DEPARTMENT OF CORRECTIONS

Policy Number:	**201.017**
Title:	**Offender Searches – Community Services**
Effective Date:	**8/20/19**

PURPOSE: To provide guidelines for agent searches of an offender and an offender's property.

APPLICABILITY: Corrections agents

DEFINITION:
Contraband – any item that an offender is not allowed to have in possession by law or pursuant to the conditions of release or probation agreement.

Release – for the purposes of this policy, any form of release including parole, probation, supervised release, intensive supervised release, or conditional release.

PROCEDURES:

A. Agents must search an offender, offender's place of residence, or offender's property, including vehicular property, and electronic devices capable of storing, sending, or receiving data via the Internet or other online service, if there are reasonable grounds to believe the offender is violating or has violated a condition of release and a search will produce evidence of such a violation.

1. A search cannot be made solely on the request from a law enforcement official.

2. Agents must not use force to enter a residence or property to gain access.

3. When conducting a search, agents must attempt to have law enforcement present for safety purposes. If law enforcement is not available, another agent must be present.

4. Contraband found in a search may be confiscated and used by the agent in a revocation proceeding.

5. Searches are limited to the search of an offender's pockets, inspection of an offender's mouth, a pat search of an offender's body, and a search of the offender's residence or any other property under the offender's control.

6. A vehicular search may be conducted of unlocked vehicles only.

7. If, at any point while conducting a search, the agent encounters materials that could result in a new criminal offense, the agent must – at minimum –consult law enforcement before continuing the search.

B. When deciding whether there are reasonable grounds to believe an offender is violating or has violated the conditions of release or probation agreement, an agent may consider:

1. Observations of other agents or law enforcement personnel;
2. Information provided by informants;
3. The reliability of information (whether the information is detailed, consistent, and corroborated);

4. The reliability of the informant (whether the informant has supplied reliable information in the past and whether the informant has reason to supply inaccurate information);
5. The activity of the offender that relates to whether the offender might be violating or has violated the terms of release;
6. Information provided by the offender that is relevant to whether the offender has violated or is violating the terms of release;
7. The experience of the agent with that offender or any similar circumstances with similar offenders;
8. Prior conduct of the offender; and
9. The need to verify compliance with the probation agreement, conditions of release and state and federal law.

C. Whenever possible, the agent must obtain district supervisor approval prior to conducting a search of a residence. If the supervisor is not available, Agents may conduct searches without such approval in emergencies (i.e., the need exists for timely action). In such circumstances, the agent must advise a supervisor of the search as soon as possible after it has been conducted. The agent must complete a written Search Report (attached) on all searches and all seizures of property, and provide a copy of that report to the agent's supervisor and the regional manager.

D. When an agent confiscates illegal items, they must be promptly transferred to and stored by an appropriate law enforcement agency, in accordance with chain of custody procedures, to ensure the safety and utility of such items in legal proceedings. Other contraband must be tagged with an evidence collection tag and recorded on an Inventory Receipt form (attached) and a Chain of Custody Log (attached). Items must be stored in a designated secure location for each office.

E. When no longer needed, the agent must properly dispose of contraband or return it to the offender or, for an incarcerated offender, to the designee responsible for property collection. All alcohol, drugs, and drug paraphernalia must be destroyed. All other evidence must be collected by the offender/designee within 60 days after disposition of violation. A Property Disposition form (attached) must be completed for returned property and signed by the offender/designee. Agents must use discretion when returning property to an offender. If the agent believes that returning the evidence would result in a continued violation or a risk to public safety, the evidence must be considered forfeited and destroyed. Any property not collected after 60 days must be forfeited and destroyed.

F. The original Inventory Receipt form, the Chain of Custody Log, and original Property Disposition form(s), following disposition, must be scanned to the offender’s electronic file.

INTERNAL CONTROLS:

A. District supervisors maintain a Search Report file and retain all reports for one year.

B. The original Inventory Property Receipt form and the Chain of Custody Log, following disposition, are retained in the offender’s file. A scanned copy is retained in the offender’s electronic file.

C. The original Property Disposition form is retained in the offender’s file. A scanned copy is retained in the offender’s electronic file.

D. Agents maintain a jump drive log and retain all logs for one year.

ACA STANDARDS: 4-APPFS-3B-11

REFERENCES: Minn. Stat. §§ 244.05, subd. 6(b); 244.14, subd. 4

REPLACES: Policy 201.017, "Offender Searches-Community Services," 1/15/19.
Division Directive 201.200, "Use of Computers and Internet Online Services by Offenders on Community Supervision," 6/3/08.
All unit policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Search Report (201.017A)
Property Disposition form (201.017C)
Inventory Receipt (201.017D)
Chain of Custody Log (201.017E)
Computer/Internet Use Agreement and Inventory (201.017F)

APPROVALS:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support