

DATE:	FEBRUARY 8, 2023
NUMBER:	I.41
SUBJECT:	CELL SEARCHES OF INCARCERATED PERSONS
RELATED SECTIONS:	I.52 , L.2 , P.3
IN COMPLIANCE WITH:	4021 P.C., PRISON RAPE ELIMINATION ACT of 2003

PURPOSE

To establish procedures for the search of incarcerated persons cells, housing units and areas used by incarcerated persons.

POLICY

To ensure protection for incarcerated persons and staff by providing a safe and secure environment free of contraband, weapons, excessive personal property (which would provide fuel for fire), contagious diseases and vermin and to protect incarcerated persons from unreasonable searches.

PROCEDURES

I. CELL, HOUSING UNIT OR AREA SEARCHES

All conducted searches should be documented in the Jail Information Management System (JIMS). The entry should include areas searched and the staff who conducted the search. If pat downs or strip searches occur during the searching of any cell, housing unit, or any other area, they will be done in accordance with Detentions P&P Section I.52 – Strip and Pat Down Searches of Incarcerated Persons.

- A. SCHEDULED INSPECTIONS - Prior notice of the inspection is given to the incarcerated population who may prepare their housing area for the inspection (i.e., cleaning the floors, bars, windows, etc., laying personal property out, etc.). This type of inspection is for cleanliness standards compliance and to evaluate adherence to rules and regulations as to the amount of personal property and jail issued property each incarcerated person has. It should not result in the incarcerated person's housing unit being left in disarray by the inspecting deputies. Inspections should not occur after 2200 hours or before 0600 hours.
- B. UNSCHEDULED CELL SEARCHES - These searches are for the purpose of preventing violence, preventing escape, or controlling contraband. Searches are not to be conducted for the purpose of harassing, intimidating or punishing incarcerated persons. This type of search will necessarily cause the incarcerated person's property and bedding to be inspected thoroughly, which may result in some disarray. The deputies conducting the search should make every reasonable effort to assure that the property is not destroyed or misplaced. This type of search may be done at any time.
- C. Searches should not occur after 2200 hours or before 0600 hours on court nights, unless there are exigent circumstances that would require an unscheduled search during these hours. The above time restrictions do not apply to hourly safety checks completed to reduce escapes, control contraband and prevent assaults.

II. ENTERING CELLS OCCUPIED BY INCARCERATED PERSONS OF THE OPPOSITE GENDER IDENTITY

- A. In compliance with California Penal Code section 4021, when an incarcerated person is present in the cell, a staff member of the same gender identity as the incarcerated person shall be present during the inspection or search of the incarcerated person's cell.
- B. Prior to cell inspections or searches, staff will utilize JIMS Web and select the 'Active Inmates with Selected Hazards' tab under the Classifications section. Staff will search for hazards 'FSS-Female Strip Search' and 'MSS-Male Strip Search' to see if any incarcerated persons are applicable to these hazards at their respective facilities.

III. PRIVILEGED COMMUNICATION

While conducting cell searches and/or inspections, privileged communications (i.e., confidential/legal correspondence as described in Detention Services Bureau Policies and Procedures section P.3) may be examined for contraband pursuant to the search and/or inspection. However, privileged communications shall only be scanned for security concerns and validation of privileged content in the presence of the incarcerated person.

IV. SEARCHES REQUESTED BY OUTSIDE AGENCIES

Requests to search the cell of an incarcerated person by an outside law enforcement agency will be facilitated through the Detention Investigations Unit or Detention Intelligence Group. When searching, the above policies will apply. If items are seized, a report will be generated in NetRMS documenting the incident. An ISR will also be written in JIMS documenting the NetRMS case number. A Property Release form will be completed prior to the release of any seized property to an outside agency and attached in NetRMS.