

3-09-310 Inmate Searches

PURPOSE OF ORDER:

The purpose of this order is to establish procedure for searching inmates at Twin Towers Correctional Facility (TTCF).

SCOPE OF ORDER:

This order shall apply to all personnel assigned to and/or working in any capacity at the TTCF.

ORDER:

In order to ensure the security of the facility, maintain the safety of inmates and employees, control the introduction of contraband into the jail or recover missing or stolen property, searches of the person of inmates housed at TTCF may be conducted.

SEARCHES DEFINED:

Pat Down/Cursory Search

The physical search of an inmate's person accomplished by "patting" the inmate over their clothing.

Strip Search

A strip search requires a person to remove or re-arrange some or all of their clothing so as to permit a visual inspection of the underclothing, breasts, buttocks or genitalia.

Visual Body Cavity Search

A visual body cavity search is the visual inspection of a person's body cavities (e.g., skin folds, rectal and vaginal cavities).

Physical Body Cavity Search

A physical body cavity search is the intrusion into a person's body cavity for the purpose of discovering any object concealed within the cavity.

INMATE SEARCH POLICY:

As a general rule, all inmates and their property are subject to search at any time. Inmates shall be searched as a result of facility transfer, module to module move, and/or temporary movement from work assignments and common holding areas (e.g., transfer center, clinic, etc.).

When accepting an inmate from other modules and common areas, the receiving module shall search the incoming and/or returning inmate(s) to avoid the introduction of contraband into the housing locations. The following policy establishes what type of search may be conducted on particular inmates:

Pat Down/Cursory Search

A pat down/cursory search may be conducted at any time, on any inmate, by any custodial personnel. Absent exigent circumstances, all pat down/cursory searches of female inmates shall be performed by female custody personnel.

A pat down/cursory search shall be conducted on all new bookings before accepting them from any arresting agency.

If TTCF personnel have prior knowledge an inmate is transgender, or intersex, and a pat down search is required, the search shall be conducted by floor personnel of the same gender as the one with which the inmate identifies.

Strip Searches and Visual Body Cavity Searches of Pre-Arraigned Inmates

The following shall apply to pre-arraigned inmates:

- They will be subject to only a pat down/cursory search and metal detection device over the outer clothing. All searches shall be conducted in compliance with strip and body cavity search procedures as listed below.

Pre-arraigned inmates charged with a misdemeanor shall not be subject to a strip or visual body cavity search unless:

- The inmate is arrested for an offense involving drugs, weapons, or violence and;
- There is reasonable, articulable suspicion the inmate is concealing a weapon, drug, or contraband, and the search will reveal such.

If, based on either of the above conditions, a pre-arraigned misdemeanor inmate is subjected to a strip search and/or visual body cavity search, the watch commander shall complete and sign a "Strip Search Authorization Record" form (SH-R-399), prior to conducting the search. This record will be forwarded to the unit commander for review.

Pre-arraigned inmates shall be segregated from arraigned inmates upon entering TTCF to prevent improper searches (e.g., pre-arraigned inmates shall not be intermingled with court returnees, or on other occasions when inmates may be subjected to a strip search).

Strip Searches and Visual Body Cavity Searches of Arraigned Inmates

Once an inmate has been arraigned, he may be subject to a strip or visual body cavity search for jail security or the safety of custodial personnel and other inmates. As a matter of policy, a strip or visual body cavity search may be conducted on any of the following:

- Inmates transferring to TTCF from any other facility, (e.g., NCCF, MCJ, state prison, etc.);
- Inmates returning from court*;
- Inmates returning from work assignments;
- Inmates returning from "contact" visits;

- Inmates transferring into administrative segregation or discipline;
- Inmates being admitted into the Forensic Inpatient Program (FIP).

*Exception: Personnel shall not conduct strip and/or visual body cavity searches of any inmate scheduled to be released within a twenty-four (24) hour period unless there is reasonable, articulable suspicion the inmate is concealing a weapon, drugs, or contraband, and the search will reveal such.

Physical Body Cavity Searches

Absent an imminent health emergency, physical body cavity searches shall not be conducted unless there is a search warrant or court order, specifically authorizing the search. Unless an imminent health emergency exists, physical body cavity searches shall be conducted only by medical personnel who are not involved in the primary care of the inmate.

If the secreted object affects the inmate's condition, medical personnel will arrange for the inmate to be sent to a medical facility for treatment. Physical body cavity searches shall only be conducted in a clinical setting. All deputies present during the search shall be of the same gender as the inmate. No person shall be present during a physical body cavity search, unless such person is necessary for conducting the search, or their official duties, relative to the search, require them to be present at the time of the search (e.g., collection of evidence).

Transgender and Intersex Inmate Searches

A transgender or intersex person shall have their identity respected and be treated with dignity. Under no circumstances shall TTCF personnel search any person for the purpose of determining genital status or presence/absence of breasts, or for the purpose of demeaning transgender or intersex individuals.

If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, by referring the inmate to the Gender Identity Review Board. Under no circumstances should this information be shared with other Department personnel unless directly pertinent to ensure an inmate's safety.

Under no circumstances shall transgender or intersex individuals be subject to more invasive search procedures than non-transgender or cisgender individuals. Absent exigent circumstances, a pat-down/cursory search on a transgender or intersex inmate shall be conducted by a staff member of the same gender as that with which the inmate identifies.

More invasive searches, including strip searches, visual body cavity searches, and physical body searches shall be, in all circumstances, conducted by officers of the gender requested by the transgender or intersex person.

No personnel may be present who are not directly relevant to the search, and the search shall be conducted in private. If any deviation occurs regarding the policy for transgender and intersex searches, to include emergencies, an immediate supervisor shall be notified of the deviation and it shall be documented in the electronic Uniform Daily Activity Log (e-UDAL).

If contraband is identified in a body cavity of an inmate during a strip search or visual body cavity search, personnel shall immediately notify a supervisor (sergeant or higher), and adhere to the procedures

established in Custody Operations Directive 16-001, "Contraband Watch Procedures."

Custody Safety Screening Program (B-SCAN) Searches

TTCF staff members are encouraged to utilize the B-SCAN system located at the Inmate Reception Center (IRC) on a routine basis or when custody personnel suspect an inmate may be concealing any contraband. All custody personnel shall adhere to Custody Division Manual, section 5-08/020.00, "Custody Safety Screening Program (B-SCAN)," if a pre-arraigned inmate refuses to be screened.

Suicidal and/or Self-Harm Inmates

TTCF personnel conducting any of the searches described above as a risk precaution, shall make an attempt to identify inmates who may be at risk of suicide or self-harm. If custody personnel believe they have identified a potentially suicidal inmate, they shall immediately refer the inmate to Correctional Health Services (CHS) personnel for an evaluation. While conducting any of the searches described above on an inmate who has already been identified as a suicide risk, personnel shall ensure that those inmates do not possess items they can use to harm themselves or others. Refer to Custody Division Manual section 5-01/050.00, "Handling of Suicidal Inmates."
