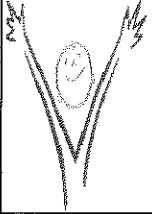


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I. BACKGROUND:

Vanderheyden strives to respect the right to privacy of the individual's we serve. There are times when for safety reasons or suspected violations of agency policy that searches of the individual, the individual's room, and/or other specific areas will be necessary to maintain a safe environment.

In accordance with New York State Department of Social Services (Office for Family and Children Services) Regulations for Foster Care Residential Facilities section 441.18 (d) 1-5 staff will conduct such searches following procedures which protects the individual being served rights as much as possible and protect staff and other individual from possible recriminations.

II. POLICY

Searches occur only in the event that there are sufficient conditions and reasonable suspicion to suspect that the individual is in possession of contraband which presents a situation that is potentially dangerous and harmful to themselves and/or others. Searches are limited to a person, common areas, bedrooms, and facility-wide. Strip searches are forbidden.

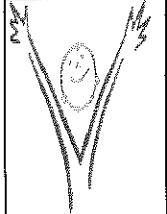
III. PROCEDURES

1. Contraband is considered to be any of the following:

- Firearms
- Ammunition
- Dangerous instrument
- Knives
- Weapons of any sort
- Explosives or any article which can cause death or serious injury
- Drugs, drug paraphernalia
- Unauthorized medications (including over the counter)
- Alcoholic beverages
- Fireworks
- Starting pistols
- Large sums of cash, credit cards
- Any toxic substance (i.e. aerosol cans, "white out")
- Catalogues for weapons
- Items which belong to others and/or the agency
- Pornography

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- Tobacco/lighting materials
 - Gang paraphernalia
 - Unauthorized cell phones, pagers and lap tops and other electronic devices
2. Searches may only be conducted when there is reasonable suspicion to believe that contraband is evident, an item that does not belong to individual or article considered dangerous or harmful.

Reasonable suspicion is defined as a traceable or explainable cause that contraband is evident.

Same gender staff must conduct searches with another staff member present as a witness.

Reasonable suspicion may be derived from any of the following sources:

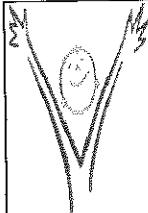
- A. Information from another peer, family member and/or staff person which can be corroborated independently.
 - B. Individual has verbally indicated that they are holding any of the contraband listed previously.
 - C. Previous findings of contraband on the identified individual and search is documented for specific clinical reasons and is included in the Master Treatment Plan (MTP).
3. Drug testing is a search. Resident drug testing by an authorized agency is an unauthorized search.

Exceptions:

- I. If authorized by a medical professional for medical purposes, not a physician authorizing drug testing to see if a individual is violating agency rules on the use of drugs.
- II. Another exception is if the individual is enrolled in an OASAS Substance Abuse Treatment Program. In such a case, testing is done through the OASAS Program.
- III. Final exception is where a court expressly directs such testing. Generally, the court will order this done through an OASAS Program. Not just that the individual is to refrain from the use of controlled substances.

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4. Staff is limited to five types of searches and under the following conditions:

Individual search - The individual may be requested to empty such personal effects as a wallet or purse, pockets, removing outer garments such as a coat, hat and shoes.

Garments may be searched carefully including pant cuffs and waist bands; and a visual inspection of the mouth, nose and ears may be conducted.

Individual may also be requested to go into a private area, i.e., bathroom. The individual should undress privately and give clothing out to staff to search. Staff must provide a change of clothing.

Room/locker search - Is done only within the individual's immediate life space, i.e., bedroom, school locker. The individual should be present and in the event there is a roommate, she/he should also be present. This search should be thorough and staff should put back in place all items that were removed or put into disarray through the search process.

Common area search - The search of an area that is limited in scope and is open to all individuals, i.e. living room, bathrooms, etc.

Facility search - Only when it is perceived that there is a danger to the safety of the individual's being served as a result of sufficient and reasonable cause that weapons or dangerous articles may be widespread.

A facility search is only conducted under certain circumstances and may only be authorized by the appropriate program director after consultation with the Vice President of Operations/Community Services. Specific notifications' according to regulatory requirements is necessary in all instances of a facility search.


Wanding – see Addendum (attached)

Routine use of Police Dog - A drug detecting dog may conduct a routine search of the agency's campus exclusive of the person or property of the individuals.

This may be done in areas of the facility not subject to OCFS' Privacy Regulation (18 NYCRR 441.18).

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The areas in which the routine use of a drug detecting dog may be used include: the grounds and buildings of the facility accessible by staff and third parties, including visitors; agency vehicles; agency parking lots; and common areas of residences where there is no expectation of privacy by individuals such as offices, kitchens, bathrooms used by staff and individuals, storage areas not intended for individuals' property, hallways, visiting rooms and recreation areas.


Conducting random searches of the individual's personal property located in the individual's bedroom or locker by a drug detecting dog without either reasonable cause to suspect that the individual has a controlled substance or that the safety of individual is imperiled by the widespread presence of illegal controlled substances in the facility would violate OCFS Regulation 18 NYCRR 441.18(d) and cannot be approved.

5. All searches require approval from the appropriate Program Director. All instances of searches must be documented on the agency incident report form according to the Risk Management Policy.

A search log which includes the explanation of the purpose of the search, date time, authorization, and results are maintained by the Program Director in the duty log or Vice Principal in binder in the school for one year.

6. In the event contraband is found it will be confiscated, destroyed, sent home, or turned over the local police. Treatment team may approve individual needs for the use of cell phones.
7. Any incidents of contraband must be reported and documented on an incident report form. A picture of the contraband prior to disposal should be attempted and attached to the incident report. Contraband that is seized during such a search should be destroyed by Administrator On Duty, Director, School Safety Officer with another staff member witnessing the destruction signing off. In the event that the contraband is highly toxic or would result in criminal charges the police may need to be contacted according to the Police Involvement Policy.
8. Search logs are maintained by Program Director and provided to the Quality Assurance for an annual report to be provided to the Executive Team and appropriate committees.

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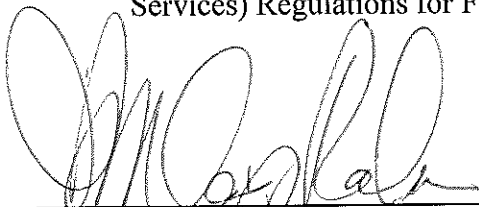
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IV. FORMS USED
Search Log

V. ATTACHMENT

VI. REFERENCES

New York State Department of Social Services (Office for Family and Children Services) Regulations for Foster Care Residential Facilities section 441.18 (d) 1-5



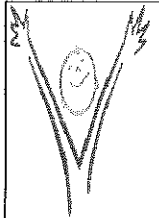
Karen Carpenter Palumbo
President & CEO

5/11/16

Date

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Search Policy Addendum - (Metal Detection Devices) Procedure

Background:

Events over the past few years have caused Vanderheyden to look at additional measures to keep our individuals and staff safe. The number of violent incidents in schools due to students bringing in firearms, knives and other dangerous instruments has increased over the last decade. We recognize the need for additional measures to keep our individuals and staff safe and prevent contraband from entering the premises.

To maintain the safety of our individuals and staff, Vanderheyden employees will follow the previously approved policies and procedures regarding searches. In order to conduct a search the staff member(s) must have Reasonable Suspicion. Reasonable Suspicion is when the facts and circumstances known to the staff member(s) at the time, would allow a prudent person to believe that the individual is in possession of contraband, and/or the situation could potentially be dangerous or harmful to themselves and/or others. Staff members may elect to use approved metal detection devices to assist in the search for contraband.

Metal Detection Devices (Wanding)

“Wanding” is the process of manually scanning a person for metallic objects on their person with a Metal Detecting Device or “Wand”. The Wand generates an audible sound when in close proximity to electromagnetically “reflective” or metal objects. Staff members may choose to use a wand to assist in the search for contraband while following the procedures listed below.

Procedures:

Individuals should be taken to a separate location (away from others) where the search can be conducted.

A minimum of two staff members are required to conduct any and all searches.

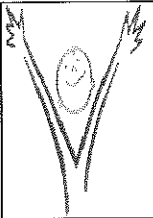
Whenever possible staff members who are of the same gender as the individual being searched should be used. Some individuals may be more comfortable with staff of the same gender.

Any bags (backpacks, purses etc.) the individual has in their possession should be collected by staff and searched separately.

Prior to wanding, individuals should be first asked to empty their pockets and place any items on the table nearest to them. Any contraband that is immediately identified should be confiscated by staff.

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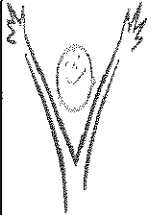
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With empty pockets, the student will then be checked with a metal detector “wand” to verify no other metallic contraband is in their possession. The following techniques should be used:

- Have the individual face you.
- Ask him/her to extend their arms outward and to spread their legs slightly.
- Use a speed that is smooth and even.
- Start the scan at the individual's upper left shoulder. Hold the scanner with the flat surface facing toward the individual's profile and keep it about one inch away from the body.
- Scan down the length of that arm and head back up underneath that arm.
- Run the scanner down the full length of the body to the feet.
- Go up the inside of his leg starting from the ankle. Move across to the other leg and go down toward that ankle.
- Move the scanner to the outside of the ankle and proceed to move up the other side of the body.
- Move the scanner up the underneath side of that arm and then over the topside of the same arm.
- Scan the front part of the torso by starting at the shoulder area and moving downward.
- Move to the individual's back and scan from the lower back area up to the shoulder.
- Do not forget to scan the belt area.

If any other contraband is found, it should immediately be confiscated by staff.

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Training

Only trained staff will be authorized to use a wand for searches. Training will consist of first watching a video on how to correctly use the wand. The video is produced by the company who manufactures the wands (Garrett), and covers the various features and proper use of the device. Staff will then have the opportunity to practice on each other, and will be given multiple scenarios to work through. A short test may be given at the end to help ensure staff have retained what they have learned.

Lockers:

Lockers are the property of the school and are assigned to the individuals for school use. Individuals hold neither expectation of privacy in their lockers, nor any other school property. Individuals leave articles of value in lockers at their own risk. School officials have the authority to search all school property (including lockers) at any time without notice, and to seize any property prohibited by law or school policy.