴³ *See, e.g.*, *Student Searches and Seizure of Property*, SCH. DIST. U-46 (Mar. 18, 2019) <https://www.u-46.org/cms/lib/IL01804616/Centricity/Domain/1589/Section%207%20Final%20Adopted3.18.19.pdf>; *Search and Seizure*, OSWEGO CMTY. UNIT SCH. DIST. 308 (Jan. 11, 2021)

<https://www.sd308.org/cms/lib/IL01906463/Centricity/Domain/126/7.140.CONSENT.01.11.21.pdf>; *Search and Seizure*, CMTY. UNIT SCH. DIST. 300 (Jan. 26, 2021) https://boardpolicyonline.com/?b=carpentersville_300; *Search and Seizure*, PLAINFIELD CMTY. CONSOL. SCH. DIST. 202 (Jan. 25, 2021) <https://www.psd202.org/policy/157>;

Search and Seizure, INDIAN PRAIRIE CMTY. UNIT SCH. DIST. 204 (Dec. 14, 2020)

<https://board.ipsd.org/Uploads/Policies/Section%207/7140.pdf>; *Search and Seizure*, ROCKFORD SCH. DIST. 205

(Mar. 22, 2016) <https://resources.finalseite.net/images/v1591211626/rps205com/dbpgsiezksjuenbuvd/7140.pdf>.

⁴⁴ ILL. ADMIN. CODE tit. 20, §§ 501.220(a), 2501.220(a) (2021).

⁴⁵ *Id.* at §§ 501.220(a)(3)(A)-(B), 2501.220(a)(3)(A)-(B).

⁴⁶ *Id.* at §§ 501.220(a)(1)-(4), 2501.220(a)(1)-(4).

⁴⁷ *Id.* at §§ 501.220(a)(3)(C), 2501.220(a)(3)(C).

⁴⁸ *Id.* at §§ 501.220(a)(6), 2501.220(a)(6).

“demeaning, dehumanizing, undignified, humiliating, terrifying, unpleasant, embarrassing, repulsive, signifying degradation and submission”⁴⁹ In many cases involving strip searches of both adults and children, the Seventh Circuit applies the test laid out by the Supreme Court in *Bell v. Wolfish*, which determines whether a strip search is reasonable under the circumstances by considering (1) the scope of the intrusion; (2) the manner in which it was conducted; (3) the justification for initiating the search; and (4) the place in which the search was performed.⁵⁰

There are numerous Seventh Circuit cases that specifically address strip searches of children and youth. In *Doe v. Renfrow*, numerous students, including a thirteen-year-old girl, were strip searched at school by school officials after drug sniffing dogs alerted to the presence of contraband.⁵¹ In affirming the district court’s finding that the strip searches were unconstitutional because the dog alerts were not enough on their own to provide reasonable suspicion that the students actually possessed drugs, the court observed that “a nude search of a thirteen-year-old child” is “a violation of any known principle of human decency” and “not only unlawful but outrageous.”⁵²

In *Cornfield v. Consolidated School District No. 230*, a sixteen-year-old boy was strip searched by a teacher and school administrator after the boy was observed as having an “unusual bulge” in his crotch area.⁵³ The boy was taken to the boys’ locker room, and in private, the two male school staff members had the boy remove his clothes and visually inspected his body without performing any sort of body cavity search.⁵⁴ The court applied the standard laid out by

⁴⁹ *Mary Beth G. v. City of Chicago*, 723 F.2d 1263, 1272 (7th Cir. 1983) (quoting *Tinetti v. Wittke*, 479 F. Supp. 486, 491 (E.D. Wis. 1979)); see also *Canedy v. Boardman*, 16 F.3d 183, 185 (7th Cir. 1994) (“[O]ne of the clearest forms of degradation in Western Society is to strip a person of his clothes. The right to be free from strip searches and degrading body inspections is thus basic to the concept of privacy.”).

⁵⁰ See e.g., *Peckham v. Wis. Dep’t of Corrs.*, 141 F.3d 694, 697 (7th Cir. 1998) (upholding district court’s determination that strip searches of detainees were reasonable under the *Bell v. Wolfish* test). A significant factor in determining the reasonableness of a strip search is whether the search is conducted in public or in private. *Campbell v. Miller*, 499 F.3d 711, 719 (7th Cir. 2007) (holding that strip search and visual body cavity search of individual incident to his arrest was unreasonable because officers searched him in the backyard of his friend’s house where neighbors could see and there were no other exigencies that warranted the public nature of the search); see also *Iskander v. Vill. of Forest Park*, 690 F.2d 126, 129 (7th Cir. 1982) (“Defendant naturally does not maintain that routine strip searches may be conducted in a room open to the prying eyes of passing strangers consistent with the reasonableness requirement imposed on all searches under the Fourth Amendment, nor would such a contention be entertained.”). Searches conducted “in a harassing manner intended to humiliate and cause psychological pain” are unreasonable. *Mays v. Springborn*, 575 F.3d 643, 649-50 (7th Cir. 2009); cf. *Whitman v. Nescic*, 368 F.3d 931, 934 (7th Cir. 2004) (holding that strip searches of detainees conducted in a harassing manner with the intent to humiliate and cause psychological pain are violative of the Eighth Amendment). While strip searches of detainees conducted by officers of the opposite sex are not per se unreasonable, reasonable accommodations may be required based on a balancing of the privacy interests of detainees against the penological interests of prisons. *Canedy*, 16 F.3d at 187-88 (“The cases therefore hold that sex is not a bona fide occupational qualification preventing women from working in all-male prisons, and that pat-down searches and occasional or inadvertent sighting by female prison employees of inmates in their cells or open showers do not violate the inmates’ right to privacy. But that right is violated where this observation is more intrusive (like a strip search, in the absence of an emergency) or a regular occurrence.”). Strip searches of persons arrested for minor offenses are not permitted unless police have reasonable suspicion that the arrestee is concealing weapons or contraband. *Mary Beth G.*, 723 F.2d at 1273 (holding strip search and visual body cavity search policy unconstitutional where it required searches of all women arrestees, regardless of reasonable suspicion or the underlying offense).

⁵¹ 631 F.2d 91, 91-92 (7th Cir. 1980).

⁵² *Id.* at 92-93.

⁵³ 991 F.2d 1316, 1319 (7th Cir. 1993).

⁵⁴ *Id.*

the Supreme Court in *New Jersey v. T.L.O.* and concluded that the school staff members had reasonable suspicion that the boy was “crotching” drugs and that the search was reasonable in scope.⁵⁵ In so holding, the court noted that the search was conducted in private by staff members of the same sex and did not involve any physical touching or body cavity searches.⁵⁶ Notwithstanding the holding, the court observed that “nude search[es] of a child [are] traumatic” and that teenagers “are extremely self-conscious about their bodies,” making “the potential impact of a strip search [] substantial.”⁵⁷ The court also indicated that strip searches conducted by school staff members of the opposite sex would be constitutionally unreasonable, as well as “highly intrusive search[es] in response to [] minor infraction[s].”⁵⁸

In *Salinas v. Breier*, a couple and four of their children were arrested for transporting drugs.⁵⁹ The children, ranging in age from three to nine, as well as an infant baby, were strip searched and subject to visual body cavity searches.⁶⁰ Although the court took note of the district court’s finding that the children were “subjected to degrading and humiliating searches” that “shock [the] conscience,” it upheld the searches as constitutional because officers had probable cause to arrest the couple, including their children, for possession of controlled substances.⁶¹

There are also Seventh Circuit cases that address bodily examinations of children and youth conducted by state social workers. In *Darryl H. v. Coler*, the Seventh Circuit addressed the constitutionality of searches of children conducted by state social workers in which children disrobed for physical examination.⁶² Multiple families had challenged the state after social workers had disrobed numerous children who were under investigation for suspected child abuse and neglect.⁶³ The court ultimately held that social workers can conduct reasonable physical examinations of the bodies of children suspected of child abuse or neglect without meeting the standards of probable cause or having a warrant.⁶⁴ In such situations, the physical examinations still must meet the reasonableness requirement laid out in *Bell v. Wolfish*.⁶⁵

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

As a general matter, all Illinois agencies and schools should have clear and publicly available policies that govern strip searches of children and youth. Additionally, statutes, regulations, and policies that govern strip searches of children and youth should include clear guidelines for what *type* of physical examinations of children are appropriate and when.

⁵⁵ *Id.* at 1323.

⁵⁶ *Id.*

⁵⁷ *Id.* at 1321-323.

⁵⁸ *Id.* 1320.

⁵⁹ 695 F.2d 1073, 1075-076 (7th Cir. 1982).

⁶⁰ *Id.*

⁶¹ *Id.* at 1083-085 (quoting *Salinas v. Breier*, 517 F. Supp. 1272, 1275 (E.D. Wis. 1981)).

⁶² 801 F.2d 893 (7th Cir. 1986).

⁶³ *Id.* at 896.

⁶⁴ *Id.* at 902 (“Of prime importance is the safety of the child, and the stabilization of the home environment. Under these circumstances, we cannot say that the Constitution requires that a visual inspection of the body of a child who may have been the victim of child abuse can only be undertaken when the standards of probable cause or a warrant are met.”); see also *Landstrom v. Ill. Dep’t of Children & Fam. Servs.*, 892 F.2d 670, 676-677 (7th Cir. 1990) (holding that *Darryl H.* did not “clearly establish[]” a child’s right not to take off his or her undergarments when state officials conduct physical examinations for evidence of child abuse or neglect).

⁶⁵ *Darryl H.*, 801 F.2d at 902-903.

Narrower policies that afford less individual discretion—and transparency of those policies—will help with adherence and enforcement. Children and youth subjected to strip searches, as well as their parents, should always fully understand their rights and when those rights are violated. Moreover, search and seizure policies in many of Illinois school districts do not contain specific guidance on strip searches; the lack of specificity can lead to abuse. The strip search regulations for visitors of adult and juvenile correctional facilities do not differentiate between adult and children, which is a failure to account for the special vulnerabilities of children and youth.

Do you have model language we can use in statutes, regulations, and contract 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.⁶⁶

⁶⁶ *Preventing Strip Searches of Children and Youth: A Guide for Advocates*, AM. BAR ASS’N (Mar. 2021) (emphasis in original), https://www.americanbar.org/content/dam/aba/publications/litigation_committees/childrights/strip-search-tool-kit-national-edition.pdf.