5-08/010.00 Searches

Each custody facility shall implement procedures governing searches in strict accordance with this policy to ensure the security and safety of the facility is maintained. Objectives of searches include:

- Control the intake of contraband into the facility
- Recover missing or stolen property
- Preserve internal order and the security and safety of both inmates and Department personnel
- Ensure inmates identified as potentially suicidal or at risk of self-harm do not possess items that would enable them to harm themselves
- Ensure the integrity of the facility and its perimeter

Searches are tools intended to maintain the safety and security of inmates and employees and to control the accumulation of contraband and narcotics by inmates. Searches shall be conducted in a way that minimizes the likelihood that an inmates' legitimately owned or obtained property will be damaged or destroyed. Searches shall not be used to inflict physical stress or punishment on inmates. Inmates shall not be required to remain in any search position for more time than is reasonable and necessary to complete a search.

Department personnel are encouraged to conduct random searches whenever possible. Inmate housing areas and areas commonly accessed by inmates should be searched on a regular basis in a staggered rotation. All housing areas should be searched at least twice a month and all other common areas should be searched at least once a month for any contraband and weapons. Common areas include, but are not limited to, the kitchen, clinic, visiting, elevators, holding cells, dayrooms, indoor/outdoor recreation areas, etc.

Prior to any search, the area should be cleared of inmates. The line sergeant shall be notified prior to the start of the search, and the line sergeant or supervising line deputy must be present during the entire search. There shall be a sufficient number of Department personnel to conduct the search. The number of personnel needed shall be determined by the number of inmates and size of the area to be searched. Additional consideration may be given to the inmate's classification and other known security factors. Deputies and custody assistants shall search in an orderly and professional manner.

Department personnel shall search in an orderly, professional, and respectful manner that preserves the dignity of the inmate. All searches shall be conducted in the least disruptive manner possible while still being thorough.

Housing areas should be searched thoroughly, paying close attention to any crevices or areas where contraband may be hidden. When searching clothing, bedding, and mattresses, custody personnel should inspect for any lumps and/or any irregular seams. Any excess food, clothing, or contraband shall be removed from cells and housing areas. All contraband items shall be documented, and the inmates responsible for the contraband should be disciplined accordingly.

Any reusable items recovered during a search that are in good condition shall be reused. Such items include, but are not limited to, religious items issued by chaplains (e.g., religious texts, religious head coverings, prayer beads, etc.) and forms issued by the Department.

When it is determined an inmate is hoarding medication, Department personnel shall do the following:

- Return the found medication to medical staff
- Provide medical staff with the name and booking number of the inmate in possession of the hoarded medication

Hoarding medication is defined as an inmate retaining in their possession any medication in any quantity or form, for which retention is not allowed by the prescriber as self-medication ("self-med") **or** when the medication is intended for another inmate. Prescriptions labeled as self-medication shall not be considered contraband.

Department personnel shall obtain authorization for searches from a supervisor of the rank of sergeant or above. All searches shall be logged and signed in the electronic Uniform Daily Activity Log (e-UDAL) by the line sergeant or supervising line deputy. The line sergeant or supervising line deputy shall ensure a search report (SH-J-434) is generated and submitted to the watch commander.

All search reports shall be processed through the Custody Automated Reporting and Tracking System (CARTS). The deputy or custody assistant designated to complete the search report shall be responsible for generating a reference number and submitting the form to the line sergeant for approval as specified through the CARTS Home Page. In addition, all search reports shall be completed and approved by the watch commander by the end of shift.

All search reports pending approval by sergeants may be accessed through the following link:

CARTS Sergeant Approval

All search reports pending approval by lieutenants may be accessed through the following link:

CARTS Lieutenant Approval

The line sergeant or supervising line deputy who supervised the search shall remain at the location until the conclusion of the search and shall ensure all complaints have been noted and/or handled (refer to Custody Division Manual [CDM], section 8-03/005.00, “Inmate Grievances”).

PERIMETER SEARCHES (SECURITY CHECK)

Each unit shall implement a procedure or checklist for conducting perimeter searches (security check). A perimeter search shall be conducted at least once per shift by the facility watch commander or their designee. The perimeter shall be checked for any security risks, damage, or vandalism. Also, all exterior gates, doors, and razor wire shall be checked for integrity and to ensure all are secured. The perimeter search shall be documented in the Facility Log and the Watch Commander’s Log. Main control shall be notified immediately of any security concerns, problems, or situations requiring emergent response or action.

CARE AND CONTROL OF INMATE PROPERTY

Department personnel conducting searches shall take all reasonable measures to ensure inmate property is handled with care.

- If inmates are temporarily removed from their housing area and their property is left behind, the property shall be searched and all contraband items removed (refer to CDM section 5-07/010.00,

"Contraband Defined"). The property shall be left on top of the inmates' bunks

- If inmates are removed from their housing area and they take their personal and County issued property (excluding mattress), the property should be searched in their presence. When all contraband items are removed, the remainder of the property shall be returned to the inmate
- All bunks shall be searched whether the inmate is present or not
- All personal property listed in CDM sections 5-06/010.05, "Allowable Inmate Property - Male Inmates" and 5-06/010.10, "Allowable Inmate Property - Female Inmates" (including commissary) and County issued property (with the exception of an inmate's sheet and blanket), that does not fit properly inside the inmate property bag, will be considered contraband and shall be confiscated and disposed of without compensation. Refer to CDM sections 5-06/050.00, "Individual Inmate Storage of Personal Property" and 5-07/020.00, "Contraband Disposal"
- In order to ensure clean and sanitary housing for all inmates, perishable foods served with inmate meals not consumed within a four-hour period after the meal service will be considered contraband and **shall** be destroyed
- Pictures, drawings, etc., determined to be lewd or inappropriate shall be properly disposed of in the designated contraband disposal container.

SEARCHES IN HIGH OBSERVATION HOUSING (HOH) CELLS

Department personnel shall visually inspect all High Observation Housing (HOH) cells prior to initially housing a mentally ill inmate and document the inspection in the e-UDAL.

PRISON RAPE ELIMINATION ACT OF 2003

In accordance with the Prison Rape Elimination Act of 2003 (PREA), each custody facility shall enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine safety checks. Department personnel shall announce their presence whenever they enter areas where inmates of the opposite gender are showering, performing bodily functions, or changing clothing.

INMATE SEARCHES

Definitions

- Pat Down/Cursory Search: A search that requires the physical "patting" of a person over their clothing
- Strip Search: A search that requires a person to remove or re-arrange some or all of their clothing to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia
- Visual Body Cavity Search: This search is the visual inspection of a person's body cavities (i.e., skin folds, rectal and vaginal cavities)
- Physical Body Cavity Search: This search is the intrusion into a person's body cavity for the purpose of discovering and/or retrieving any object concealed within the cavity

Pat Down/Cursory Search

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

This search may be conducted at any time on any inmate in order to discover and retrieve concealed weapons and/or contraband that may be hidden under an inmate's clothing. Absent exigent circumstances, all pat down/cursory searches of female inmates shall be performed by female Department personnel.

Note: If there is prior knowledge an inmate is transgender or intersex and a pat down search is required, the search should be conducted by staff of the same gender as the one with which the inmate identifies.

Strip and Visual Body Cavity Searches

Department personnel conducting strip or visual body cavity searches shall take all reasonable measures to protect the inmate from undue distress or embarrassment. When operationally practical, every effort shall be made to conduct these searches in a location equipped with privacy screens or partitions. To ensure the inmate is protected from undue distress or embarrassment, facilities shall develop, implement, and maintain unit orders establishing procedures for instances when the search is being conducted in an area where privacy screens or partitions are unavailable (e.g., smaller groups, single line searches, restricting access to uninvolved persons, etc.).

All strip and visual body cavity searches shall be conducted by personnel of the same gender as the inmate being searched, unless exigent or emergency circumstances exist. This provision shall not preclude personnel, based on gender, from employment opportunities or positions with duties that may include strip searching inmates of the opposite gender. In the event exigent circumstances require that a person of the opposite gender participate in a strip search, all reasonable actions shall be taken to prevent the person of the opposite gender from viewing the body cavities, breasts, buttocks, or genitalia of the person being searched. All cross-gender strip searches shall be documented in an incident report.

Absent exigent circumstances, Department personnel shall not conduct a strip search or visual body cavity search of an inmate alone.

Personnel shall not deliberately touch the breasts, buttocks, or genitalia of the person being searched.

Arrestees/Inmates Eligible to be Strip Searched

In accordance with the United States Supreme Court's decision in *Florence v. Board of Chosen Freeholders of County of Burlington* (2012) 132 S. Ct. 1510 and Penal Code section 4030, all arrestees/inmates are subject to being strip searched immediately before or during their jail housing unless they are being held pre-arraignment for misdemeanor/infraction offenses that do not involve weapons, controlled substances, or violence. All inmates held post-arraignment are subject to being strip searched regardless of the nature of their criminal charges or detention.

Department personnel may conduct a strip search or visual body cavity search of any pre-arraigned inmate charged with a **felony** offense. If a strip search or visual body cavity search is necessary for any pre-arraigned misdemeanor inmate and Department personnel reasonably suspect, based on specific and articulable facts, that a pre-arraigned inmate charged with a misdemeanor offense is concealing a weapon or contraband, and that a strip search would likely result in the discovery of the weapon or contraband, the watch commander shall complete and sign a Strip Search Authorization Record (SH-R-399) which shall be forwarded to the unit commander for review.

All inmates may be strip searched after they have had direct contact with third parties. Such third-party

contacts include inmate contact visits with friends, families, or outside professionals, such as chaplains and volunteers; inmates returning from court without a release order; and inmates returning from an out-of-facility activity such as a medical appointment, temporary release, or transfer between facilities.

Reasonable Suspicion Factors

Reasonable suspicion to conduct a strip search must be based on specific and articulable facts, which may include:

- The arrestee's criminal history, arrest history, parole/probation history, and/or in-custody history (involving violence, weapons, drugs, serious types or significant numbers of disciplinary violations), and/or other factors that would indicate the possibility the arrestee might carry or attempt to conceal weapons or other contraband into the facility.
- The particular appearance of the arrestee/inmate, including conduct prior to, during, or following arrest; conduct at the jail during the booking process; or general actions indicating the arrestee/inmate is possibly concealing weapons or other contraband.

Department personnel’s reasonable suspicion an arrestee/inmate is concealing a weapon or contraband, and that a strip search would result in the discovery of the weapon/contraband, may also be based on reliable information provided by persons who are not Department personnel.

Strip and Visual Body Cavity Searches of Civil Commitment Inmates

Civil commitment inmates, including sexually violent predator (SVPs) detainees, who must be housed separate and apart from all other inmates, are not subject to strip searches or visual body cavity searches unless, and **only** under, one or more of the following exceptions:

- The civil commitment inmate or SVP detainee is returning to the jail for housing after a court appearance, or returning from another housing facility (e.g., any outside hospital or medical facility).
- There is reasonable suspicion to believe the civil commitment inmate or SVP detainee is in possession of drugs, weapons, or other contraband.
- Whenever any SVP detainee is received at a County jail facility from a state prison or psychiatric facility.

Transgender and Intersex Inmate Searches

- In all cases, a transgender or intersex inmate shall have their identity respected and be treated with dignity. Under no circumstances shall Department 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 inmates.
- 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 K-6G Processing Detail. If needed, the K-6 Processing Detail shall refer the inmate to the Gender Identity Review Board (GIRB). Under no circumstances should this information be shared with other Department personnel unless directly pertinent to ensure an inmate’s safety.
- Under no circumstance shall transgender or intersex inmates be subject to more invasive search procedures than non-transgender or cisgender individuals.
- Absent exigent circumstances, a pat-down/cursory search of 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 personnel of the gender requested by the transgender or intersex person. No Department 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 e-UDAL.

Initiation of Contraband Watch

If contraband is identified in a body cavity of an inmate during a strip search or visual body cavity search or by use of the LINEV Clearpass system ("body scanner"), Department personnel shall immediately notify a supervisor (sergeant or higher). Department personnel shall verbally encourage the inmate to remove the secreted contraband but shall not force the inmate to remove the secreted contraband. Sound officer safety tactics should be employed in case the secreted contraband is a weapon. If the inmate does not comply, Department personnel shall initiate contraband watch procedures in accordance with CDM section 5-07/000.05, "Contraband Watch Procedures."

Physical Body Cavity Searches

- Except in an imminent health emergency, no inmate shall be subjected to a physical body cavity search absent a search warrant or court order specifically authorizing such a search
- 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). All deputies present during the search shall be of the same gender as the inmate
- Except in an imminent health emergency, a physical body cavity search shall be conducted 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

Custody Safety Screening Program Searches

- Department personnel are encouraged to use the LINEV Clearpass body scanner on a routine basis or when personnel suspect an inmate may be concealing any form of contraband, per CDM section 5-08/020.00, "Custody Safety Screening Program"
- When the body scanner is used on transgender or intersex inmates, the operator shall be of the same gender with which the inmate identifies.

Inmates Returning From Court

Inmates who have been ordered released by the Court (and have no holds) but remain in temporary custody pending release within a 24-hour period shall not be strip searched unless there is reasonable suspicion to believe the inmate is concealing a weapon or contraband, and that a strip search would result in the discovery of the weapon/contraband. Such reasonable suspicion shall be documented by the watch commander on a Strip Search Authorization Record (SH-R-399) which shall be forwarded to the unit commander for review.

Suicidal and/or Self-Harm Inmates

While conducting any of the searches described above as a risk precaution, Department personnel should try to identify inmates who may be at risk of suicide or self-harm. Signs of suicidal and/or self-harm behavior can include, but are not limited to, verbal statements, visible superficial “hesitation marks,” excess medication, and bizarre behavior. If Department personnel believe they have identified a potentially suicidal inmate, they should immediately refer the inmate to Correctional Health Services (CHS) mental health personnel for an evaluation. While conducting any of the searches described above on inmates who have already been identified as a suicide risk, Department personnel shall ensure those inmates do not possess items they can use to harm themselves or others (refer to CDM section 5-01/050.00, “Handling of Suicidal Inmates”).

In accordance with CDM section 5-07/000.05, “Contraband Watch Procedures,” inmates who have been determined by a mental health professional to require [REDACTED TEXT] 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 [REDACTED TEXT] mental health level of care, mental health personnel shall be notified and consulted for the best course of action.