

Index as:	Revised: 11/04/02
Control of Contraband Searches	Reviewed: 02/19/03
Disposition of Contraband Searches	Revised: 12/16/03
Search of Inmate Visitors	Revised: 01/26/05
Searches	Revised: 02/2005
Visitors, Search of Inmate	Revised: 06/27/05
	Revised 08/02/06
<i>Reference Bull v. County of San Francisco</i>	Revised: 1/22/09
	Revised and approved by Captain: 01/19/11
	Revised: 06/17
	Revised: 11/19

SEARCHES

I. POLICY

- A. Corrections Division personnel shall perform thorough and systematic inmate searches during the reception process and periodically thereafter, along with unannounced area searches to control illegal and administratively prohibited contraband within the corrections facilities.
- B. Searches are conducted as often as necessary to detect and prevent the introduction of contraband into the facilities, and to ensure the safety and security of the staff and inmates.
- C. Searches shall not be punitive or harassing in nature. Staff shall conduct all searches in a professional and dignified manner, affording the detainee as much privacy as possible consistent with jail security.
- D. The only time a strip search will be performed for an arresting agency is if the arrestee is female, the arresting agency does not have a female officer on duty, and the arresting officer can document reasonable suspicion based on the nature of the offense, arrestee's appearance and conduct, and prior arrest record.

II. DEFINITIONS

- A. **PHYSICAL BODY CAVITY SEARCH** - Body cavities are defined as stomach, rectal cavity, or vaginal cavity. A body cavity search is only performed by a licensed medical physician and authorized by a valid search warrant.
- B. **BOOKING SEARCH** - A systematic search of an arrestee wherein some outer clothing may be removed (such as sweatshirts, jacket, extra pants, etc.) to one

SEARCHES

outer layer of clothes, for the purpose of discovering weapons or contraband, prior to the individual being allowed inside the secure areas of the jail facilities. Female deputies may perform this search on both genders. Male deputies may only perform booking searches on male detainees. Booking searches will be professionally conducted with only incidental contact with the genital area.

- C. EXIGENT CIRCUMSTANCES – Circumstances in which a reasonable officer at the scene would believe it requires immediate aid or action.
- D. INTERIOR SEARCH - A search for contraband and breaches in security or structural integrity of the interior of the building.
- E. PAT SEARCH (WEAPONS SEARCH) - A search for weapons or contraband, concealed on a person, inmate, or arrestee, in which the person's clothing is not removed. Female deputies may perform this search on both genders. Male deputies may only perform pat searches on male detainees. Pat searches will be professionally conducted with only incidental contact with the genital area.
 - 1. All correctional staff shall receive training annually how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
- F. PERIMETER SEARCH - A search for contraband and security breaches within the fenced perimeter of the facilities.
- G. REASONABLE SUSPICION: Reasonable suspicion is knowledge sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe criminal activity is taking, or has taken, place. A hunch or a guess, without more, does not constitute reasonable suspicion. Concerning strip searches; reasonable suspicion must be based upon specific and articulate facts that the newly arrested detainee is concealing a weapon or contraband, which will be revealed during a strip search. In addition, reasonable cause needs to be based on nature of offense, arrestee's appearance and conduct, and prior arrest record.
- H. STRIP SEARCH - A search of an inmate or arrestee in which the person is required to arrange some, or remove all, of the person's clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia. Included in this search is a thorough search of the person's clothing. The purpose of this type of search is to detect weapons or contraband concealed in the non-cavity areas of the arrestee or inmate. This is strictly a same gender search.

SEARCHES

- I. YARD SEARCH - A search for contraband and security breaches within the inmate yards.
 - J. CONTRABAND - Contraband is any item possessed by inmates that is declared illegal by law or not specifically approved for inmate possession. Examples of contraband include; weapons, escape devices, drugs and/or drug paraphernalia, or authorized items that are possessed in excessive quantities or altered to be utilized in a manner not intended.
- III. OBJECTIVES:
- A. Searches properly conducted will meet the following objectives:
 - 1. To prevent the introduction of weapons or other contraband into the facilities;
 - 2. To detect the presence of weapons, escape devices or other contraband within the facilities; and
 - 3. To discover security breaches and compromises to the integrity of the facilities structure.
- IV. WHEN TO DO SEARCHES
- A. PAT SEARCHES - A pat-down search may be conducted on any inmate for any reasonable basis at any time. Additionally, the following guidelines shall apply:
 - 1. Female inmates may only be pat searched by female Deputies, except in exigent circumstances.
 - a. Female inmates' access to regularly available programming or other out-of-cell opportunities shall not be restricted in order to comply with this provision.
 - (1) All inmates will be searched prior to being returned to any housing unit in order to prevent the introduction of contraband.
 - 2. Barring exigent circumstances, male Correctional Staff are prohibited from pat searching female inmates. All cross gender pat searches of female inmates by male Correctional Staff shall be documented in an incident report.

SEARCHES

3. A pat-down search shall be conducted on all inmates who leave the facility for any reason and upon return into the facility (i.e., court, work assignment, medical appointment, etc.).
4. A pat search will be completed before and after any movement between Building One and Building Two
5. A pat-down search will be conducted prior to exchanging an arrestee's clothing for jail-issued clothing and again before the arrestee is housed.
6. All pat-down searches shall be conducted in such a manner as to provide for staff safety, including appropriate location, precautions, and staffing level.
7. A pat-down search will be conducted on all persons that enter the jail facilities or court holding cells to conduct a contact interview.
 - a. The exceptions to this are law enforcement, medical/mental health personnel, and other authorized personnel when exempt.
8. At any point that an inmate is suspected to have contraband.
9. All pat-down searches shall be conducted in a professional manner.

B. BOOKING SEARCHES

1. A booking search shall be conducted on all arrestees upon intake into the facility.

C. STRIP SEARCHES

1. All inmates housed in the jail under any classification code except civil commitments (including Sexually Violent Predators) will be strip-searched.
2. Arrestees that are going to be released (i.e., bailing, released on PTR or per 849(b) (2) PC) and are not going to be housed within the facility will not be searched unless reasonable suspicion exists.
 - a. Reasonable suspicion will be documented and supervisor approval will be obtained prior to a strip-search being completed.

SEARCHES

3. Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip and visual body cavity search shall be of the same gender as the person being searched.
 - a. Transgender inmates shall be searched by custody staff with the same genitalia as the inmate.
 - b. Transgender or intersex inmates shall not be searched or examined for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
4. In the event exigent circumstances require that a person of the opposite sex participate in a strip search, all reasonable actions shall be taken to prevent the person of the opposite sex 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.
5. The officer conducting a strip and visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.
6. If contraband is present in a body cavity, the on duty supervisor will be notified.
 - a. The inmate should be asked if they could safely remove the item.
 - b. If they cannot or will not remove it, then a physical body cavity search may be conducted pursuant to the physical body cavity search policy, or
 - c. If the item is not believed to be a significant security threat, at the discretion of the on duty supervisor, the person may be housed in a single cell until the item is removed.
7. All strip searches will occur in the following locations:
 - a. Building One Clothing Exchange/Shower Room, with the curtain closed. The deputy conducting the search must be in the room with the inmate being searched.

SEARCHES

- b. Building Two Sallyport in the Laundry Exchange Cubicle, with the curtain closed.
 - c. Building Two Women's Jail Booking Shower Cubicle.
 8. Corrections staff will conduct an unclothed (strip) search of inmates upon:
 - a. Returning to the facility from outside work.
 - b. Returning from outside appointments.
 - c. Returning from a court ordered pass.
 9. Documentation:
 - a. Prior to an inmate's initial housing, a deputy will complete an *Arrestee Strip/Visual Search Form* on each person before they are strip searched.
 - b. The deputy will fill in the inmate's name, master ID number, date, charges, time booked and the search location.
 - c. The deputy will then determine what strip search criteria the arrestee falls under and will check the correlating box.
 - d. If reasonable suspicion is required, the deputy will complete the *Officer Declaration of Specific That Caused You to Believe a Search Should Be Made* section, documenting why a search should be completed.
 - e. The *Arrestee Strip/Visual Search Form* will be submitted to the Facility Supervisor prior to any search.
 - f. If an item is found during a strip/visual search, it will be documented in the *Results of Search and Items Discovered* section.
 - (1) If nothing is discovered, that too will be documented in this section.
 - g. A copy of the *Arrestee Strip/Visual Search Form* will be retained in the inmate's permanent file. A copy of the original form shall be made available to the arrestee or other authorized representative

SEARCHES

upon request.

- h. The *Arrestee Strip/Visual Search Form* will not need to be completed for strip searches of inmates that occur after they have been housed in the facility.

10. Strip Searches of Entire Housing Units

- (1) If there is suspicion that inmates are in possession of drugs, weapons or contraband, or there has been a violent assault, the Facility Supervisor may authorize the strip search of an entire housing unit.
- (2) Strip searches may be conducted in the housing unit provided that the inmates are searched one at a time, separate from other inmates and behind a privacy screen or in the housing unit shower area.
- (3) The responsible Corrections Deputy will prepare an incident report documenting their suspicion, what inmates were strip searched, the location of the searches and what items, if any, were found during the search.

D. STRIP SEARCHES FOR OTHER AGENCIES

- 1. Strip searches may be conducted for other agencies when no officer of the same sex as the arrestee is available to complete the search.
- 2. The arresting officer must be able to document reasonable suspicion that the arrestee is in possession of contraband.
- 3. Documentation will be done on the *Arrestee Strip/Visual Search Form* under the Officer Declaration section.
- 4. The facility supervisor's approval is required prior to completing the search.

E. PHYSICAL BODY CAVITY SEARCHES

- 1. No person arrested on any charge shall be subjected to a physical body cavity search except under the authority of a search warrant issued by a Judge, specifically authorizing the search.

SEARCHES

2. A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative.
3. Although nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may perform this type of search; The Sheriff's Office position is that only a physician perform a physical body cavity search.
4. Except for medical personnel, persons present must be of the same sex as the person being searched. With transgender inmates, custody staff with the same genitalia as the inmate will standby.

F. SEXUALLY VIOLENT PREDATORS (SVP)

1. Persons coming into custody charged with, but not convicted of being a Sexually Violent Predator may be strip searched if they meet the strip search guidelines.
2. Persons coming into custody that are verified through criminal records or a Court order as being a certified Sexually Violent Predator (6600 W&I), and has no other pending criminal charges, cannot be strip searched as they are considered to be civil detainees.

G. CIVIL COMMITMENTS

1. Persons in custody on civil commitments will not be strip-searched. Civil commitments are detainees and have not been charged with a criminal offense.

H. REFUSALS

1. In the event a newly arrested detainee refuses to comply with the strip search policy set forth above, force shall *not* be utilized unless each of the following conditions are met:
 - a. The non-compliant inmate, if he or she does not pose a significant threat to himself or herself, to jail staff, or jail security, shall be placed in a holding cell, counseled, and provided a cool down period not less than one hour; and

SEARCHES

- b. The Facility Supervisor shall talk with the inmate and thereafter make the determination whether force shall be utilized to ensure search policy requirements; and
- c. If the Facility Supervisor determines that force is to be used, a search warrant will be secured and the search performed.
 - (1) All staff involved in the use of force shall submit timely and appropriate documentation concerning the incident by way of a Jail Incident Report.

V. LEGAL ASPECTS

- A. The searching of inmates, inmate cells, housing units, wings and interview rooms may result in new charges; therefore all procedures regarding searches must be followed to ensure the legal protection of the inmate and the preservation of evidence.
- B. When a search is necessary of an inmate, the inmate's cell and/or housing unit, or his property, as a result of a suspected new crime, the search will be conducted at the direction of the Corrections Lieutenant and/or Facility Supervisor. This type of search should be conducted with two goals in mind:
 - 1. The detection and preservation of evidence relating to the crime; and
 - 2. The protection of the inmate's rights.

VI. SEARCH OF VISITORS

- A. Where there is a reasonable suspicion a visitor is concealing contraband, a Corrections Deputy and/or Facility Supervisor will advise the visitor they will not be allowed to enter the facility for a visit without submitting to a clothed pat search.
- B. The Corrections Deputy and/or Facility Supervisor will verbally advise the visitor of their right to refuse being searched.
 - 1. In the event the visitor refuses the search, the visitor will be allowed to leave the facility, losing their visiting privilege on that date only.
- C. Any criminal conduct by a visitor may result in arrest.

SEARCHES

VII. BRIEFCASES AND OTHER CARRYING DEVICES

- A. Several professions, when entering the facilities, are allowed to carry in briefcases and other carrying devices out of necessity. In all cases, these carrying devices will be routinely checked for contraband.
 - 1. Attorneys, Defense Investigators, Legal Runners, and/or persons appointed by the court, will submit for examination all materials they wish to bring into the Contact Visiting Area.
 - a. Bondsmen, community workers, psychiatrists-psychologists, clergy, material witnesses, volunteer workers and other persons who may be allowed a contact visit will be subject to the same provisions if allowed into the Contact Visiting Area.
- B. Documents furnished to inmates by their attorneys or other legally designated persons will be scanned for contraband, but not otherwise read.
 - 1. Legal materials must be furnished to inmates and will not be censored by corrections staff personnel.
- C. A pat-down search will be conducted on all persons (law enforcement, medical/mental health personnel, and other authorized person may be exempt) prior to any contact visit with an inmate within the corrections facilities, and/or areas under the control of Corrections Division personnel (Courthouse Holding Facility or other designated area outside the corrections facility).

VIII. DISPOSITION OF CONTRABAND

- A. The Corrections Deputy finding contraband of which possession is prohibited by law will:
 - 1. Place the subject under arrest if the subject is about to leave the facility.
 - 2. Confiscate the contraband.
 - 3. The Facility Supervisor will cause a crime report to be completed.
 - 4. Initiate an Incident Report and forward the report to the Facility Supervisor.
- B. The Corrections Deputy finding the contraband of which possession is not prohibited by law will:

SEARCHES

1. Confiscate the contraband;
2. Destroy it if it is of no value (i.e., string, rubber bands, pens, pencils, etc.)
3. Mark, tag, and place contraband in Unclaimed Property Room when contraband has value and ownership is not known or if ownership is known, advise the inmate why the contraband is being taken, issue the inmate a receipt for the contraband, and store the contraband in the inmate's property.
4. Initiate an Incident Report and forward to the appropriate Facility Supervisor.

///