

DATE:	MARCH 15, 2023
NUMBER:	I.50
SUBJECT:	BODY SCANNER AND X-RAYS
RELATED SECTIONS:	<a href="#">I.52</a> ; <a href="#">J.8</a> ; <a href="#">M.9</a> ; <a href="#">R.13</a> ; 4030 P.C., CA Business and Professions Code - 2053.5(a)(2) and 2053.6 .

PURPOSE

To establish guidelines and procedures for the use of imaging technology that produces images for revealing the presence of contraband on or inside an incarcerated person.

POLICY

The introduction and presence of unauthorized weapons, drugs and other contraband presents serious threats to the security and proper management of the detention facilities. The use of imaging technology shall be allowed to restrict contraband from entering a detention facility. All searches, including body scans and x-rays, of incarcerated persons shall be conducted in compliance with legal standards (*Bull v. City and County of San Francisco*, 595 F.3d 964 [9<sup>th</sup> Cir. 2010]). X-rays shall only be ordered by an individual who is a licensed physician per CA Business and Professions Codes 2053.5(a)(2) and 2053.6.

For body scan searches of incarcerated persons who identify as transgender, intersex or non-binary see Detention Services Bureau Policies and Procedures (DSB P&P) section R.13. Unless exigent circumstances exist, incarcerated persons who identify as transgender, intersex or non-binary shall not be subject to a body scan prior to being interviewed by the Jail Population Management Unit.

PROCEDURE

I. DEFINITIONS

- A. Refer to DSB P&P section I.52 for specific definitions related to searches of incarcerated persons.
- B. Body scan – imaging technology used to produce an image revealing the presence of contraband concealed on or inside a person. Body scans shall be completed as part of the Intake Search of persons. Body scans shall also be utilized during daily operations to assist in the detection of contraband on incarcerated persons.
- C. X-Ray - Imaging studies [e.g., computerized tomography (CT) scan, magnetic resonance imaging (MRI), or x-ray] are medical tools typically used for medical purposes (i.e., screening tests and diagnostic studies).

II. GENERAL BODY SCAN USE

- A. All persons, with the exception of those suspected or confirmed to be pregnant, will be subject to a body scan during the intake process.
- B. Only staff that have successfully completed training on the body scanner shall operate the device.

- C. All incarcerated persons with misdemeanor charges who have not been arraigned shall be body scanned by sworn staff of the same gender, or the gender indicated on the Voluntary Gender Identity Statement of Preference (J-350) form. Furthermore, generated images shall only be viewed by authorized staff (e.g. sworn staff, health staff). Body scanner monitors shall face in a direction not viewable by incarcerated persons.
- D. With the exception of the incarcerated person 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. The body scanner is primarily for use to scan persons being booked into a detention facility or in-custody individuals. The body scanner shall not be utilized to scan any other person without prior approval from the facility commander or designee. Authorization for scanning a person not being booked or in custody shall be made only in circumstances where there is an immediate threat to public safety or facility security (e.g., person is suspected of concealing a weapon within their body).
- F. Facility Administrative Staff shall keep documentation containing information on how much radiation an individual is being exposed to on the body scan machine being operated. This documentation shall also contain the number of maximum body scans an individual can have conducted on them annually.

### III. BODY SCAN ANOMALIES

- A. In the event an anomaly appears within a subject's body, the deputy conducting the scan will inquire with the person to identify the anomaly.
  - 1. If the anomaly is believed to be concealed contraband, the deputy will ask the person to voluntarily turn over the item(s). The deputy will utilize a private area to obtain the contraband.
    - a. If the person refuses to voluntarily turn over the concealed item(s), the watch commander will have the overall authority to accept or refuse the person at intake in compliance with DSB P&P section M.9.
    - b. If the person is refused and sent to the hospital for further treatment, a J-206 – Body Scan Abnormality Medical Eval and Examination Request form and J-207 Medical Discharge Clearing Booking form will be given to the arresting officer. The arresting officer shall be instructed to present this form to health staff at the hospital and return the completed forms with the individual upon their return to the booking facility.
  - 2. Once the deputy has obtained the item(s), the person will need to be re-scanned (secondary body scan) to verify all contraband was removed.
  - 3. Staff operating the body scanner will save the image with a descriptive label for future reference and/or comparison.
- B. If the anomaly is still present on a secondary body scan, and the person is approved for acceptance into the facility, the person shall be assessed for placement on contraband

watch per DSB P&P section J.8. If deemed necessary, a search warrant will be obtained for the retrieval of the contraband.

C. As a proactive measure to reduce contraband from entering the detention facilities, body scan use should be considered for the following:

1. Incarcerated persons who are returning to the facility from court, clinic runs, temporary out-of-custody, work assignments or any other event that caused them to be removed from the secure area of the facility,
2. Incarcerated persons returning from social or professional contact visits,
3. Incarcerated workers returning to their housing unit after performing their assigned duties,
4. Any incarcerated person based on the recommendation of the Detentions Investigations Unit, or a canine handler, and concurrence of the watch commander or designee.

#### IV. BODY SCAN REFUSALS

In the event a newly arrested person or incarcerated person refuses to undergo a body scan, sworn staff shall separate them from other individuals and conduct a strip search in accordance with DSB P&P section I.52. Physical force will not be used to compel their cooperation in the body scan process. The incarcerated person shall also be assessed for placement on contraband watch per DSB P&P section J.8.

#### V. X-RAY

An imaging study may be ordered by an appropriate health care professional and when deemed medically necessary for the care and treatment of an incarcerated person.

If the incarcerated person does not consent to the x-ray, or an anomaly is present on the x-ray, the individual shall be assessed for placement on contraband watch per DSB P&P section J.8. If deemed necessary, a search warrant will be obtained for the retrieval of the contraband.