

<b>DATE:</b>	SEPTEMBER 19, 2019
<b>NUMBER:</b>	I.52
<b>SUBJECT:</b>	INMATE SEARCHES
<b>RELATED SECTIONS:</b>	<a href="#">J.8</a> , 4030 P.C., R.13

**PURPOSE**

To establish guidelines and procedures for inmate searches.

**POLICY**

All inmate searches shall be conducted with the purpose of providing a safe and secure environment for inmates and staff in compliance with legal standards (*Bull v. City and County of San Francisco*, 595 F.3d 964 9th Cir.2010).

For searches (body scanner, strip search, pat-down, etc.) of transgender or intersex inmates see Detentions Policy R.13. Inmates who identify as transgender or intersex shall not be subject to a strip search or body scan, prior to being interviewed by the Jail Population Management Unit (JPMU), unless exigent circumstances exist.

**PROCEDURE**

**I. DEFINITIONS**

- A. Intake search – initial search of an inmate prior to booking. May include a pat down search in the receiving sally port, a body scan, and an inventory/verification of inmate property obtained from the arresting officer.
- B. Strip search – any search that requires a person to remove or arrange some or all of their clothing to permit visual inspection of the underclothing, breasts, buttocks, genitalia, or body cavity.
- C. Body scan – X-ray technology used to produce an image revealing the presence of contraband concealed on or inside a person.
- D. Clothing exchange – the exchange of an inmate’s personal clothing for facility clothing.
- E. Body cavity – the stomach or rectal cavity of a person, and the vagina of a female.
- F. Physical body cavity search – the physical intrusion into a body cavity for the purpose of discovering or recovering any concealed contraband.
- G. Reasonable suspicion – the belief, based on specific and articulable facts, that an inmate may be carrying or concealing contraband.
- H. General population housing – as used in this section refers to all housing areas, as distinguished from temporary holding areas.

- I. Transgender – a person whose gender identity (internal sense of feeling male or female) is different from the person's assigned gender at birth.

Intersex – a condition in which a person is born with external genitalia, internal reproductive organs, chromosome patterns, and/or an endocrine system that does not fit typical definitions of male or female.

## II. BODY SCAN

- A. Only staff that has successfully completed training on the SecurePASS Body Scanner shall operate the device.
- B. All persons conducting the body scan or otherwise within sight of the visual display of the body scan (e.g., monitor, image) shall be of the same gender as the inmate being scanned, except for physicians or licensed medical personnel. Furthermore, body scan viewing monitors or generated images shall only be viewed by authorized personnel (sworn staff, medical staff) and shall not be in an area with direct view by inmates.
- C. Inmates who are known to be pregnant will not be subjected to a body scan.
- D. With the exception of the inmate being scanned, all other persons shall remain outside of the "ion curve" area clearly outlined on the floor around each scanner device while a scan is in progress.
- E. All arrestees will be subject to a body scan prior to being placed in general population housing.
  1. In the event an anomaly appears within a subject's body, the deputy conducting the scan will inquire with the arrestee to identify the anomaly. If the anomaly is believed to be concealed contraband, the deputy will ask the arrestee to voluntarily turn over the item(s). The deputy will utilize a private area to obtain the contraband. Once the deputy has obtained the items, the arrestee will need to be re-scanned to verify all contraband was removed.
  2. Staff operating the body scanner shall save the image in the "positive tab folder" with a descriptive label for future reference and or comparison. Staff may pursue a supplementary x-ray, if the technician is available, and facility operations allow.
  3. If the anomaly is still present on the body scan and/or x-ray, and the arrestee is suspected of concealing contraband, the arrestee shall be assessed for placement on Contraband Watch (See Detention's Policy J.8 for procedure). If deemed necessary, a search warrant will be obtained for the retrieval of the contraband.
- F. All in-custody inmates may be subject to a body scan to include:
  1. Inmates who are returning to the facility from court, clinic runs, temporary out-of-custody, work assignments, or any other event that caused the inmate to be removed from the secure area of the facility.
  2. Inmates returning from social or professional contact visits.

3. Inmate workers returning to their housing unit after performing their assigned duties.
- G. In the event a new arrestee or in-custody inmate refuses to undergo a body scan, staff shall not use physical force to compel their cooperation.
1. If this occurs during the intake process, the arrestee shall be separated from those inmates who have already been scanned and be strip searched in accordance with procedure III of this policy.
  2. If an in custody inmate refuses a body scan, they shall be strip searched in accordance with procedure III of this policy.

### III. STRIP SEARCHES

- A. Strip searches shall be conducted in an area that provides inmates as much privacy as possible without compromising facility security. Strip searches shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the search.
- B. All persons conducting or otherwise present during a strip search, or within sight of the inmate, shall be of the same gender as the inmate being searched, except for physicians or licensed medical/clinical personnel. Inmates who identify as transgender, intersex, or non-binary (refer to DSB P&P R.13 Transgender, Intersex and Non-Binary Inmates).
- C. Persons conducting a strip search shall not touch the breast, buttocks, genitalia, or body cavity of the person being searched.
- D. Inmates who refuse a body scan shall be strip searched immediately preceding their placement with other inmates or into general population housing. However, no strip search will be conducted on an inmate until at least one hour after a wants/warrants check has been completed and a total of at least three hours has elapsed from the time of initial booking into a detention facility (except as provided in subsection G). The clearance of wants and warrants marks the point at which Inmate Processing Division (IPD) personnel will begin accepting bail bonds. The timeframes outlined within this section will ensure inmates are provided the opportunity to post bail within a reasonable time (not less than three hours) prior to being subject to a strip search.
- E. Strip searches will not be conducted on inmates who are being “booked and released,” in the process of posting bail, or when it is not intended that the inmate will serve any time in custody beyond the time necessary to complete the booking process.
- F. Inmates may be strip searched any time they are returning to their housing unit or there is reasonable suspicion to believe the inmate may be concealing contraband or weapons. Additionally, inmates are subject to strip search during scheduled or unscheduled housing unit searches, weekly hygiene inspections, laundry exchanges, criminal investigations, etc.
- G. Any inmate may be strip searched before it is determined that he or she will be placed in general population housing, if a deputy has reasonable suspicion to believe the inmate is concealing contraband or weapons in a manner that would not be detectible by a pat

down search. Reasonable suspicion may not be based solely on the nature of the arrest and must be based on factors observed by the deputy. Prior to conducting a strip search based on reasonable suspicion, the deputy will complete a Strip Search Authorization Request (J-52) form. The request must be approved by the on-duty watch commander before the strip search is conducted.

Inmates who refuse a body scan and are eligible for, but do not intend on posting bail, may sign the J-52 form to indicate they chose to forego the three-hour waiting period and request to be strip searched and housed after completing the booking process.

Inmates who refuse a body scan and are booked on charges with no bail or not eligible for bail, may be strip searched and housed before the three-hour period has elapsed. The J-52 form will be completed to indicate the charge(s) or reason(s) why the inmate was not eligible for bail.

- H. Group strip searches of inmates may be conducted only if the individual privacy of each inmate is provided for. Meaning, the inmates participating in the strip search do not have direct observation of each other and they cannot be observed by staff and/or inmates not participating in the strip search. This includes conducting group strip searches in module living areas during searches, while processing court returns or any other time that requires an inmate to rearrange their clothing to permit the inspection of the underclothing, breast, buttocks, genitalia or body cavity in a group setting.

#### IV. NON-COOPERATIVE INMATES

Arrestees who meet the requirements of a mandatory strip search per this section and refuse to cooperate in the strip search will be strip searched observing the following:

- A. Only force that is reasonable and necessary to conduct the search will be used.
- B. Prior to strip searching non-cooperative inmates, deputies shall notify a supervisor and receive approval.
- C. Every effort will be made to have a sworn supervisor, of the same gender as the inmate, directly supervise, but not participate in the forced strip search. If the supervisor and the inmate are of the opposite gender, the supervisor will remain in the immediate area, but not within the line of sight.
- D. The supervisor will have forced strip searches of non-cooperating inmates digitally recorded on a handheld device. The digital recording shall capture the supervisor explaining to the inmate that he/she is being recorded and requesting the inmate to voluntarily cooperate with the strip search procedures. The supervisor should also explain on the recording what will happen if force is used to gain compliance.
- E. When at all possible and to minimize potential injuries, the forced strip search will be conducted in a safety cell.
- F. A NetRMS Use of Force Report will be completed per Addendum F and Detention P&P I.89.

- G. In the event deputies are summoned to assist with a combative inmate of the opposite gender during the strip search process, every reasonable effort will be taken to cover the inmate prior to being contacted.

## V. PAT DOWN SEARCHES

- A. Absent exigent circumstances, deputies will at a minimum, pat down inmates under the following conditions.
  - 1. Prior to the inmate being transported out of the facility.
  - 2. Prior to a professional or social contact visit.
  - 3. Following a professional or social contact visit.
  - 4. Returning to housing unit from programs.
- B. At any time, all inmates are subject to pat down searches, metal detector screenings, and examinations of their clothing and belongings.
- C. Pat down searches of inmates shall be conducted by sworn staff members of the same gender identity as the inmate, unless otherwise stated by the inmate's search preference on the Voluntary Gender Identity Statement of Preference Form (J-350). If no deputy is reasonably available that is of the same gender identity as the inmate (or the inmate's search preference), , a deputy of a differing gender may conduct the pat down.

Sworn staff conducting pat down searches on inmates with a different gender identity than their own (or differing from the inmate's stated search preference on the J-350 form), shall document the incident in each inmate's Jail Information Management System (JIMS) history utilizing the drop down "PDS – Pat Down Search."

## VI. URINALYSIS TESTING

- A. The East Mesa Reentry Facility is the only facility authorized to conduct urinalysis testing at this time. Sentenced and un-sentenced inmates may be subjected to random urinalysis testing for the purpose of detecting the use of illegal substances. Only trained sworn staff will administer and evaluate the test.
- B. At least once per month, the facility commander or their designee will perform a lottery to determine which group of inmates will submit to urine testing. After a test group has been determined, deputies will collect urine samples and process the Panel-Dip substance abuse screening devices.
- C. All persons conducting or otherwise present during a urinalysis test shall be of the same gender as the inmate being tested. Multiple inmates can submit to a urine sample simultaneously, in the same area, only if the individual privacy of each inmate is provided for.
- D. Positive urinalysis results will be followed up with a confirmation analysis by Redwood Toxicology Laboratory. Confirmed positive tests will result in internal disciplinary action and or a criminal complaint filed with the district attorney.

- E. Refusal to submit to urinalysis testing will result in administrative discipline. In addition to administrative discipline, inmate workers who refuse to submit to testing may also be dismissed from their work assignment.
- F. Urinalysis testing can be used as an investigative resource to narrow down suspects in a group setting (i.e., the smell of marijuana smoke in a dayroom module).

## VII. BODY CAVITY SEARCHES

No physical body cavity search or seizure shall be conducted without a search warrant. Contract medical personnel will perform the physical body search. If necessary, deputies may assist with restraining the inmate. If force is used, a use of force report shall be written and submitted in accordance with Detention P&P I.89. Under no circumstances shall sworn personnel conduct such a search.

## VIII. COURT RELEASES

It is to be expected that inmates returning from court may have been granted a release from custody. Detention facility personnel shall make every effort to investigate any inmate's claim that they were granted a release from the court. Until confirmation can be made by contacting the court and/or detention processing staff, detention facility deputies shall not conduct a strip search of the inmate.

However, to maintain the security of the facility and safety of staff and inmates, deputies shall conduct a pat down search of these inmates for contraband and/or weapons.