
Policy Number: 301.010
Title: Searches
Effective date: ~~7/21/2001~~ 21/25

PURPOSE: To ~~control the entry of contraband into facilities and grounds by prevent~~ staff, ~~incarcerated people/youth offenders~~, visitors, and non-DOC persons ~~from introducing contraband into facilities and grounds~~. To prevent, discover, and manage threats to the safety and security of facilities, staff, ~~incarcerated people/youth offenders~~, and the public. To prevent ~~incarcerated people/youth offenders~~ from sustaining potentially life-threatening conditions as a consequence of ingesting or inserting contraband into body cavities.

APPLICABILITY: All facilities

DEFINITIONS:

Canine ~~b~~Barrier sniff – refer to Policy 301.120, “Canine Units.”

Exigent circumstances – a ~~temporary, unforeseen~~ situation that demands unusual or immediate action; ~~the situation is temporary and unforeseen.~~

Materials search – an inspection of personal effects, vehicles, or any item via visual, canine, or electronic means ~~of search.~~

Other power-driven mobility device (OPDMD) – any mobility device powered by an external energy source, which is used by individuals with mobility disabilities for the purposes of locomotion.

Pat search – an inspection of a person using the hands, which does not require the person to remove clothing, but may include asking the person to remove shoes for inspection, and may include visual inspection of the ears, nose, and mouth.

Random basis – random selection of the date, time period, or interval, either by computer program, randomly drawing a criterion from a group of criteria, or a similar method. Random basis searches apply only to ~~incarcerated people~~ offenders and staff.

Reasonable suspicion – ~~a belief, based on facility officials must have~~ specific, objective facts, ~~and~~ rational inferences ~~reasonably~~ drawn from those facts ~~in light of based on~~ experience, ~~and individualized suspicion (i.e., suspicion regarding the person to whom the request is made)~~ that a ~~particular person or item may pose a~~ threat to facility safety ~~or~~ and security, ~~or that a specific individual or place may be concealing contraband exists.~~ Reasonable suspicion also requires that, if contraband is the subject of the search, it must be believed to be concealed on the person of the individual being searched, in the person’s vehicle, or in the work area searched.

Religious head covering – see definition in Policy 302.300, “~~Spiritual Care~~ Religious Programming.”

Unclothed body search – the visual inspection of all body surfaces, including the ears, nose, and mouth that require the person to remove their ~~ir~~ person’s clothing.

PROCEDURES:

A. General guidelines

1. All staff, incarcerated people/youth offenders, visitors, non-DOC persons, and vehicles entering, leaving, or on the grounds of any department correctional facility are subject to search.
 - a) Searches are only authorized to accomplish the purposes of this policy and Policy 301.011, "Juvenile Facility Searches."
 - b) When available and feasible, body scanners should be used to complete required searches as directed by Policy 301.012, "Body Scanners." Body scanners are not used on youth.
 - c) Staff must use the least intrusive type of search option available, only escalating to a more intensive search as authorized in this policy.
 - db) Searches must avoid unnecessary force, embarrassment, or indignity to the subject.
 - ee) Staff must conduct aAll searches ~~are conducted~~ as provided for in department of corrections (DOC) training curriculum.
 - fd) ~~DOC~~ Staff must not engage in an invasive search of intimate body parts.
2. Only properly trained staff may conduct searches, regardless of the type of search.
 - a) The DOC agency trains security staff in how to conduct opposite-gender pat-down searches and searches of transgender, gender diverse, and intersex, and non-binary incarcerated people/youth offenders in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs (see Policy 103.410, "In-Service Training" and Policy 103.420, "Pre-Services and Orientation Training").
 - b) Except inunder exigent circumstances, officers of the same gender as the person searched must conduct offender visitor/non-DOC person pat searches ~~or unclothed body searches must be conducted by officers of the same gender as the person searched.~~
 - c) Before a pat search or unclothed body search is conducted, staff must complete the appropriate Notification of Search form ~~for offender visitors, non-DOC persons, or staff~~ (attached) and provide a copy to the person to be searched for signature.
- ~~3. If a staff person at any MN DOC facility performs an opposite-gender unclothed body search, an incident report must be written and maintained in an electronic file by the watch commander.~~
34. All vehicles entering a facility's secure perimeter are subject to search. Refusal to comply with the search will results in denial of admittance into ~~the~~ facility.
45. When conducting searches of an incarcerated person's/youth's offender possessions, staff must make a reasonable effort to not read any of their ~~offender's~~ legal materials.

a) If reasonable suspicion exists that the materials are not legal and violate facility security or DOC policy, staff must receive authorization from the warden/officer of the day (OD).

b) Staff must document in an incident report ~~t~~The reasons for their reasonable suspicion and the results of the search ~~must be documented in an incident report.~~

56. Staff must handle cContraband confiscated during any search ~~must be handled~~ according to with existing policy, including the handling of evidence associated with a crime scene investigation; (see refer to Policy 301.035, "Evidence Management.").

67. Staff, incarcerated people~~offenders~~, non-DOC persons, or ~~offender~~-visitors who refuse to be searched, interfere with the search process, or are resistant to or uncooperative during the search, may be subject to disciplinary action, sanctions, or criminal prosecution.

78. Religious head coverings must not interfere with verification of identity, and are subject to pat search for contraband.

a) If staff are unable to identify a person because a religious head covering covers their face, ~~the person must be:~~

(1) Staff must eEscorted the person to a private area; and

(2) Asked by Sstaff of the same gender must ask the person to remove enough of the religious head covering to verify their identity ~~of the person.~~

b) If a person is unable to pass through a metal detector, ~~the person must be:~~

(1) Staff must eEscorted the person to a private area; and

(2) Asked by Sstaff of the same gender must ask the person to remove the religious head covering to pat search the head covering item.

89. Random searches selection basis may include the following, such examples as:

a) A random selection of persons to be searched on a given day;

b) A random time period when all persons entering are searched;

c) A random interval of persons searched (i.e. for example, every x~~X~~th person); or

d) A random day when everyone is searched.

910. ~~If s~~Staff have may ask law enforcement to assist with the search and detention of non-DOC individuals and other staff when there is reasonable suspicion that athe visitor/non-DOC person or another staff member has violated or attempted to violate a state or federal law on facility grounds, staff must immediately notify local law enforcement.

1011. Whenever reasonable suspicions is required for a search, sStaff must write incident reports articulating the reasons for the search~~for instances of reasonable suspicion.~~ All such incident reports must be~~are~~ retained at the facility ~~of incident.~~

B. Incarcerated person/Youth~~Offender~~ searches

1. The Offender-living and work areas of incarcerated persons/youth may be searched at any time without cause, consistent with the purposes of this policy.

2. Staff may conduct pPat searches and material searches of incarcerated people/youth~~offenders may be conducted~~ at any time and during routine activities including such examples as: switch-ins, movement during work/program activities, on

activation of metal detectors, when indicated by canine officers, on visual observation by staff, or when consistent with the purposes of this policy.

3. ~~Staff may conduct canine barrier sniffs of incarcerated people~~~~offenders may be conducted~~ at any time and during routine activities, including such examples as:
 - a) Movement during work/program activities;
 - b) Returning from off-grounds work assignments;
 - c) Special duty returns and intake arrivals; or
 - d) When consistent with the purposes of this policy.

4. Except in exigent circumstances, ~~staff of the same gender must conduct~~ pat searches of female ~~incarcerated people~~~~offenders must be conducted by staff of the same gender~~.
 - a) Facilities must not restrict a female ~~incarcerated person's~~~~offender's~~ access to regularly available programming or other out-of-cell opportunities in order to comply with this procedure.

 - b) Facilities must document in an incident report all opposite-gender pat searches of female ~~incarcerated people~~~~offenders~~.

5. For pat ~~and unclothed body~~ searches of transgender, ~~intersex, or~~ gender ~~diverse, intersex, or nonbinary-conforming~~ ~~incarcerated people/youth~~~~offenders/residents~~, see ~~Procedure section GF~~ of Policy 202.045, "Management ~~and Placement of Incarcerated People Who Are of Transgender, Gender Diverse Non-Conforming, Intersex, or Nonbinary Offenders/Residents~~."

6. An approved religious head covering that ~~an~~ ~~the~~ ~~incarcerated person's/youth's~~~~offender's/resident's~~ religion requires to be worn throughout the day is subject to random searches for contraband in the same way as other ~~offender~~ items of attire or possessions. If an ~~incarcerated person/youth~~~~offender/resident~~ must remove the religious head covering for the search to be completed, ~~they~~ ~~staff~~ must ~~be escorted~~ ~~them~~ to a private area outside of view of the opposite gender.

7. Except in exigent circumstances, ~~two staff of the same gender as the incarcerated person must conduct~~ unclothed body searches ~~are conducted~~ in private, ~~by two staff of the same gender as the offender searched~~ (see Policy 103.012, "Gender Specific Assignments").
 - a) The only exception is when one of two transport officers is of the opposite gender and no other same-gender staff person is available to assist. Based on the conditions, the opposite gender staff must maintain visual contact of the staff conducting the unclothed body search and remain within audible reach of the search to respond if an emergency situation occurs.

 - b) ~~Staff Facilities~~ must document in an incident report all opposite-gender unclothed body searches of ~~offenders~~ ~~incarcerated people~~ and opposite-gender monitoring when no same-gender officer is available.

 - c) ~~Staff must not conduct a~~ An unclothed body search ~~must not be conducted~~ for the sole purpose of determining an ~~offender's~~ ~~incarcerated person's~~ ~~sex~~ ~~gender~~.

 - d) Unclothed body searches of ~~offenders~~ ~~incarcerated people~~ may occur, if use of a body scanner is not available and feasible:

- (1) After contact with the public;
- (2) After returning from outside of the secure perimeter;
- (3) Upon reception in closed units;
- (4) When leaving a work assignment with the potential for obtaining contraband; or
- (5) Upon reasonable suspicion.

e) Unclothed body searches must be documented and reported daily per watch via Smartsheet.

f) Staff-assisted unclothed body searches are reported and reviewed per Policy 301.081, "Response to Resistance, Restraint Systems, and Escape."

8. Body searches on youth at MCF-Red Wing are conducted per Policy 301.011, "Juvenile Facility Searches."

98. Staff must ask incarcerated persons/youth offenders observed to have piercings/dermal piercings ~~are asked~~ to remove them. If the incarcerated person/youth offender indicates the piercing cannot be removed, health services staff must examine the m-offender to determine if it can be removed.

- a) If the piercing is deemed removable, the incarcerated person/youth offender must remove it and either destroy it or send it out.
- b) If the piercing is deemed not removable, staff must take a photo, write an incident report, and make an entry into COMS.

9. Suspected ingestion ~~/ or~~ insertion of contraband

- a) Staff must summon the watch commander or juvenile duty officer.
- b) Staff must place tThe incarcerated person/youth offender must be placed under constant staff supervision in a secure area away from other incarcerated people/youth offenders.
- c) Staff must ask the incarcerated person/youth offender to remove the object if:
 - (1) The object is actually visible in a body cavity; or
 - (2) If staff has reason to believe that the incarcerated person/youth offender has contraband in a body cavity and the object may be safely removed.
- d) Staff must notify health services when it is known or suspected that an incarcerated person/youth offender has inserted or ingested contraband into their offender's body.
- e) A nurse/designee, interviews and determines the incarcerated person's/youth's offender's current physical status. Staff must take the An incarcerated person/youth offender to an outside medical facility for further evaluation if they are who is suspected of ingesting or inserting contraband into their offender's body, which may result in pose a potentially life-threatening condition, ~~is taken to an outside medical facility for further evaluation.~~

- f) If the incident occurs after hours, the nurse/designee must contact the on-call physician. The physician determines the mode of transportation (state car or ambulance) to the outside medical facility.
- g) The outside medical facility must keep the incarcerated person/youth offender at the medical facility until it has been determined that an emergency medical condition or the potential emergency medication-condition due to ingestion/insertion of contraband does not exist.
- h) If the incarcerated person/youth offender is not admitted to the outside medical facility, staff must~~the offender must be~~ returned them to the sending facility or to another appropriate DOC facility, where their offender's placement must be determined by the offender's medical condition and the security needs of the facility determine their placement.

C. ~~Offender V~~visitor and non-DOC person searches:

1. Where applicable, staff must routinely use a metal detector for searches of visitors and non-DOC persons.
2. Staff must notify~~Offender~~ visitors/~~n~~Non-DOC persons must be notified of:
 - a) The need for any search beyond the material search provided by metal detectors (where applicable); and
 - b) The consequences offer failure to submit to the search.
3. ~~Visitors under the age of 18:~~
3. Staff m~~M~~ust not be searched visitors under the age of 18 without the consent of their visitor's parent or guardian/escort; and
 - b) The parent/guardian/escort must be present during the search.
3. ~~Material searches of visitors/non-DOC persons are routinely conducted via metal detector, where applicable.~~
4. If the visitor/non-DOC person is unable to successfully clear the metal detector, staff must use a handheld wand is used. If the handheld wand results in any alarms, staff must ask the visitor/non-DOC person is asked to consent to a pat search. A lieutenant or higher authority must authorize tThe pat search beforehand~~must have prior authorization by a lieutenant or higher authority~~ (see Visitor Notification of Search/Non-DOC Person Notification of Search forms, attached). Refusal to consent to a pat search will result in the visit/or facility admission to the facility being denied.
5. Staff may conduct pPat searches of visitors/non-DOC persons may be conducted when reasonable suspicion exists and the person consents. The warden/OD must authorize tThe pat search beforehand~~must have prior authorization by the warden/OD~~ (see Visitor Notification of Search/Non-DOC Person Notification of Search forms, attached).
6. Staff may conduct a sSearch of visitors'/non-DOC persons' on-grounds vehicles may be conducted when:
 - a) Reasonable suspicion exists,

- b) With the individual's written consent; and
- c) When ~~authorized by~~ the warden/OD authorizes the search beforehand (see Visitor Notification of Search/Non-DOC Person Notification of Search forms, attached).

7. ~~An Un~~un clothed body searches of a visitors/non-DOC persons are prohibited. ~~is conducted by officers of the same gender as the visitor when:~~

a) ~~Reasonable suspicion exists;~~

b) ~~When authorized by the warden/OD; and~~

e) ~~With the individual's written consent. Two staff must be present during the search (see Visitor Notification of Search/Non-DOC Person Notification of Search forms, attached).~~

8. Consistent with Policy 302.100, "Visiting," staff deny visiting or ban vvisitors who refuse to comply with an authorized search request. ~~are denied visitation or banned, consistent with Policy 302.100, "Visiting."~~

9. Consistent with Policy 300.030, "Access to Correctional Facilities and Other Department Locations by Non-DOC Persons," staff deny admission or ban nNon-DOC persons who refuse to comply with authorized search requests. ~~are denied admission or banned, consistent with Division Directive 300.032, "Admittance Authorization to Adult Facilities."~~

10. If staff have reasonable suspicion that a visitor/non-DOC person has violated or attempted to violate a state or federal law on facility grounds, staff must immediately notify local law enforcement.

a) ~~Upon authorization by the warden/OD, staff must inform the visitor/non-DOC person that the individual is under citizen's arrest and must wait up to two hours, under staff supervision, until law enforcement arrives.~~

b) ~~If the visitor/non-DOC person refuses to remain, staff must inform law enforcement of the refusal.~~

11. Staff must search aAny materials non-DOC persons bring into the facility ~~are searched~~.

12. Staff must retain cCompleted notification of search forms ~~are retained~~ in the facility control center/master control for future reference.

D. Searches of ~~offender~~ visitors/non-DOC persons with disabilities and medical conditions

1. The person's ability to stand and walk determines tThe screening process for a person who uses a wheelchair/ or other power-driven mobility device (OPDMD) ~~is determined by the person's ability to stand and walk. Staff must screen the~~A person ~~can be screened~~ without having them standing, walking, or ~~being required to~~ transfer out of the wheelchair/OPDMD; however, the person should inform security staff of their ~~person's~~ ability before the screening begins. (Note: Gas powered mobility devices are prohibited.)

2. Staff must ask tThe visitor/non-DOC person ~~is asked~~ to consent to a pat search. A lieutenant or higher authority must authorize tThe pat search beforehand ~~must have prior~~

~~authorization by a lieutenant or higher authority~~ (see Visitor Notification of Search/Non-DOC Person Notification of Search forms, attached). Staff deny the visit/admission to the facility if the person refuses~~Refusal~~ to consent to a pat search~~results in the visit/admission to the facility being denied.~~

3. Staff must screen pPersons who can neither stand nor walk ~~will be screened~~ by a thorough pat search while they remain seated.
4. Staff ask pPersons who can stand but cannot walk ~~will be asked~~ to stand near their wheelchair/OPDMD and ~~will be screened~~ them using a thorough pat search.
5. Staff may screen pPersons in wheelchairs/OPDMDs who can walk ~~may be able to be screened~~ using a metal detector or a handheld wand.
6. Staff do a pat search ~~is used~~ to resolve any alarms of a metal detector or anomalies identified by the handheld wand.
7. Regardless of how the person is screened, staff inspect the person's wheelchair/OPDMD ~~will be inspected~~, including the seat cushions and any non-removable pouches or fanny packs.
8. If a person has metal implants, such as artificial knees or hips, the person should inform security staff before screening begins. If the person alarms a walk-through metal detector, staff screen the person ~~will be screened~~ using a handheld wand before conducting a thorough pat search ~~is conducted~~.

E. Staff searches

1. Staff searches occur on a regular and random basis via metal detector (where applicable) and by visual inspection of any container, vehicle, or other item transported or carried into or out of the facility by any staff.
2. Staff conduct a sSearch of another staff person's on-grounds vehicle ~~is conducted~~ upon reasonable suspicion, with the individual's written consent, and when authorized by the warden/~~OD~~ (see Staff Notification of Search form, attached).
3. Pat searches of staff may be conducted on a random basis or upon reasonable suspicion, when authorized by the warden/OD.
- ~~4. Un clothed body searches of staff are conducted by supervisory staff of the same gender, with the written consent of the individual, upon reasonable suspicion, and only when authorized and directed by the warden/OD. Two supervisory staff (in addition to the staff person being searched) must be present during the search (see Staff Notification of Search form).~~
45. Staff must deny admission to the facility for other sStaff who refuse to comply with an authorized search request. The refusing staff must be denied admission to the facility and are subject to discipline, up to and including termination.
56. If a staff person is reasonably suspected of violating, or attempting to violate, a state or federal law on facility grounds, OSI staff must immediately notify law enforcement.

- a) ~~If authorized by the warden/OD, staff must inform the person that the individual is under citizen's arrest and must wait up to two hours, under staff supervision, until law enforcement arrives.~~
- b) ~~If the person refuses to remain, staff must notify law enforcement of the refusal.~~

67. If a staff person is found to have major contraband ~~in~~ on their possession-staff's person, to be determined by the captain, other staff must move that staff person ~~must immediately be moved~~ to an isolated area and ~~be supervised by~~ at least two supervisors, one of whom must be of the same gender as the staff person, must provide supervision. The captain must notify the facility's special investigator as well as the local police. All staff who are involved in a positive search must write a confidential incident report (see Policy 300.300 "Incident Reports") to the warden before being relieved of duty.

INTERNAL CONTROLS:

- A. All incident reports are retained at the facility.
- B. Completed notification of search forms are retained in the facility control center/master control.

~~ACA STANDARDS: 4-4192 through 4-4194, 4-4503, 1-ABC 3A-17, 1-ABC 3A-18, 1-ABC 3A-19, 1-ABC 5D-15~~

REFERENCES:

Minn. Stat. §§ [152.01](#), [243.21](#), [243.55](#), subd 2, [629.37](#)
[Prison Rape Elimination Act \(PREA\)](#), 28 C.F.R. §115 (2012)
[Policy 202.045, "Management and Placement of Incarcerated People Who Are Transgender, /Gender Diverse, Non-Conforming/Intersex, or Nonbinary Offenders/Residents"](#)
[Policy 301.030, "Contraband"](#)
[Policy 301.035, "Evidence Management"](#)
[Policy 302.100, "Visiting"](#)
[Policy 302.300, "Spiritual Care/Religious Programming"](#)
~~Division Directive~~[Policy 300.0302, " Access to Correctional Admittance Authorization to Adult Facilities and Other Department Locations by Non-DOC Persons"](#)
[Policy 103.012, "Gender Specific Assignment"](#)
[Policy 103.410, "In-Service Training"](#)
[Policy 103.420, "Pre-Service and Orientation Training"](#)
[Policy 107.052, "Racial Profiling"](#)
[Policy 301.120, "Canine Units"](#)
[Policy 301.081, "Response to Resistance, Restraint Systems, and Escape"](#)

REPLACES:

Policy 301.010, "Searches," ~~8/6/197/21/20~~.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS:

[Visitor Notification of Search form](#) (301.010A)
[Visitor Notification of Search form](#) (301.010ASpanish)
[Staff Notification of Search form](#) (301.010B)
[Non-DOC Person Notification of Search form](#) (301.010C)

APPROVED BY:

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