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January 13, 2025

SUBJECT: ACADEMY SEARCHES AND SEIZURE POLICY

ACADEMY Personnel will adhere and enforce the National Guard Youth Challenge Program Search and Seizure Standard Operating Procedures. Reference: *C'NGBM 9350.01, 22 MAR 2023 and MEMO: National Guard Youth Challenge Program Cadet Search Procedures, 5 APR 2024, Hawaii Administrative Rules DOE Chapter 19*

The Academy has a legitimate need to maintain order, discipline, and to provide a safe learning environment for all cadets and staff. In fulfilling this need, all trained Academy staff may on occasion carry out searches and seizures on-site if there are reasonable grounds to suspect, based on circumstances that the search will turn up evidence that the cadet or cadets have violated or are violating either the state law or the cadet conduct prohibited under this policy. *Hawaii Administrative Rules DOE Chapter 19*. All Academy staff will be trained on search and seizure procedures prior to supervising cadets.

All items listed below may be searched if there are reasonable grounds to suspect that the cadet or cadets have violated or are violating either state law, or the cadet conduct prohibited under this policy. The manner in which the search is to be conducted is reasonably related to the purpose of the search. The cadet who will be subjected to a search shall be informed of the purpose of the search and shall be given an opportunity to voluntarily relinquish the evidence sought by the Academy staff. The search and seizure procedures of the items listed below may be conducted during the following instances: **AWOL, return from pass, return from appointment, return from a mission**. If a cadet at any time is out of supervision by an Academy Staff outside of the confines of the Academy, the cadet may be subject for search.

The Director, Deputy Director, or the most Senior staff shall be informed by the Academy staff who will conduct the search, and that a search is to be conducted, and of the purpose of the search.

Unless it is an emergency where immediate action is necessary to protect the health and or safety of a person or person's:

1. Director will be notified; parents/guardians will be notified (by Director) to approve necessary associate person/ associates' persons search by a trained staff member. (approval from parents will be sent in the form of a text to the Director and/or via email to search their associate).
2. If not approved by parent/guardian, parents /guardians will need to be onsite to conduct their associate search themselves with a staff on standby for results.

Director and or Deputy Director will inform the parents, guardians and or next of kin of cadets on Search and Seizure policies before conducting the search.

a. PROPERTY & PERSONAL ITEM SEARCH:

- (1) Items that may be subject to search: Cadet lockers/ Footlockers, dresser, all YCA/JCA issued property, YCA/JCA residential rooms, personal belongings which includes backpacks, and hygiene items, clothing.

b. CADET PERSON SEARCHES:

- (1) During a Cadet search, all trained staff will utilize the Hands-Off Policy: *CNGBM 9350.01 ENCLOSURE G10 AND G11.*
- (2) Trained staff will conduct searches in a private setting and must not require the cadet to pull clothing aside or disrobe to less than the minimum physical training (PT) uniform.
- (3) Trained staff will use a metal detecting wand, or equivalent, to facilitate searches of a cadet's person.
- (4) Trained staff must ALWAYS implement two-person integrity during searches.

c. HYGIENE INSPECTIONS:

- (1) Cadre will conduct weekly hygiene inspections to include:
 - a) Clean and trimmed finger and toenails.
 - b) Clean ears.
 - c) Clean teeth.
 - d) Eyes clear and not draining.
 - e) Cuts on arms (self-harm)
 - f) Body modification (homemade tattoos with ink or eraser burns) on arms, face or legs.
 - g) Blisters

During cadet hygiene inspections, Cadre will conduct searches in a private setting and will not require the cadet to pull clothing aside or disrobe to less than the minimum physical training (PT) uniform. Cadre will conduct hygiene inspections with another cadre or staff as a witness and for two-person integrity. All hygiene inspections will be documented of findings and provided to the commandant, to the Deputy Director, then Director.

YCA/JCA Medical personnel will be immediately notified if there are findings of medical concerns.

d. PROHIBITED SEARCHES:

- (1) Strip searches are prohibited
- (2) In the course of a search, the use of force against a cadet is prohibited unless the Academy Director believes that the force to be used is necessary to prevent harm to the health or safety, or both of a person or persons.
- (3) Hands off Policy violation must be prevented during all searches (touching or use of abusive language).

e. SEIZURE:

- (1) Seizure of contraband by trained academy staff will include:
 - a. Drugs, Vapes, Tobacco, Weapons, Chargers, food, money, and any item not on the approved check list. *Admissions 2024 SOP*
 - b. All trained staff will document their findings.
 - c. Staff will notify the supervisor on items found, supervisor will notify Deputy Director or Director. Director will notify cadet parent/ guardian on items confiscated from Cadet. The parents/guardians will schedule a time with staff to pick up confiscated items.



Supervising Deputy Attorney General

CADET NAME

PARENT/GUARDIAN SIGNATURE & DATE