

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

MINNESOTA 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 Minnesota and assist those parties in encouraging Minnesota to enact policy prohibiting such strip searches, except in the most exceptional circumstances. Today, strip searches in Minnesota appear to be most prevalent in juvenile centers and schools. 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 Minnesota children and youth will be subjected to this demeaning and dehumanizing practice.

What is the definition of a strip search in Minnesota?

The definition of a strip search in Minnesota varies by context, and Minnesota statute does not provide a specific definition of a strip search. However, the law requires a license to operate all correctional facilities in the state.¹ The law further requires the commissioner of corrections to promulgate rules establishing minimum standards for these facilities, including specific guidance pertaining to body searches; each facility “shall have a written policy and procedure that provides for pat, strip, and body cavity searches in accordance with law.”²

At least one juvenile correctional facility in Minnesota has adopted the American Correctional Association, (“ACA”) Minimum Standards for Juvenile Detention Facilities.³ The 2016 Standards Supplement to the ACA Minimum Standards⁴ defines a strip search as “examination of an 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

¹ MINN. STAT. Ann. § 241.021 (2021).

² *Id.*; MINN. ADMINISTRATIVE RULES § 2911.5300 (2013).

³ AMERICAN CORRECTIONAL ASSOCIATION, ACCREDITED FACILITIES (LAST ACCESSED JANUARY 31, 2022), https://www.aca.org/ACA_Member/Standards_Accreditation/Accredited_Facilities/ACA/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?hkey=f53cf206-2285-490e-98b7-66b5ecf4927a

⁴ 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.”).

not being worn.”⁵ However, it is not clear whether the adoption of the ACA Minimum Standards is consistently utilized and applied across juvenile facilities across Minnesota.

Further, the Minnesota Department of Corrections sets forth certain policies as they relate to searches and body scans; these policies, however, do not appear to be specifically limited to juveniles and are instead global policies to be incorporated across various Department of Corrections facilities, at least one of which is a juvenile facility.⁶ With respect to strip searches, the “Searches” policy defines “un clothed body searches” as “the visual inspection of all body surfaces, including the ears, nose, and mouth that require the person to remove the person’s clothing.”⁷

The Minnesota School Boards Association (“MSBA”) and the Minnesota Association of School Administrators (“MASA”) have jointly developed the MSBA/MASA Model Policy Manual. MSBA/MASA Model Policy 502 defines a strip search as “a search involving the removal of coverings or clothing from private areas.”⁸ Mass strip searches, or body cavity searches are prohibited.⁹

How does a strip search affect youth?

Unfortunately, the effect of strip searches on children in Minnesota is understudied and underreported. In 1985, the U.S. District Court for the District of Minnesota acknowledged that juveniles are vulnerable to the psychological effects of a strip search, finding that they are likely to be “thoroughly degrading and frightening” and “a serious intrusion of privacy.”¹⁰ However, there has been little further discussion in state caselaw of the issue.

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.¹¹ Thus, being strip searched – compelled to

⁵ *Id.* at 387. *See also infra* n. 18 and n. 40.

⁶ MINNESOTA DEPARTMENT OF CORRECTIONS, POLICY MANUAL, <https://policy.doc.mn.gov/DOCPolicy/>.

⁷ *Id.* at Definitions, § 7.

⁸ MSBA/MASA MODEL POLICY 502, SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS, AND STUDENT’S PERSON, § IV(E) (LAST REVISED OCTOBER 8, 2018),

<https://resources.finalsite.net/images/v1603204199/isd47org/qqc1vghyh3y0sts7xknc/502-search-of-student-lockers-desks-personal-possession-and-students-person.pdf>.

⁹ *Id.*

¹⁰ *See, e.g., John Does 1-100 v. Boyd*, 613 F. Supp. 1514, 1522 (D. Minn. 1985) (“There is no question that a full strip search represents a serious intrusion of privacy ... The experience of disrobing and exposing one’s self for visual inspection by a stranger clothed with the uniform and authority of the state, in an enclosed room inside a jail, can only be seen as thoroughly degrading and frightening. Moreover, the imposition of such a search upon an individual detained for a lesser offense is quite likely to take that person by surprise, thereby exacerbating the terrifying quality of the event.”).

¹¹ *See* F. PHILLIP RICE & KIM GALE DOLGIN, *THE ADOLESCENT: DEVELOPMENT, RELATIONSHIPS AND CULTURE* 173 (10th ed. 2002). *See also Hunter v. Auger*, 672 F.2d 668, 674 (8th Cir. 1982) (“[A] strip search, regardless how professionally and courteously conducted, is an embarrassing and humiliating experience.”)

expose one’s private parts to a stranger who is not a medical practitioner – is particularly traumatic for children and youth.¹² For youth who may be victims of abuse or neglect, strip searches are re-traumatizing.¹³ 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.¹⁴ 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 Minnesota subjected to strip searches?

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

In juvenile detention facilities

As noted above, the Minnesota Department of Corrections sets forth certain global policies related to searches and body scans; these policies are not specific to juveniles.¹⁵ The “Searches” policy sets forth general guidelines noting that searches “must avoid unnecessary force, embarrassment, or indignity to the subject” and that Department of Corrections staff “must not engage in an invasive search of intimate body parts.”¹⁶ The policy contemplates that only properly trained staff may conduct searches and emphasizes that the Department of Corrections must train “security staff in how to conduct opposite-gender pat-down searches and searches of transgender and intersex offenders in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.”¹⁷ If a staff member at any Department of Corrections facility “performs an opposite-gender unclothed body search, an incident report must be written and maintained in an electronic file by the watch commander.”¹⁸

With respect to strip searches, the “Searches” policy notes that, except in exigent circumstances, unclothed body searches of offenders may occur in the following instances: “(1)

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

¹³ 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*, *supra* note 6, at 4 (“For female detainees, the experience of a body search may be re-traumatizing due to sexual abuse in the past.”)

¹⁴ 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). See also *Eddings v. Oklahoma*, 455 U.S. 104, 115 (1982) (discussing that “[c]hildren are especially susceptible to possible traumas from strip searches” and “youth . . . is a . . . condition of life when a person may be most susceptible . . . to psychological damage[.]”)

¹⁵ MINNESOTA DEPARTMENT OF CORRECTIONS, POLICY MANUAL, <https://policy.doc.mn.gov/DOCPolicy/>.

¹⁶ MINNESOTA DEPARTMENT OF CORRECTIONS, POLICY NUMBER 301.010, § A(1)(b), (d) (JULY 21, 2010), <https://policy.doc.mn.gov/DOCPolicy/>. See also AMERICAN CORRECTIONAL STANDARDS 4-4192 through 4-4194, 4-4503, 1-ABC-3A-17, 1-ABC-3A-18, 1-ABC-3A-19, 1-ABC-5D-15, MINN. STAT. ANN. §§ 152.01, 243.21, 243.55, subd 2, 629.37.

¹⁷ *Id.* at §§ A(2)(a), A(3).

¹⁸ *Id.*

after contact with the public; (2) after returning from outside of the secure perimeter; (3) upon reception in closed units; (4) when leaving a work assignment with the potential for obtaining contraband; or (5) upon reasonable suspicion.”¹⁹ Here, “reasonable suspicion” means that “facility officials must have specific, objective facts, rational inferences reasonably drawn from those facts based on experience, and individualized suspicion (i.e., suspicion regarding the person to whom the request is made) that a threat to facility safety and security exists. Reasonable suspicion also requires that, if contraband is the subject of the search, it must be believed to be concealed on the person of the individual being searched, in the person’s vehicle, or in the work area searched.”²⁰ Such searches are to be conducted in private and by “two staff as the same gender as the offender searched.”²¹ Facilities are required to document any opposite-gender unclothed body searches of offenders.²² Consistent with the foregoing, the PREA audit report of one juvenile facility in Minnesota indicates strip searches occur at the facility but are generally performed by an official of the same gender as the juvenile resident.²³ When interviewed, residents stated that “they had never been searched by a staff member of the opposite sex nor had they ever seen a staff conduct a cross gender pat down search.”²⁴ The report also notes that the Minnesota Department of Corrections maintains “extensive staff training” on “pat down searches, cross-gender pat searches and searches of transgender and intersex residents” and how to conduct such searches in a “respectful, professional manner.”²⁵

Further, while the 2016 ACA Standards Supplement does not specifically address strip searches, the standards require Juvenile Correctional Boot Camp Programs,²⁶ Juvenile Detention Facilities,²⁷ and Small Juvenile Detention Facilities²⁸ 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.”²⁹ 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.”³⁰ While these are national standards established by the ACA, the fact that at least one juvenile facility in Minnesota has adopted these standards implies that visual inspection of juveniles’ unclothed bodies occurs in at least one facility in the state. Again, however, it is not clear whether the adoption of the ACA Minimum Standards is consistently utilized and applied across juvenile facilities across Minnesota.

By child protective services workers or police officers as part of child abuse investigations

¹⁹ *Id.* at § B(7)(d).

²⁰ *Id.* at Definitions.

²¹ *Id.* at Definitions, § B(7).

²² *Id.* at §§ B(7)(b).

²³ PREA AUDIT REPORT, MINNESOTA CORRECTIONAL FACILITY- RED WING (AUG. 24, 2018), https://mn.gov/doc/assets/2018%20-%20Minnesota%20CF%20-%20Red%20Wing%20-%20PREA%20Report%20Final%20-%20Final_tcm1089-362320.pdf.

²⁴ *Id.* at page 17.

²⁵ *Id.*

²⁶ AMERICAN CORRECTIONAL ASSOCIATION, 2016 STANDARDS SUPPLEMENT iii, p. 219 (Nov. 2016), <https://www.aca.org/common/Uploaded%20files/2016%20Standards%20Supplement.pdf>.

²⁷ *Id.* at 259.

²⁸ *Id.* at 308.

²⁹ *Id.* at 219; *id.* at 259; *id.* at 308.

³⁰ *See id.*

In Minnesota, the Department of Human Services governs child protection, and specific county child protection employees “work with families to prevent child maltreatment or, in some case, work with the courts and law enforcement to remove children from the home if they are in harm's way.”³¹ The policies available do not specifically mention searches, but one informational brochure notes that social services staff may need a “medical exam” of the child in connection with a family investigation.³²

In schools

In Minnesota, as with other states, students have a legitimate expectation of privacy at school. However, students’ privacy rights are balanced with the needs of teachers and other administrators to maintain order and safety,³³ and the Fourth Amendment permits school officials to search students if there are “reasonable grounds” that a student has violated rules or regulations. If law enforcement officials, and not school officials, conduct a search of a student at school, students are entitled to the full protection of the Fourth Amendment; in Minnesota, law enforcement officials acting as School Resources Officers or liaison officers have not been treated by the courts as “school officials” for purposes of the Fourth Amendment.³⁴ In 2009, a federal court in Minnesota found that daily searches of special education students were too intrusive and violated the students’ Fourth Amendment rights. The court determined that these searches included pat downs and always required that the students remove items of clothing.³⁵

The Minnesota School Boards Association (“MSBA”) and the Minnesota Association of School Administrators (“MASA”) have jointly developed the MSBA/MASA Model Policy Manual, which is a “comprehensive legal guide to be used in the efficient management of all aspects of the school system.”³⁶ Over 300 school districts in Minnesota subscribe to this manual.

As noted above, MSBA/MASA Model Policy 502 specifically addresses the search of student lockers, desks, personal possessions, and the student’s person.³⁷ Pursuant to this policy, the “personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules.”³⁸ In this context, “reasonable suspicion” means that “a school official has grounds to believe that the search will result in evidence of a violation of school district policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from

³¹MINNESOTA DEPARTMENT OF HUMAN SERVICES, CHILD PROTECTION (LAST ACCESSED JANUARY 31, 2022) <https://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/>.

³² MINNESOTA DEPARTMENT OF HUMAN SERVICES, FAMILY GUIDE TO CHILD PROTECTION (LAST ACCESSED FEBRUARY 1, 2022) Family Guide to Child Protection <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-3247-ENG>.

³³ *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

³⁴ *Thomas v. Barze*, 57 F. Supp. 3d 1040 (D. Minn. 2014).

³⁵ *Hough v. Shakopee Public Schools*, 608 F.Supp.2d 1087 (D. Minn. 2009).

³⁶ MINNESOTA SCHOOL BOARDS ASSOCIATION, POLICY SERVICES (LAST ACCESSED JANUARY 31, 2022), <https://mnmsba.org/msba-services/policy-services-policy-audit/>.

³⁷ MSBA/MASA MODEL POLICY 502, SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS, AND STUDENT’S PERSON (LAST REVISED OCTOBER 8, 2018), <https://resources.finalsite.net/images/v1603204199/isd47org/qqc1vghyh3y0sts7xknc/502-search-of-student-lockers-desks-personal-possession-and-students-person.pdf>.

³⁸ *Id.* at § II(C).

a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.”³⁹

Further, according to the Model Policy, strip searches are to be conducted only in circumstances involving imminent danger and only by school administrators or law enforcement authorities.⁴⁰ Any search of a student’s person must be reasonable in its scope and intrusiveness and, whenever possible, “a search of a person shall be conducted in private by a school official of the same sex.”⁴¹ In addition, whenever feasible, a “second school official of the same sex shall be present as an observer during the search of a person.”⁴² Here, “reasonable scope” means that “the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm, or destruction of evidence), and the age of the student.”⁴³

Recently, a district court in Minnesota addressed a motion to dismiss in which an 8-year-old second grader was subjected to a strip search at his school by employees of the school.⁴⁴ The search occurred in the process of determining whether the student had defecated on the floor of a school bathroom and was done without his authorization (or the authorization or knowledge of his parent.)⁴⁵ The student argued that the search violated School District policy, which “restricts strip searches to situations involving imminent danger.”⁴⁶ As it stands, the district court rejected the School District’s motion to dismiss the case, and it remains to be seen how the case will progress.⁴⁷

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

The Eighth Circuit has observed that “a strip search, regardless how professionally and courteously conducted, is an embarrassing and humiliating experience.”⁴⁸ In *Smook v. Minnehaha County*, a 16-year-old girl was arrested by Sioux Falls City Police Department for violating local curfew laws and was transported to Minnehaha County Juvenile Detention Center where she and three other minors were taken into a bathroom and strip searched by detention center personnel.⁴⁹

³⁹ *Id.* at § III(C).

⁴⁰ *Id.* at § IV(E).

⁴¹ *Id.* at § II(C), IV(D).

⁴² *Id.* at § IV(D).

⁴³ *Id.* at § III(D).

⁴⁴ *Benson v. Independent School Dist. No. 273, Edina Public Schools*, No. 27-CV-19-14679, 2020 WL 958722 (Minn. Dist. Ct., Hennepin County Jan. 17, 2020).

⁴⁵ *Id.* at *1.

⁴⁶ *Id.* Edina Policy Number 502 provides that “[s]trip searches will be conducted only in circumstances involving imminent danger to students, employees or the district. A strip search is a search involving the removal or shaking out of coverings or clothing from private areas. Mass strip searches and body cavity searches are prohibited.” *Id.*

⁴⁷ *Id.* at *9.

⁴⁸ *Hunter v. Auger*, 672 F.2d 668, 674 (8th Cir. 1982).

⁴⁹ 457 F.3d 806, 808 (8th Cir. 2006).

The staff person performing the search, also a female, directed the child “to remove her shorts, t-shirt, and sandals, and then turned the clothes inside-out, pulled the pockets inside-out, and looked through the sandals to ensure that they did not have a false bottom.”⁵⁰ Importantly, the child “remained attired in her undergarments, which she testified placed her at the same level of undress as if she were at the beach in a swimsuit.”⁵¹ The staff person performing the search also touched her “to look under her arms, between her toes, and through her hair and scalp” and after the search was complete, “the staff member returned the clothes to the child and allowed her to get dressed.”⁵² Laying out the test established by *Bell v. Wolfish*,⁵³ and reviewing the Second Circuit’s decision in *N.G. v. Connecticut*, the court found this search “was reasonable within the meaning of the Fourth Amendment” because “[t]he search, while intrusive to a degree, presented a lesser invasion of privacy than a full strip search.”⁵⁴

In *Doe ex rel. Doe v. Little Rock Sch. Dist.*, 380 F.3d 349 (8th Cir.2004), the Eighth Circuit evaluated the constitutionality of a Little Rock School District policy that subjected secondary public school students “to random, suspicionless searches of their persons and belongings.”⁵⁵ One day, all of the students in a particular classroom “were ordered to leave the room after removing everything from their pockets and placing all of their belongings, including their backpacks and purses, on the desks in front of them.”⁵⁶ School personnel subsequently searched the students’ belongings and found marijuana in a student’s purse.⁵⁷ Jane Doe, the owner of the purse containing

⁵⁰ *Id.* at 811.

⁵¹ *Id.* (internal quotations omitted).

⁵² *Id.*

⁵³ *Id.* at 810 (“The Fourth Amendment proscribes ‘unreasonable’ searches, and ‘[t]he test of reasonableness . . . requires a balancing of the need for the particular search against the invasion of personal rights that the search entails.’” (quoting *Bell v. Wolfish*, 441 U.S. 520, 559 (1979)). More specifically, *Bell v. Wolfish* provided the framework for assessing the constitutionality of strip-searching detainees. In *Bell*, the Supreme Court addressed the constitutionality of a Bureau of Prisons policy that required inmates “to expose their body cavities for visual inspection as a part of a strip search conducted after every contact visit with a person from outside the institution.” 441 U.S. 520, 558 (1979). The purpose of the policy was to discover and deter “the smuggling of weapons, drugs, and other contraband into the institution.” *Id.* The Supreme Court found the cavity and strip searches under the policy did not violate the Fourth Amendment. *Id.* However, in coming to this conclusion, the Court clarified that the “test of reasonableness under the Fourth Amendment . . . requires a balancing of the need for the particular search against the invasion of personal rights that the search entails.” *Id.* at 559. Specifically, “[c]ourts must consider [1] the scope of the particular intrusion, [2] the manner in which it is conducted, [3] the justification for initiating it, and [4] the place in which it is conducted.” *Id.* While this test is not limited to strip searches of children, federal appellate courts across the country have applied *Bell*’s framework to assess the constitutionality of strip searches performed on children.

⁵⁴ *Id.* at 812. In *N.G. ex rel. S.C. v. Connecticut*, the Second Circuit addressed the constitutionality of strip searches performed at a juvenile detention center. The parents of two girls admitted to Connecticut’s juvenile detention centers challenged the constitutionality of the centers’ “policy of strip searching all admittees, regardless of the cause for admission,” arguing the policy violated the juveniles’ Fourth Amendment protection from unreasonable searches. 382 F.3d 225, 229 (2d. Cir. 2004). Upon the juveniles’ “initial admission to a detention facility, they had been strip searched, and they remained in custody throughout the transfer process.” *Id.* at 233. Following the initial strip search, subsequent strip searches were performed when they were transferred from one facility to another. *Id.*

⁵⁵ 380 F.3d 349, 351 (8th Cir. 2004).

⁵⁶ *Id.*

⁵⁷ *Id.*

marijuana, challenged the constitutionality of the school district’s search policy.⁵⁸ The court noted “[w]hatever privacy interests the LRSD students have in the personal belongings that they bring to school are wholly obliterated by the search practice at issue here, because all such belongings are subject to being searched at any time without notice, individualized suspicion, or any apparent limit to the extensiveness of the search.”⁵⁹ Accordingly, the court found the school district’s search policy violated the Fourth Amendment.⁶⁰ While *Doe* did not feature searches of Doe’s person, the Court’s conclusion indicates that a search of a student’s person without notice or individualized suspicion would violate the Fourth Amendment as well.⁶¹

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

Minnesota does not appear to set forth clear state-level laws or regulations protecting juveniles from strip searches. However, there are multiple ways to protect Minnesota’s children and youth.

As a general matter, all Minnesota 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.

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. 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 Minnesota’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

⁵⁸ *See id.*

⁵⁹ *Id.* at 355.

⁶⁰ *Id.* at 353.

⁶¹ *Id.* at 356 (“While the line separating reasonable and unreasonable school searches is sometimes indistinct, we think it plain enough that the LRSD’s search practice crosses it.”).

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.