

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

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**TITLE:** SEARCHES - GENERAL

**C-500**

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**REFERENCE:** DBPPM C-550, P-350

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### **POLICY**

The Detentions Bureau recognizes that searches are an effective means of preventing the introduction and movement of contraband within detention facilities, which poses a threat to facility security and the safety of staff and incarcerated people.

The Bureau also recognizes that searches may necessarily intrude upon an individual's privacy. Thus, a balance is required between the need to promote facility security and safety and the need to limit the invasion of a person's privacy interests.

To effectively promote facility security and safety in a manner that does not violate state and federal constitutional rights against unreasonable searches and privacy invasions, this policy shall be followed.

### **DEFINITION(S):**

- **Pat-Down Search:** A search in which the officer feels a subject's body over the subject's clothing in an attempt to detect contraband.
- **Body Scan:** X-ray technology used to produce an image revealing the presence of contraband concealed on or inside a person.
- **Metal Detector Search:** A search in which an officer uses either a hand-held or walk-through electronic device to detect the presence of metal on a subject.
- **Contraband Box:** A container placed near a body scan device where a subject who is about to be scanned can voluntarily place contraband items concealed on their person.

**DIRECTIVE #1**

The following provisions will be adhered to when conducting any search:

- Staff will conduct any search of an incarcerated person in a professional, equal, and impartial manner so as not to harass or cause humiliation to the incarcerated person. Staff will refrain from making any degrading or humiliating comments during a search.
- Staff will use that amount of force reasonably necessary to conduct a legitimate search on an uncooperative arrestee or incarcerated person.
- Staff may immediately seize from an incarcerated person any contraband or weapon the incarcerated person is attempting to destroy, conceal, or use against any person if the delay in obtaining a staff member of the same sex would result in the destruction of evidence or a threat to the safety of any person.

**Procedure A: Pat-Down Searches**

- Staff **will** conduct a pat-down search on all new arrestees during the receiving process as outlined in DBPPM P-350, Procedure A.
- Staff **may** conduct a pat-down search on any incarcerated person at any time to ensure the safety and security of staff, incarcerated people, or facility operations.
- Staff **will** conduct a pat-down search on any incarcerated person before any movement outside of the housing unit.
- When feasible, pat-down searches will be conducted by an officer of the same sex as the incarcerated person being searched.
- Male officers will not conduct pat-down searches of female incarcerated people unless a female officer is not available, and an exigent circumstance exists that requires the search to be carried out immediately.

**Procedure B: Metal Detector Searches**

- Staff **will** conduct a metal detector search on:
  - All new arrestees during the receiving process in facilities without a body scan machine.

- All incarcerated people returning to or arriving at their assigned facility who are not going to be scanned with a body scan machine or strip searched, as detailed in section C-550 of this manual (e.g., court returns, transfers).
- Staff **may** conduct a metal detector search on any incarcerated person at any time to ensure the safety and security of staff, incarcerated people, or facility operations.
- Staff may conduct metal detector searches using a walk-through or hand-held detector.
  - If a walk-through metal detector alerts to an object, staff will use a hand-held detector to determine where on the incarcerated person's body the object is if necessary.
  - If the detector alerts to an object, staff will give the incarcerated person a reasonable opportunity to identify the object and permit staff to confiscate it. Staff is not required to let the incarcerated person retrieve the object.
  - If the alert cannot be satisfactorily resolved, staff may seek authorization from the supervisor to have the incarcerated person scanned with a body scan machine or to conduct a strip search as described in section C-550 of this manual.

**Note:** If a body scan machine is not available at a facility, the supervisor may arrange to have the incarcerated person transported to a facility with a body scan machine.

### **Procedure C: Body Scan Machines**

Body scan devices **may** be used in conjunction with other types of searches. body scan machines do not replace the need for the regular pat-down searches of incarcerated people in custody.

Body scan devices may be used to:

- Scan incarcerated people for contraband,
- Scan incarcerated person prosthetic devices, packages, mattresses, or other objects suspected of concealing contraband.

- Scan consenting members of the public desiring to enter a Sheriff's detention facility as outlined in Procedure E, below.
- The body scan device **shall not** be used to scan persons who are known to be pregnant under any circumstances.

Images generated by a body scan device are used to verify a lack of contraband on a subject without the need for strip or body cavity searches as detailed in accordance with DBPPM C-550.

Staff working in a facility with a body scan machine **may** use it to search:

- Incarcerated people returning from a work assignment, prior to returning to housing
- Incarcerated people returning from court appointments
- Incarcerated people returning to custody from another facility or agency
- Incarcerated people returning from a hospital or an off-site medical appointment
- Incarcerated people returning from any other off-site appointment
- Incarcerated people returning from contact visits with the public
- All new arrestees during the booking process

**Note:** Incarcerated people that are unable to complete the booking process due to intoxication or other reasons will not be scanned by the body scan machine until such time they are able to complete the booking process (i.e.: incarcerated people placed in sobering cells).

- In the event the full body scan of an incarcerated person shows an anomaly, or suspicion exists, a strip search **will** be conducted to verify or disprove the presence of contraband.
- A Shift Supervisor in a facility without a body scan machine, at their discretion, may arrange for the temporary transfer of an incarcerated person to a facility with a body scan machine for the purpose of using the machine to search an incarcerated person.

- In the event contraband is located by use of the body scanner, staff will write a JMS incident (using JMS code 4051: found contraband) and an Incident report if required by Detention Bureau Policy A-1500.

**DIRECTIVE #2**

The following provisions will be adhered to when conducting a search with a body scan machine:

- Persons that cannot stand unassisted shall **not** be scanned in a body scan machine.
- All viewing monitors or images generated by the body scan machine shall only be viewed by authorized personnel and shall not be in an area viewable by incarcerated people.
- All persons conducting or otherwise present in the monitor viewing area shall be the same sex as the person being scanned,
- With the exception of the person being scanned, all other persons **shall** remain outside the “ion curve” area clearly outlined on the floor around each scan device while a scan is in progress.
- If, **during a scan of a new arrestee during the booking process**, an anomaly appears within a subject’s body cavity, the arrestee will be given back to the arresting/transporting officer and not accepted for booking. Printed images from the scanner will be provided to the officer for their use in obtaining a search warrant to obtain the item.
- Only staff that have successfully completed body scan machine training shall use the device.
- Incarcerated people will be given an opportunity to place any concealed contraband items in the contraband box prior to being scanned by the body scan device.

**DIRECTIVE #3**

In the event that an incarcerated person refuses to be scanned by a body scan device, staff will not use physical force to compel the incarcerated person to undergo the body scan search. Instead, the incarcerated person shall be strip searched in accordance with DBPPM C-550 (Strip and Body Cavity Searches).

**Procedure D: Searching Incarcerated Person Living Areas****The Searching Officers will:**

- Ensure that all incarcerated person living areas are routinely and thoroughly searched.
- Ensure that the search is completed in a professional manner showing due respect for the incarcerated person's personal property.
- Ensure that legal mail is only opened and searched in the presence of the incarcerated person.
- Seize any and all contraband.
- Ensure that the cell is structurally sound, including all lights, fixtures, doors, windows, plumbing, etc.
- In the event a cell is found to have structural or safety issues, the Shift Supervisor will be notified. The Shift Supervisor will inspect the cell and determine if the cell is safe to be inhabited.
- Write a JMS incident and/or an Incident Report as appropriate.
- Log the search in the station logbook.
- Log the searches on the monthly search log.

**Procedure E: Search and Storage of Incarcerated Persons Property,****Officers Will:**

- Conduct a search of all personal and county issued property of an incarcerated person prior to them being transported or rehoused.
- If the incarcerated person is being placed on suicide watch or admitted to a hospital or is for any other reason unable to collect their personal property, the officer will complete an inventory log (DBPPM C-500 Attachment A) detailing the property. Attach the log to the bag containing the property and place the property in the facility's designated storage area.

- All property collected or lack of property will be documented in the JMS report.
- When an incarcerated person is cleared to have their property returned to them (e.g., removed from suicide watch, discharged from the hospital) officers will have the incarcerated person sign the inventory receipt section of the log.

**Note:** The log will be submitted to administration so it can be placed in the incarcerated person's file.

### **Procedure F: Searching Members of the Public**

Members of the public entering a Sheriff's detention facility are subject to a search of their person and/or vehicles driven on to the grounds. Such searches may consist of, but are not limited to, a metal detector search, a pat-down search, a body scanner search, a search of pockets and containers, and/or a search of all compartments of the person's vehicle. If a person refuses such a search, they will be required to leave the facility.

If reasonable suspicion to detain or search for weapons or probable cause to search or arrest exists, the officer may detain, search, and/or arrest as permitted by law.

**Note** – Search of a vehicle at CRF may be conducted when the deputy has probable cause to search or has received consent to search from the operator of the vehicle.

### **DIRECTIVE #4**

Attorneys shall be subject to a metal detector search and a search of hand carried items, such as purses, briefcases, etc. or a body scan search prior to being allowed to visit with incarcerated people. If the attorney refuses to submit to the search, admittance into the facility will be denied.