5-07/000.05 Contraband Watch Procedures

The objective of placing an inmate on contraband watch is for the safety of the inmate suspected of having concealed the contraband, the retrieval of the concealed contraband, and to ensure the contraband does not get into the inmate population. Placement on contraband watch should be utilized as a last resort when all other reasonable means to recover the contraband have failed.

In accordance with Custody Division Manual (CDM) section 7-03/000.00, "General Principles of Security Restraints and Handcuffing Inmates," all contraband watch operations are considered emergency circumstances and restraints applied as part of contraband watch procedures shall be applied for the shortest time needed to retrieve concealed contraband or confirm that an inmate is not in possession of contraband. The procedures outlined in CDM section 5-08/010.00, "Searches," shall also be adhered to, with specific consideration to the handling of pre-arraigned inmates.

An inmate may be placed on contraband watch when Department personnel develop reasonable suspicion (e.g., direct observation, use of the body scan system, canine alerts, etc.) supported by articulable facts that the inmate has concealed contraband in their body, either physically or through ingestion, and the inmate refuses to confirm the presence or absence of contraband.

If, at any time during their incarceration, an inmate admits to Department personnel that they have concealed narcotics or other life-threatening contraband (e.g., cutting instruments) in their body, personnel shall initiate an Inmate Injury/Illness Report (SH-J-212) and, in accordance with CDM section 4-01/020.05, "Inmate Injury and Illness Reporting," notify Correctional Health Services (CHS) personnel as soon as possible for assessment and determination of whether the inmate necessitates immediate care. If an inmate exhibits life-threatening medical symptoms, medical personnel shall be summoned immediately, in accordance with CDM section 5-03/060.00, "Response to Inmate Medical Emergencies."

If, at any time during their incarceration, an inmate admits to CHS personnel that they have concealed contraband in their body, CHS will determine whether the inmate necessitates immediate care.

DRY CELLS

Definition of a "dry cell" - a dry cell has a toilet and sink with the capability to shut-off water to ensure any concealed contraband is not discarded. The dry cell shall be a cell that can provide the necessary security precautions of the facility and large enough to accommodate a fully extended sleeping mattress. The dry cell lights should be dimmed during normal hours of darkness. The dimming of lights should not adversely impact staff's ability to observe and monitor the inmate. The setting may be in a general population area or in a segregated housing area of the facility.

For the purpose of contraband watch and unless exigent circumstances exist (e.g., unavailability of personnel or contraband watch dry cells, incidents affecting facility operations, etc.), the following shall apply:

- Male inmates housed in a south County facility shall be housed in pre-designated contraband watch dry cells in the Men's Central Jail (MCJ)
- Male inmates housed in a north County facility shall be housed in pre-designated contraband watch dry cells in the North County Correctional Facility (NCCF)
- Female inmates shall be housed in pre-designated contraband watch dry cells in the Century Regional

Detention Facility (CRDF)

Inmates who have been determined by a mental health professional to require P3 or P4 level of care shall not be placed into a contraband watch dry cell (refer to CDM section 5-01/050.10, "Housing for Mentally Ill Inmates"). In cases where there are concerns for concealed contraband involving an inmate with a P3 or P4 mental health level of care, mental health personnel shall be notified and consulted for the best course of action.

If the inmate becomes uncooperative at any time during the contraband watch process, staff shall adhere to procedures set forth in CDM section 7-02/020.00, "Handling Insubordinate, Recalcitrant, Hostile, or Aggressive Inmates."

During the course of the inmate detention (either prior to or during contraband watch), if for any reason custody personnel observe a decline in the inmate's health or it is believed that the inmate's health is affected by the concealed contraband, CHS medical personnel shall be immediately contacted to conduct an assessment of the inmate's condition. The inmate shall not be denied access to healthcare and medical personnel shall be notified if the inmate requests healthcare treatment.

PRE-PLACEMENT PROCEDURES

Prior to requesting that an inmate be placed on contraband watch, the watch commander at the inmate's assigned housing facility shall ensure the following:

- There shall be a reasonable suspicion supported by articulable facts that the inmate has concealed contraband in their body, either physically or through ingestion, and the inmate refuses to confirm the presence or absence of contraband.
- Notification shall be made to the Custody Investigative Services (CIS) on-call supervisor.
- A Custody Services Division Contraband Watch Checklist form (SH-J-467) shall be initiated, and the Pre-Placement Procedures section completed. Upon transfer, the checklist shall be forwarded to the watch commander of the facility where contraband watch will take place.
- The inmate shall be immediately segregated and handcuffed.
- A strip search shall be completed in accordance with CDM section 5-08/010.00, "Searches." Refusal to submit to a strip search shall not, in itself, constitute reasonable suspicion that the inmate has concealed contraband in their body.
- Transgender and intersex inmates shall be searched by a staff member of the same gender the inmate identifies as per CDM section 5-08/010.00, "Searches."
- Male inmates shall be placed in the following newly-issued and searched clothing: one pair of briefs, one t-shirt, one pair of socks, one pair of County-issued orange top and pants.
- Female inmates shall be placed in the following newly issued and searched clothing: one pair of underwear, one brassiere, one t-shirt, one pair of socks, one pair of County-issued orange top and pants.
- The inmate shall be restrained with approved contraband watch restraint equipment and/or waist-chained with the handcuffs positioned on the side of the inmate's hips, double locked, and in accordance with CDM sections 7-03/000.10, "Security Restraints and Separation/Isolation of Inmates."
    - Use of restraints on inmates confirmed or suspected by medical staff to be pregnant shall be

subject to the restrictions noted in CDM section 7-02/010.00, “Pregnant Inmates” and California Penal Code section 3407 and requires immediate notification to the unit commander of the inmate’s assigned facility.

- Unclothed inmates shall not be waist-chained or secured with the contraband watch restraint equipment and should have direct supervision.
- Inmates shall not be secured to a fixed object while in waist-chains.

- The waistband and ankles of the inmate’s pants shall be taped closed with medical-quality tape and/or secured with approved Velcro® or Velcro®-type fastening straps to restrict the inmate’s access to their body cavities. The tape or Velcro®-type fastening straps shall never be applied in a manner to restrict circulation or directly on or over the inmate’s skin.

- Absent exigent circumstances, a pregnant inmate’s clothing shall not be taped or secured in any way.
- Note: If the inmate is uncooperative with donning newly-issued clothing, staff should proceed to taping and/or applying Velcro®-type fastening straps on worn clothing. At no time should the inmate be purposely secured with waist-chains and/or the contraband watch restraint equipment while unclothed.

- If the inmate to be placed on contraband watch is newly-booked and has not completed the intake screening process to be housed in a facility housing location, the following shall occur:

- Male inmates shall be transported to the Inmate Reception Center (IRC) to complete the intake process and be medically assessed and approved for general population housing prior to placement in a dry cell.
- Female inmates shall complete the intake process and be medically assessed and approved for general population housing by CRDF nursing staff prior to placement in a dry cell.
- Refusals by an inmate to be assessed by nursing staff shall be video recorded.

- If feasible, prior to transporting to a medical/clinic facility, measures should be taken to verify the presence or absence of concealed contraband (i.e., visual confirmation, body scanner, inmate admittance, and canine alerts).

Note: All transport vehicles and/or clinic areas will be thoroughly searched before and after the inmate is in the area.

INITIATION OF CONTRABAND WATCH

The CIS supervisor shall contact the CIS unit commander (captain or above) to seek approval for placement on contraband watch.

The CIS supervisor shall notify the watch commander of the contraband watch facility once placement on contraband watch has been approved and the above pre-placement procedures have been completed.

The watch commander of the contraband watch facility shall ensure the Custody Services Division Contraband Watch Checklist form (SH-J-467) is received from the originating unit, completed, and included in the contraband watch packet.

Upon arrival, the inmate shall be placed on contraband watch based on guidelines under the subsection titled, “Placement in Dry Cell.” Department personnel shall maintain constant visual contact of the inmate prior to and during the placement into the dry cell. A supervisor shall ensure Closed Circuit Television (CCTV) in the contraband watch cell location is operational and recording prior to placement.

The CIS supervisor shall be responsible for providing status updates to the on-duty watch commander and CIS unit commander.

Department personnel shall utilize the Contraband Watch Activity Log (SH-J-468) to document the following information, when applicable:

- dates/times the inmate was placed in the dry cell;
- visual and physical checks conducted by on-duty watch commanders and shift sergeants;
- fifteen minute checks with brief description of the inmate's activity;
- notifications;
- medical/mental health assessments and inmate requests for healthcare;
- meals served;
- water placed in cell;
- hygiene/hands sanitized;
- body scan, x-ray assessments, canine alerts;
- range of motion evaluations;
- opportunities to use the toilet;
- inmate cooperation advisement;
- any other pertinent information.

Department personnel who are assigned to the position of observing an inmate on contraband watch shall ensure the Contraband Watch Activity Log is thorough and accurate.

PLACEMENT IN A DRY CELL

Prior to an inmate being placed into the dry cell, the watch commander shall ensure the following procedures are adhered to:

- The inmate shall be informed that healthcare personnel will be contacted if at any point during the contraband watch the inmate reports experiencing medical distress, requests healthcare treatment, or exhibits visible signs of medical distress.
- The inmate shall be informed that they will be released from contraband watch if at any point:
  - the inmate agrees to cooperate with medical assessment and/or body scan examination and the assessment or examination confirms the absence of contraband, or
  - the inmate admits to concealing contraband, agrees to remove it or expel it through bowel movements, and produces three (3) full bowel movements.
    - If the inmate produces the three (3) full bowel movements and a body scan confirms the absence of contraband, the inmate shall be released from contraband watch absent additional articulable facts to prolong the contraband watch.
- The inmate shall be transferred to the contraband watch housing location and updated in the Automated Jail Information System (AJIS).
- Supervisors shall ensure there is continuous CCTV recording of the inmate while on contraband watch. If CCTV is unavailable, a handheld video camera shall be used to record the contraband watch.

- The video equipment (CCTV/handheld video camera) shall be checked by an on-duty supervisor at the minimum rank of sergeant at least once per shift to ensure the recording equipment is working properly.
- Upon placement into the dry cell, Department personnel shall notify CHS personnel to inquire about any pre-existing medical condition or contraindication that may require modification to the contraband watch restraint equipment and/or waist chain procedures.
- Mental health personnel shall be notified regarding any inmates who may be perceived to have a mental illness, or who have been determined by a mental health professional to require P1 or P2 level of care. The mental health clinician's recommendation and any actions shall be based on clinical assessment and in compliance with CHS policy. Inmates deemed to need behavioral observation shall be placed into contraband watch under the constant supervision of attending deputies for the duration of the operation. Once released from contraband watch, the inmate shall be appropriately housed for behavioral observation as needed.
- The dry cell shall be searched and inspected for contraband.
- If available, the water to the dry cell shall be shut off and the toilet flushed to remove any excess water.
- Any open toilet shall be covered and/or sealed to avoid destruction of any contraband.
- All moveable objects in the dry cell shall be removed, with the exception of a mattress (from 2000 hours to 0800 hours), blanket, and stationary fixtures. Any deviation from this protocol shall be approved by the watch commander and documented in the Contraband Watch Activity Log.
- Drinking water shall be placed in the cell and made available for the inmate throughout the duration of the contraband watch.
- Hand sanitizer shall be available for the inmate throughout the duration of contraband watch.
- The assigned shift sergeant shall conduct checks every two hours as delineated under subsection, "Safety and Medical Monitoring of Inmate" of this policy. Inspection of all documentation shall be reviewed during the check to ensure it is thorough and accurate.
- The watch commander shall conduct a check once per shift as delineated under subsection, "Safety and Medical Monitoring of Inmate" of this policy. Inspection of all documentation shall be reviewed during the check to ensure it is thorough and accurate and the check should be conducted towards the end of their shift.

MEALS

In accordance with CDM section 5-13/010.00, "Inmate Meals," the inmate shall be provided regularly-scheduled meals. Prior to serving the meal, the inmate shall be afforded the opportunity to sanitize their hands. A minimum of one (1) staff member shall be present while the inmate is eating and shall maintain constant observation. The contraband watch restraint equipment or waist chains shall be removed from one (1) hand and the inmate shall be allowed to eat their meal. The inmate shall be provided a minimum of fifteen (15) minutes to consume their meal, as mandated by California Code of Regulations, Minimum Standards for Local Detention Facilities, Title 15.

After finishing their meal, the inmate shall be provided with the opportunity for dental hygiene. The contraband watch equipment or waist-chain shall then be re-secured on the inmate. Inmates shall have drinking water available to them throughout the placement in the dry cell. If the inmate is already prescribed a special diet, Food Services Unit shall be contacted in order to accommodate the special diet.

RANGE OF MOTION

In order to provide range of motion to a restrained extremity, the inmate shall be allowed free movement of each arm for at least five (5) minutes, at least once every two (2) hours, or more frequently at the direction of healthcare personnel, during AM and PM shifts. As appropriate to the situation, only one (1) extremity needs to be released at a time. Each free movement period shall be documented in the Contraband Watch Activity Log. Following each free movement period, personnel shall conduct a pat down/cursory search of the inmate and search the cell.

SAFETY AND MEDICAL MONITORING OF INMATE

The following procedures relating to security, supervisory, and medical review shall occur for the duration that an inmate is on contraband watch and be documented in the Contraband Watch Activity Log:

- Medical personnel shall be immediately notified if custody personnel observe a decline in the inmate's health at any time during the contraband watch period, the inmate reports experiencing medical distress, or the inmate requests healthcare treatment.
- For inmates identified with a mental health condition, mental health assessments shall be conducted in accordance with CHS policy. If the inmate displays bizarre behavior or requests to see a mental health clinician, staff shall promptly notify mental health staff.
- One (1) deputy/custody assistant trained in contraband watch shall maintain constant visual observation of the inmate during contraband watch and shall document safety checks every fifteen (15) minutes in a Contraband Watch Activity Log, which includes a brief description of what the inmate is doing (e.g., sleeping, standing, eating, sitting, yelling, etc.). The inmate shall be continuously video recorded via CCTV or handheld camera. The watch commander may, at their discretion, assign additional personnel to monitor the inmate.
- Watch commanders shall conduct a check of the inmate once per shift (towards the end of shift, if possible) to determine the inmate's well-being and ensure staff's adherence to contraband watch procedures. A physical check of the waist chains and/or contraband watch restraint equipment shall be conducted during this check. In addition, the watch commander shall inform the inmate that their cooperation with providing bowel movements, along with any medical and/or body scan examination which confirms the absence of contraband, will end the contraband watch thereafter. The watch commander shall also inform the inmate that if the inmate reports experiencing medical distress, exhibits visible signs of medical distress, or requests healthcare treatment, healthcare personnel shall be immediately contacted. This shall be documented in the Contraband Watch Activity Log.
- The assigned shift sergeant shall conduct a check of the inmate every two (2) hours to determine the inmate's well-being and ensure staff's adherence to contraband watch procedures. A physical check of the waist chains and/or contraband watch restraint equipment shall be conducted at least once per shift. In addition, the sergeant shall inform the inmate that their cooperation with providing bowel movements, along with any medical examination which confirms the absence of contraband, will end the contraband watch thereafter. This shall be documented in the Contraband Watch Activity Log.
- If an inmate in contraband watch is scheduled to attend a court proceeding, the watch commander or a designee shall contact the appropriate courthouse to determine if the inmate must appear. If it is determined that the inmate must attend the court proceeding, the inmate shall be escorted to court by deputies trained in contraband watch procedures. The deputies shall maintain control of the inmate throughout the court proceeding to ensure no contraband is passed or discarded. Notifications to the court and the inmate's attendance in a court proceeding shall be documented in the Contraband Watch Checklist and the Contraband Watch Activity Log.

In a medical emergency situation or when it is determined by CHS personnel that the concealment of the contraband poses an imminent threat to the inmate's health and safety, the inmate shall be transferred to the appropriate medical/clinic facility.

If at any point during the contraband watch the inmate agrees to cooperate with medical assessment and/or body scan examination, the assessment or examination shall be conducted as soon as reasonably practical. If the inmate produces three (3) full bowel movements and a body scan confirms the absence of contraband, the inmate shall be released from contraband watch, absent articulable facts presented to the CIS unit commander that support the continuation of the contraband watch.

HEALTH AND SAFETY CONCERNS

Personal hygiene is an essential tool to maintain a healthy environment within a dry cell. Each inmate shall have the opportunity to wash (soap and water) and/or apply hand sanitizer to their hands after each use of the restroom, prior to eating a meal, or when necessary to ensure appropriate hygiene. The inmate shall also be afforded the opportunity to brush their teeth.

Running water may be substituted with portable alternatives such as a hand basin filled with water. During these periods, Department personnel must take precaution that the inmate does not dispose of any contraband. Entries of hygiene safety shall be entered into the Contraband Watch Activity Log.

URINATION AND VOLUNTARY BOWEL MOVEMENTS

When the inmate requests to use the restroom to urinate or pass a bowel movement, only a staff member(s) of the same gender as the inmate shall monitor the inmate. Transgender and intersex inmates shall be monitored by a staff member of the same gender of the inmate's identification. Special precaution should be considered, and a sergeant shall be present, during the following procedures:

- Provide the inmate with toilet paper and a portable toilet, bed pan, or the previously lined toilet in the isolated setting.
    - Female inmates shall be afforded appropriate female sanitary supplies.
- Remove the necessary restraint device from one (1) hand to allow the inmate the ability to facilitate their bodily functions.
- For urination, once the inmate has completed their bodily function, the inmate shall be allowed appropriate personal hygiene, after which restraints shall be reapplied.
- For voluntary bowel movements, once the inmate has completed their bodily functions, the portable toilet, bed pan, or toilet liner shall be immediately retrieved or removed to a safe distance to avoid destruction of evidence. The inmate shall be allowed proper hygiene before being re-secured in the restraints.
- An immediate search for contraband shall be conducted of the fecal matter utilizing the safety gear as noted in Manual of Policy and Procedures (MPP) section 3-02/040.25, "Employee Exposed to Communicable Disease." If contraband is discovered, the contraband shall be processed as evidence in accordance with MPP section 5-04/010.00, "Evidence Handling" and CDM section 5-14/080.00, "Narcotic Evidence Booking Procedures" or regular booking procedures.

The above activity shall be documented in the Contraband Watch Activity Log.

LENGTH AND REPORTING OF CONTRABAND WATCH

The maximum initial 72 hour observation period approved by the CIS unit commander (captain or above) shall begin as soon as the inmate is placed inside the dry cell. During each eight (8) hour period, the CIS supervisor shall provide status updates to the CIS unit commander throughout the operation. Upon the conclusion of the initial 72 hour period, retention of the inmate for a second 72 hour period requires another medical assessment and articulable facts (visual confirmation, body scanner, x-ray, canine alert, etc.) to support the continued contraband watch and approval by the respective Division chief. Authorization to continue the contraband watch beyond six (6) days/144 hours requires the approval of the Assistant Sheriff of Custody Operations. All contraband watch operations continuing beyond the six (6) days shall require daily (every 24 hours) approval by the Assistant Sheriff. The Assistant Sheriff shall be provided with an overview of the inmate's medical and mental health based upon assessments conducted by medical staff, contraband watch personnel observations, and continued information provided by the CIS supervisor overseeing the contraband watch.

REMOVAL FROM CONTRABAND WATCH

The inmate shall be removed from contraband watch when it is reasonably believed that the contraband has been relinquished or it is determined the inmate is contraband-free.

If after three (3) full bowel movements, no contraband has been retrieved, the CIS supervisor shall consult with the on-duty watch commander, CIS lieutenant, and medical professional, to determine the best course of action. Approval from the CIS unit commander to continue contraband watch is required.

At any time during the contraband watch process, the CIS supervisor, with concurrence of the CIS unit commander, has the authority to cancel the contraband investigation and remove the inmate from contraband watch.

After contraband is retrieved or expelled during a contraband watch, custody staff shall notify CHS personnel of the outcome of the contraband watch. The inmate shall be asked if they require any medical or mental health care and shall be referred to healthcare personnel as needed. Inmates who have been determined by a mental health professional to require P1 or P2 level of care or who exhibit signs of potentially necessitating mental healthcare shall be assessed by a qualified mental health clinician prior to their return to a housing location.

DOCUMENTATION

The originating unit shall be responsible for initiating the following documents:

- A Chief's Memorandum noting the circumstances leading to the contraband watch, CIS supervisor's name, and authorizing CIS unit commander (refer to CDM section 4-07/010.00, "Notification of Significant Incidents")
- Appropriate section(s) of the Custody Services Division Contraband Watch Checklist form (SH-J-467)
- An incident report (SH-R-9)

Copies of the documents and any additional supplemental reports shall be submitted to CIS and MCJ, NCCF, or CRDF, as appropriate.

The contraband watch facility shall be responsible for the following:

- Completing the appropriate section(s) of the Custody Services Division Contraband Watch Checklist form (SH-J-467)
- A Supplemental Report (SH-R-77) shall be completed at the conclusion of the contraband watch documenting the outcome, regardless if contraband was recovered
- The facility unit commander or designee shall verify and approve that all supporting documentation is completed and included in the contraband watch packet.
- All supporting documentation associated with the contraband watch (Incident Report [SH-R-49], Supplemental Report [SH-R-77], medical and/or mental health assessments, video recordings, body scans, x-rays, activity logs, checklists, etc.), shall be provided to the CIS supervisor
- Ensuring the contraband watch incident is entered into the Custody Automated Reporting and Tracking System (CARTS)
- The CCTV video and/or video or audio recording shall be downloaded and stored in a video medium (e.g., a compact disc [CD], digital video disc [DVD], or secure digital [SD] card) and shall be provided to the CIS supervisor.

At the conclusion of the contraband watch, the CIS supervisor will be responsible for submitting a closure memorandum summarizing the incident as well as identifying any corrective actions needed. A CIS investigator will be assigned to investigate the contraband watch to determine if a crime was committed by the inmate. CIS shall have overall responsibility for tracking all contraband watch incidents in CARTS, and ensuring the appropriate documentation is gathered and retained and/or booked into evidence. The CIS lieutenant (or their designee) shall forward copies of the documents and reports relating to the contraband watch incident to Custody Support Services Bureau (CSSB) for retention purposes within 45 days of the conclusion of the contraband watch.