

OP-22.19, "Searches of Inmates,"

SCDC POLICY

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TITLE: SEARCHES OF INMATES

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RELATED SCDC FORMS: 19-29A, 19-29B, M-43

ACA/CAC STANDARDS: 4-ACRS-2C-01, 4-ACRS-6A-03, 4-4192, 4-4193, 4-4194, 4-4281, 4-4285

STATE/FEDERAL STATUTES: Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79), PREA Standard 115.15

SCDC Health Services Procedures (HSPs): 300.A-40, a-f

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PURPOSE: To set forth guidelines for the proper conduct of searches of inmates, inmate living areas and property, common areas within an institution frequented by inmates, and the entire facility to detect the presence of unauthorized items and property and to control inmate access to and possession of such items.

POLICY STATEMENT: The Agency recognizes that the presence of unauthorized items within an institution and their subsequent possession and/or use by inmates threaten the security of the institution and endanger the safety of inmates, employees, visitors, and the public. Therefore, in an effort to control and prevent the introduction and possession of unauthorized items by inmates, the Agency will conduct routine frisk searches of inmates and routine searches of the entire institution, of an inmate's property and living area, and of any common area used or frequented by inmates. In some routine situations and when other cause exists, inmates will be strip searched. The use of body cavity searches will only be authorized when

reasonable cause exists to conduct the same. (4-4192)

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SPECIFIC PROCEDURES:

1. **RESPONSIBILITY:** Each Warden will ensure that all searches of inmates are conducted in a professional manner and as outlined in the procedures contained herein.

2. **GENERAL PROVISIONS:** The following procedures apply to all searches except as otherwise noted. These procedures are to be followed for all searches of inmates where Canine Drug Interdiction Teams have NOT been used or are NOT present. All searches prompted as a result of any Canine Drug Interdiction efforts are to be handled pursuant to SCDC Policy OP-22.04, "Canine Drug Interdiction Unit."

2.1 Two basic types of searches are discussed in these procedures:

2.1.1 Individual Searches: These include the following categories of searches:

- Frisk searches;
- Strip searches; and
- Body cavity searches.

2.1.2 Living Quarters/Property and Institutional Searches: These searches are commonly referred to as "shakedowns" or "shakedown searches."

2.2 Under no circumstances will any search be conducted to harass, humiliate, punish, or retaliate against any inmate. All searches will be conducted in a professional manner and in compliance with applicable case law, American Correctional Association Standards, and any applicable state or federal statutes, rules, and/or regulations. (4-ACRS-6A-03, 4-4281)

2.3 In any instance where an inmate is suspected of committing an act or acts covered by criminal law, the crime scene must be preserved and the Office of Investigations and Intelligence contacted immediately prior to any search of the area. (See SCDC Policy POL-23.01 for additional information.)

2.4 All unauthorized property discovered as a result of any search will be disposed of in accordance with the procedures contained in SCDC Policy OP-22.03, "Authorized Inmate Property and Unauthorized Property Disposition" and/or OP-22.35, "Contraband Control."

2.5 With the exception of medical staff required to conduct body cavity searches, all searches will be conducted by SCDC employees who have satisfactorily completed basic certification training related to searches. (See Section 13., below, for additional information related to staff training.) (4-4194)

2.6 All searches will be conducted in accordance with SCDC training procedures. (See Section 13., below, for additional information.)

3. FRISK SEARCH PROCEDURES: Inmates may be subjected to frisk searches, as follows:

3.1 Inmates may be frisk searched at any time. All security staff will visually search and frisk search inmates according to Agency post orders issued by the Division of Security and Agency policies/procedures related to their respective areas of assignment. (4-ACRS-2C-01, 4-4192)

3.2 At Level I institutions, any new admission and any inmate returning from or arriving from an outside location will always be frisk searched. Random frisk searches may also be conducted of inmates departing a Level I institution to any outside location. (4-4285)

3.3 Whenever possible, staff of the same sex as the inmate should conduct frisk searches of male inmates; however, if circumstances dictate otherwise, staff of the opposite sex are authorized to conduct frisk searches of male inmates. Cross-gender frisk searches of female inmates are prohibited, except in exigent circumstances. Facilities must document all cross-gender frisk searches of female inmates. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

3.4 If contraband is found on the inmate or there are suspicions that contraband is hidden on the body in such a way that a frisk search is inadequate, a strip search may be conducted pursuant to Section 4., below.

4. STRIP SEARCH PROCEDURES:

4.1 An inmate will be strip searched anytime there is a reason to suspect that contraband is or might be concealed on his/her body. Also, as a deterrent measure, at irregular intervals in all institutions, one or more inmates may be randomly selected and subjected to a strip search. (4-4194)

4.2 Inmates in the following categories will always be strip searched:

4.2.1 Any and all inmates, to include newly arriving inmates, arriving at, departing to, and returning from any and all outside locations at Level II and Level III institutions. (4-4194, 4-4285)

4.2.2 Any and all inmates assigned to Level II and Level III institutions prior to exiting any visiting area;

4.2.3 Inmates housed in any Restrictive Housing Unit (RHU), on Death Row, and/or in any other special housing unit/security status; (All such inmates will be strip searched in accordance with these procedures and with SCDC policies specific to that unit/status.)

4.2.4 Any and all inmates in a Level I institution whenever they are transported with other inmates requiring restraints or to a more secure location, i.e., Level II or III institution or Restrictive Housing Unit.

4.3 Strip searches will be performed by employees of the same sex as the person being searched, except in extreme emergencies approved by the Major (or Captain at those institutions without a Major) or other higher authority, or when the search is performed by medical practitioners. Facilities shall document all cross-gender strip searches. NOTE: Extreme emergencies are any set of temporary and unforeseen exigent circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

4.3.1 In exigent circumstances, when a supervisor or an employee is required to conduct a cross-gender strip search (either live or via video monitoring) a privacy screen or other similar device should be utilized to obstruct cross-gender viewing of an inmate's breasts, buttocks, or genitalia. The privacy screen or other similar device need only be of sufficient height and position to obstruct viewing of the listed areas. In cases where other opposite-gender staff or personnel are in the vicinity of the strip search, similar precautions should be used, unless the opposite-gender staff or personnel are of sufficient distance where the contours of the breasts, buttocks, or genitalia are not readily distinguishable.

4.4 Whenever possible, two (2) employees will be used when conducting strip searches. The primary searcher must have completed all prescribed and mandated certification training. Any additional employee(s) who assists the primary searcher may be used to witness the search and to provide other support as needed; however, s/he may not directly strip search unless s/he has been trained.

4.5 Strip searches will always be conducted in an area out of public view with a reasonable degree of sight and sound seclusion and as much privacy as security conditions permit. (4-4194)

4.6 If any unauthorized item is found as a result of a strip search, a body cavity search may be conducted pursuant to Section 5., below.

5. BODY CAVITY SEARCH PROCEDURES AND DRY CELL PROCEDURES: Body cavity searches will only be prescribed when reasonable suspicion exists to conduct such a search. Body cavity searches will always be conducted by trained medical staff. The inmate's consent is not required. (4-4193)

Body cavity searches of an inmate may be conducted following a strip search according to the following procedures:

5.1 Reasonable suspicion must exist to conduct a body cavity search. Reasonable suspicion may be established as follows:

- Confidential information from a reliable source;
- Irregularities found in the pelvic and/or rectal area or any other body cavity (e.g., mouth, nostrils, ears, etc.) during an unclothed body search;
- Detection of contraband on the person of an inmate's visitor after physical contact with the inmate or having seen an object passed from a visitor to an inmate and a strip search was conducted with negative results; and/or
- Any other objective evidence(s) which would indicate that the inmate has contraband hidden in a body cavity.

5.2 No routine body cavity searches are authorized. An inmate body cavity search will only be conducted by trained medical personnel when authorized in writing by the Warden, Duty Warden or higher authority. The Warden, Duty Warden, or higher authority may also authorize placement in a dry cell in lieu of a body cavity search. The Warden, Duty Warden, or higher authority must authorize placement in a dry cell by signing the Incident Report. See Sections 5.8 through 5.8.9, below, for procedures for dry cell confinement. (4-4193)

5.3 Requests for a body cavity search must be provided to the Warden or Duty Warden in writing. SCDC Form 19-29A, "Incident Report," and SCDC Form 19-29B, "Incident Report Supplement," should be used for this purpose. The report must include an explanation stating that reasonable suspicion exists to conduct the body cavity search (see Section 5.1, above). The Warden or Duty Warden will sign the Incident Report to indicate his/her authorization, and a copy of the Incident Report will be placed in the inmate's medical record.

5.4 Prior to initiating the body cavity search, security staff will provide the inmate with an opportunity to voluntarily remove and surrender any unauthorized item that may be concealed. If the inmate refuses to surrender the item, s/he will be escorted to the nearest medical area.

5.5 Body cavity searches will always be conducted in medical areas with privacy respected except when security dictates emergency measures. If the institution does not have a medical area, the inmate will be transported to the nearest institution that can fulfill these requirements.

5.6 Only a physician or specially trained nursing personnel are authorized to conduct a body cavity search. Body cavity searches will always be witnessed by trained security staff of the same sex as the inmate being searched. Security staff of the same sex as the inmate will be present to serve as witnesses to the body cavity search.(4-4193, 4-4194)

5.7 The inmate's consent is not required for a body cavity search. (4-4193)

5.8 When the Warden, Duty Warden, or higher authority has authorized placement in a dry cell rather than a body cavity search, the inmate will be confined to a "dry cell" (no running water) that has been thoroughly searched prior to the inmate's placement in the same. Confinement of an inmate to a dry cell will not exceed 72 hours or until such time that the contraband has been confiscated, whichever comes first. Inmates will be monitored by continuous direct observation to determine if the contraband has been voluntarily removed or excreted. The following will apply:

5.8.1 Reasonable suspicion must exist to conduct a dry-cell. Reasonable suspicion may include:

- Confidential information from a reliable source;
- Detection of unauthorized property being passed and being swallowed; and/or
- Irregularities found in the rectal area during a strip search/body cavity search.

5.8.2 Under no circumstances will dry-celling be conducted to harass, humiliate, punish, or retaliate against an inmate.

5.8.3 A request for dry-celling must be provided in writing to the Warden/Duty Warden. SCDC Form 19-29, "Incident Report," may be used for this purpose.

5.8.4 If approved by the Warden/Duty Warden, the inmate will be moved to the dry-cell area (an area where there is no water or the water has been cut off). The dry-cell area will always be in an area away from the general population.

5.8.5 Officers will maintain visual contact with the inmate at all times while s/he is in the dry-cell.

5.8.6 The inmate will defecate in a five (5) gallon bucket or a commode with a plastic bag to catch the waste. Staff assigned to watch the inmate as he/she defecates must be of the same sex as the inmate, except in exigent circumstances. The inmate must have at least one (1) bowel movement prior to being released from the dry-cell.

5.8.7 An inmate may be x-rayed if there is a reasonable suspicion that the unauthorized property has not been passed. If it is determined that an x-ray is necessary, an order must be obtained from a physician.

5.8.8 Any inmate found to be in possession of any drugs or unauthorized property will be prosecuted and/or disciplined in accordance with SCDC Policy OP-22.14, "Inmate Disciplinary System."

5.8.9 Any unauthorized item(s) discovered as a result of dry-celling will be disposed of in accordance with SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property," and/or OP-22.35, "Contraband Control."

5.9 Medical protocol will be followed when conducting any body cavity search. (See Health Services Procedure 300.A-40, a-f, for more information.) All action initiated will be recorded in the inmate's medical record by medical personnel. Any unauthorized item found as a result of any body cavity search will be turned over to security staff for proper disposition in accordance with SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property," and/or OP-22.35, "Contraband Control."

5.10 The results of all body cavity searches or dry cell confinement will be reported in writing on SCDC Form 19-29, "Incident Report," to the Warden by staff present to witness the same, including the medical staff who actually conduct the search. The reported results will be filed and maintained in the inmate's institutional file.

6. SEARCHES OF TRANSGENDER AND INTERSEX INMATES: Transgender and intersex inmates shall not be searched or physically examined for the sole purpose of determining the inmate's genital status, and they shall not be subject to more invasive searches than inmates who are not transgender or intersex.

6.1 If an inmate's genital status is unknown, and it is necessary to know it for classification or other legitimate purposes, staff may determine it through conversations with the inmate, by reviewing medical records or if necessary, as part of a broader medical examination conducted in private by medical staff. Once an inmate's genital status has been established during the intake process, any questions regarding their gender shall be referred to the facility's PREA Compliance Manager.

6.2 Under no circumstances is it appropriate for transgender or intersex inmates to be searched by both male and female staff (i.e. with the male searching anatomically male body parts and the female searching anatomically female parts).

6.3 The gender of the staff member searching a transgender or intersex inmate will be a case-by-case determination. It will depend on the specific needs of the individual inmate and on operational concerns. This case-by-case determination may change over the course of the inmate's incarceration and should take into consideration the gender expression of the inmate. A transgender or intersex inmate may request that either a male or female staff conduct a search. Staff may accommodate this request when possible and consistent with maintaining safety and security. Serious consideration shall be given to the inmate's views about whether he or she would feel safer and more comfortable being searched by male or female staff. (Refer to SCDC Policy OP-21.04, "Inmate Classification Plan").

6.3.1 Transgender inmates and inmates with gender dysphoria will be allowed to indicate in writing which gender they feel most comfortable being searched by to include frisk (pat) searches and strip searches. This preference will be recorded in the inmate's individualized accommodation plan and classification screen as well as intake documentation if the preference is expressed at that time. Absent exigent circumstances, this preference will be accommodated when possible, considering employee, security, and safety concerns and consistent of the Prison Rape Elimination Act.

7. BODY ORIFICE SECURITY SCANNER (BOSS) CHAIR: BOSS chairs are currently located at the Level II and Level III (Medium and Close Custody) institutions. A Boss Chair is also located in the Division of Security that can be used with approval from the Director of Security.

7.1 Guidelines for General Use: The BOSS chair will be used any time an inmate leaves a Level II or Level III institution or any other time it is deemed necessary by the senior supervisor on duty.

7.1.1 Unrestrained inmates will be frisk searched and then directed to stand and place their face on to the Oral Detection area of the scanner and roll their face from side to side. The inmate will then be directed to sit in the chair.

7.1.2 Restrained inmates will be directed to stand and place their face onto the Oral Detection area and roll their face side to side. The inmate will then be directed to sit in the chair and place their hands into their lap. Officers will ensure that if an inmate is wearing belly chains, the waist chain does not slide down towards the chair and that their hands are in their lap to prevent any false alarms due to the metal restraints.

7.2 GUIDELINES FOR POSITIVE ALERT:

7.2.1 If there is an alarm from the Oral Detection area, the inmate will be strip searched as outlined in Sections 4.3 through 4.5. All clothing, to include shoes, will be scanned using a hand held metal detector.

7.2.2 If the clothing is clear, he/she will be instructed to sit in the chair again. If the chair alarms again, a hand held detector will be used to scan the inmate's body. If the hand held detector alarms, the inmate will be dry-celled or referred to medical for review for a body cavity search or x-ray as outlined in Section 5.

7.3 Transports outside of the Institution: All inmates at Level II or Level II (Medium and Close Custody) institutions will be required to clear the BOSS Chair before leaving the institution. In the case of court appearances, institutional personnel will notify the appropriate jurisdiction that the inmate has not cleared the metal detector.

7.3.1 If the Court jurisdiction indicates that the inmate must be transported, additional security precautions will be used to include, but not be limited to, stun belts, leg braces, security mitts, lead chains, or any other security device approved by the Director of Security.

7.4 BOSS CHAIR SET-UP, TESTING AND EMPLOYEE TRAINING: The BOSS Chair will be set up and tested according to the manufacturer requirements prior to each use. All employees responsible for searching inmates using the BOSS Chair will be thoroughly trained in its use and with these procedures.

8. SEARCHES OF INMATES' QUARTERS, PROPERTY, AND AREAS FREQUENTED BY INMATES:

The Agency reserves the right to conduct unannounced routine searches of the entire institution, an inmate's personal and state issued property, an inmate's living quarters (e.g., room, cell, etc.), any common area within an institution frequented by inmates, and any item received through authorized channels, i.e.,

commissary, canteen, mail, etc. at any time to control contraband. An inmate's personal and state issued property and/or living area (e.g., cell, room, etc.) and any common living area, work area, or other areas frequented by inmates may be subject to unannounced and irregular searches at any time. (4-ACRS-2C-01, 4-4192)

9. SEARCH PROCEDURES FOR INMATES' LIVING AREA:

9.1 When searching an inmate's living area and/or personal property, it is preferable, but not required, that the inmate be present to observe the search. Inmates will, however, be required to stand outside their room/cell or, in an open-dorm situation, at least one bed length away from the officer(s) conducting the search. If the inmate is not present, then two (2) employees will be required to complete the search (one to complete the search and the other to assist and to serve as a witness).

9.2 A complete search (shakedown) of an inmate's living area will include examination of such items as bars, grills, tables, doors, locks, windows, night stands, ventilators, condition of walls, ceilings, floors, crevices, plumbing, and electrical equipment. Special attention will be given to television sets, radios, and other personal electronic equipment, books, beds, bedding, and all other personal belongings, including clothing.

9.3 An inmate's living area will always be searched in the following instances:

- Before an inmate is moved to a Restrictive Housing Unit (RHU), the RHU cell will be searched to ensure that it does not contain any unauthorized items; (4-4192); and
- Upon escape or abandonment.

10. SEARCH PROCEDURES FOR INMATES' PROPERTY:

10.1 Audio-Visual Equipment: An inmate's audio-visual equipment (e.g., televisions, radios, etc.) will be searched upon the inmate's transfer to another institution and periodically thereafter as deemed necessary by the Warden/designee.

10.2 Inventories: Property inventories will be conducted pursuant to SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property."

10.3 Any time an item is shipped to or from a repair shop, the item will be thoroughly inspected. The inmate will be provided the necessary tools to dismantle the item him/herself, which will be done in the presence of an employee/correctional officer. Should the inmate refuse to dismantle the item, it will be confiscated and appropriate charges will be brought.

11. SEARCH PROCEDURES FOR COMMON AREAS:

11.1 Visiting Areas: Visiting areas will always be searched before visitation and after general visiting hours have ended and upon termination of any other visiting, volunteer, or program activity that has taken place in a visiting area.

11.2 Work Areas: Frequent searches and careful supervision of inmate workers will be accomplished. The work schedules and number of inmates employed at some job sites preclude a complete search of the job site during hours of operation. Therefore, a more thorough search of such areas will be accomplished during other than normal duty hours.

11.3 Other Areas: Searches may be conducted in any area of an institution or adjacent grounds at the discretion of the Warden or designee.

12. SEARCH OF AN ENTIRE FACILITY: When a Warden or designee deems it necessary to conduct a search of the entire facility, advance approval will be obtained from the Deputy Director of Operations or designee. (4-4192)

13. TRAINING:

13.1 SCDC employees will be thoroughly trained in all provisions of these procedures and other related policies and procedures and in the proper procedures and techniques for conducting frisk searches and strip searches. Security staff shall be trained specifically on how to conduct cross-gender frisk 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.

13.2 During the Basic Correctional Officer Certification Training Course, all SCDC employees will receive verbal and written instructions on how to conduct all types of searches. They will also be required to perform a frisk search under the direct supervision of an instructor and their technique will be evaluated. An employee will not be assigned to duties requiring the conducting of searches, including vehicle searches, until all prescribed basic certification training relating to searches has been satisfactorily completed. This includes training prescribed in the Basic Correctional Officer Certification Training Course as well as on-the-job training at the institutional level as specified by the Warden. (4-4194)

13.3 Nurses (RNs/LPNs) must have received documented training related to body cavity searches. This training will be provided during Health Services New Employee Orientation. A copy of the CRT printout documenting this training will be maintained in the employee's personnel file.

14. DEFINITIONS:

Body Orifice Security Scanner (BOSS) Chair: A non-intrusive scanning system used to detect metal contraband items, i.e. metal objects, handcuff keys, small weapons, cell phones, etc. that may be concealed in lower stomach regions, foot regions, oral, anal or vaginal body cavities. This procedure poses no danger for people with a heart pacemaker or pregnant women.

Intersex refers to a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Medical Personnel refers to licensed Agency or contract physicians, nurse practitioners, registered nurses (RN), licensed practical nurses (LPNs), or Physician's Assistants (PAs).

Transgender refers to a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Unauthorized Item/Property refers to any item that is not identified as "authorized" property and/or any item not able to be purchased in a SCDC Canteen, as described in SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property."

SIGNATURE ON FILE

s/Bryan P. Stirling, Director

Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.