DEPARTMENT OF CORRECTIONS

Policy Number:	**301.010**
Title:	**Searches**
Effective date:	**7/21/20**

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

APPLICABILITY: All facilities

DEFINITIONS:

Canine Barrier sniff – refer to Policy 301.120, "Canine Units."

Exigent circumstances – a 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 offenders and staff.

Reasonable suspicion – facility officials must have specific, objective facts, rational inferences reasonably drawn from those facts based on experience, and individualized suspicion (i.e., suspicion regarding the person to whom the request is made) that a threat to facility safety and security 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, "Religious Programming."

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

PROCEDURES:

A. General guidelines

1. All staff, 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.

b) Searches must avoid unnecessary force, embarrassment, or indignity to the subject.

c) All searches are conducted as provided for in DOC training curriculum.

d) 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 agency trains security staff in how to conduct opposite-gender pat-down searches and searches of transgender and intersex 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 under exigent circumstances, 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 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.

4. All vehicles entering a facility secure perimeter are subject to search. Refusal to comply with the search results in denial of admittance to a facility.

5. When conducting searches of offender possessions, staff must make a reasonable effort to not read any of the 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) The reasons for reasonable suspicion and the results of the search must be documented in an incident report.

6. Contraband confiscated during any search must be handled according with existing policy, including the handling of evidence associated with a crime scene investigation; refer to Policy 301.035, "Evidence Management."

7. Staff, 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.

8. 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 the face, the person must be:
   (1) Escorted to a private area; and
   (2) Asked by staff of the same gender to remove enough of the religious head covering to verify the identity of the person.

b) If a person is unable to pass through a metal detector, the person must be:
   (1) Escorted to a private area; and
   (2) Asked by staff of the same gender to remove the religious head covering to pat search the head covering item.

9. Random searches selection basis may include, 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., every Xth person); or
   d) A random day when everyone is searched.

10. Staff may ask law enforcement to assist with the search and detention of non-DOC individuals and other staff when there is reasonable suspicion that the person has violated or attempted to violate a state or federal law on facility grounds.

11. Staff must write incident reports for instances of reasonable suspicion. All incident reports are retained at the facility of incident.

B. Offender searches

1. Offender living and work areas may be searched at any time without cause, consistent with the purposes of this policy.

2. Pat searches and material searches of 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. Canine barrier sniffs of 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, pat searches of female offenders must be conducted by staff of the same gender.
   a) Facilities must not restrict a female 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 offenders.

5. For pat searches of transgender, intersex, or gender non-conforming offenders/residents, see section F of Policy 202.045, "Management of Transgender/Gender Non-Conforming/Intersex Offenders/Residents."

6. An approved religious head covering that the 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 offender/resident must remove the religious head covering for the search to be completed, they must be escorted to a private area outside of view of the opposite gender.

7. Except in exigent circumstances, 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) Facilities must document in an incident report all opposite-gender unclothed body searches of offenders and opposite-gender monitoring when no same-gender officer is available.

   c) An unclothed body search must not be conducted for the sole purpose of determining an offender's gender.

   d) Unclothed body searches of offenders may occur:
      (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.

8. Offenders observed to have piercings/dermal piercings are asked to remove them. If the offender indicates the piercing cannot be removed, health services staff must examine the offender to determine if it can be removed.
   a) If the piercing is deemed removable, the 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/insertion of contraband
   a) Staff must summon the watch commander or juvenile duty officer.

   b) The offender must be placed under constant staff supervision in a secure area away from other offenders.

   c) Staff must ask the 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 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 offender has inserted or ingested contraband into the offender's body.

e) A nurse/designee, interviews and determines the offender's current physical status. An offender who is suspected of ingesting or inserting contraband into the offender's body, which may 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 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 offender is not admitted to the outside medical facility, the offender must be returned to the sending facility or to another appropriate DOC facility, where the offender's placement must be determined by the offender's medical condition and the security needs of the facility.

C. Offender visitor and non-DOC person searches:

1. Offender visitors/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 for failure to submit to the search.

2. Visitors under the age of 18:

a) Must not be searched without the consent of the 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, a handheld wand is used. If the handheld wand results in any alarms, the visitor/non-DOC person is asked to consent to a pat search. The pat search 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/admission to the facility being denied.

5. Pat searches of visitors/non-DOC persons may be conducted when reasonable suspicion exists. The pat search must have prior authorization by the warden/OD (see Visitor Notification of Search/Non-DOC Person Notification of Search forms, attached).

6. Search 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 (see Visitor Notification of Search/Non-DOC Person Notification of Search forms, attached).

7. An unclothed body search of a visitor/non-DOC person is conducted by officers of the same gender as the visitor when:
   a) Reasonable suspicion exists;

   b) When authorized by the warden/OD; and

   c) 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. Visitors who refuse to comply with an authorized search request are denied visitation or banned, consistent with Policy 302.100, "Visiting."

9. Non-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 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. Any materials non-DOC persons bring into the facility are searched.

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

2. The visitor/non-DOC person is asked to consent to a pat search. The pat search 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 results in the visit/admission to the facility being denied.

3. Persons who can neither stand nor walk will be screened by a thorough pat search while they remain seated.

4. Persons who can stand but cannot walk will be asked to stand near their wheelchair/OPDMD and will be screened using a thorough pat search.

5. Persons in wheelchairs/OPDMDs who can walk may be able to be screened using a metal detector or a handheld wand.

6. 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, 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, the person will be screened using a handheld wand before 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. Search of a 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. Unclothed 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).

5. Staff who refuse to comply with an authorized search request must be denied admission to the facility and are subject to discipline, up to and including termination.

6. If a staff person is reasonably suspected of violating, or attempting to violate, a state or federal law on facility grounds, 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.

7. If a staff person is found to have major contraband on the staff's person, to be determined by the captain, 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. 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 of Transgender/Gender Non-Conforming/Intersex Offenders/Residents"
Policy 301.030, "Contraband"
Policy 301.035, "Evidence Management"
Policy 302.100, "Visiting"
Policy 302.300, "Religious Programming"
Division Directive 300.032, "Admittance Authorization to Adult Facilities"
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"

REPLACES: Policy 301.010, "Searches," 8/6/19.
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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