Inmate Searches

POLICY:

It is in the penological interest of this detention facility to provide reasonable and necessary security and safety standards, control, supervision, and oversight of inmates while confined to this facility. It is the policy of Shelby County Jail (SCJ) and staff to use efficient search techniques to deter inmates from fabricating, introducing, conveying, or concealing contraband, and to discover breaches in facility security.

DEFINITIONS:

Contraband: Any item possessed by an inmate or found within the facility, which is not issued, approved by the SCJ Administrator, authorized by written facility policy or sold through commissary. Any item that has been altered or used in a fashion other than its original design, purpose or intent, is considered contraband.

Transgender: Refers to a person whose gender identity differs from the sex the person had or was identified as having at birth.

PROCEDURE:

Inmate searches require expertise and a proper attitude on the part of the employee. Frequent, unannounced searches of inmates, housing units, and other areas of the facility will be conducted as often as necessary to ensure the safety and security of the facility. Inmate searches will be conducted on admission; while moving to and from any visiting area, when there is a reasonable belief that contraband items may be conveyed; upon entrance or release from Administrative Segregation or Disciplinary Segregation; when suspected of possessing contraband; when apprehended from an escape or escape attempt; or after participation in any kind of internal disturbance. Searches will be conducted in a manner to avoid unnecessary force, destruction of property, or embarrassment to the inmate.

Purpose of Searches:

Searches are not to be used for punishment or harassment, but for the following purposes:

1. Prevent the introduction of weapons or contraband into the facility
2. Detect the manufacture of weapons, escape devices, etc. inside the facility
3. Discover and suppress "trafficking" between employees and inmates
4. Enforce rules designed to eliminate causes of tension between inmates
5. Discourage theft and "trafficking" in institutional supplies
6. Prevent waste or destruction of institutional property
7. Discover hazards to health or safety that may go unnoticed during routine inspections
Basis for Conducting Searches:

Searches of inmates will be conducted on a routine and random basis:

- During the intake process.
- Inmates returning from court, off site medical appointments, and other venues outside the secure area of the facility.
- Inmates assigned to inside/outside work programs.
- Inmates returning from attorney visits, in-house medical, mental health interviews, GED Class, Anger Management Class, etc.
- Inmates returning from the inmate recreation areas.

Manner of Search: All searches should be conducted in a professional manner. This is especially true of complete searches. Staff members in conducting any search type of search shall:

- Not make taunting, degrading, dehumanizing, or other inappropriate comments to inmates;
- Provide an appropriate degree of privacy for intrusive searches or other searches which by their nature would tend to be exceptionally embarrassing or humiliating;
- Ensure adequate sanitation precautions, when appropriate; and
- Ensure that persons conducting searches have adequate training to conduct the type of search involved; and
- Use only reasonable force when force is necessary to enforce a lawful search.

Complete searches should be observed only by:
- Staff members conducting or assisting with the search;
- Staff members whose work assignments require them to be in the immediate area; and
- Other same sex inmates being searched at the same time.

Complete searches do not involve touching of inmates’ private areas

Types of Searches:

**Frisk Searches:** Frisk searches (also known as pat searches) are defined as a search in which an officer rubs or pats the subject’s body over his or her clothing to attempt to detect contraband, and which results in only incidental contact with genital, anal, or female breast areas. It is permissible for a female employee to pat search a male inmate although it is recommended that searches be conducted by employees of the same gender as the inmate when possible. Pat searches conducted by a male employee to an inmate of the opposite gender are not allowed except in an emergency situation. Frisk searches ordinarily do not require an inmate to remove clothing other than hats and gloves. They are most often used during the daily routine of the jail. Because frisk/rub searches involve a low degree of intrusion, no justification is required other than the incarceration of the inmate.

**Rub Searches:** Rub searches are defined essentially the same as a frisk search, except that rub searches involve a more thorough and intensive search, and does include a careful manual search of the genital, anal, and breast areas over the inmate’s clothing. Because rub and frisk searches involve a low degree of intrusion, no justification is required other than the incarceration of the inmate, and privacy is not ordinarily a requirement for rub searches. Rub searches may not be conducted by an employee of the opposite gender from the inmate except in an emergency situation.

**Complete Searches:** Complete searches of inmates are essential for the jail to effectively further their legitimate penological interests, including safety of staff and inmates and security, order, discipline, and control in the jail. At booking, all inmates who will share a cell or other holding area with one or more inmates should be strip searched to detect contagious disease, lice, or injuries, identify gang members, and interdict and prevent the introduction of contraband. Inmates who are unable to post bond or achieve a timely release from the facility will undergo a complete search before placement in designated housing location or general housing.

*General housing is defined as any location within the facility in which an inmate will come in contact with officers and other inmates.*
Complete searches are those searches which require the inmates to expose the genitals, buttocks, female breasts, and/or the underwear covering those private parts. Complete searches may also include:

- Searches during which male and female inmates are required to squat or bend and spread to expose the anus and genitals to the search officer; and
- Searches during which male inmates are required to lift and position the genitals to allow the officer to detect contraband hidden behind the penis or scrotum.

Complete searches will be conducted and observed by officers of the same anatomy of the inmate unless exigency exists (See Exigent Circumstances below). In the case of an inmate who is transgender and has a gender identity or gender expression that differs from their assigned sex, jail staff will obtain a search preference from the transgender inmate to determine which gender officer(s) the inmate desires conducts the complete search. The search preference of the inmate will be documented on the "Complete Search Preference Form" which will be completely filled out by an officer and inserted into the inmate's file. Along with the Complete Search Preference Form, an officer will enter a Alert into JMS indicating the search preference chosen by the transgender inmate. Staff members will not search or physically examine a transgender inmate for the sole purpose of determining the inmate's genital status.

A. Purposes of Complete Search - Prisoners who are unable to make bail or otherwise achieve a timely release from custody and prior to being moved from booking to a housing unit and will come in contact with the general population present a potential security threat. The Supreme Court ruled that the three primary purposes of strip searches or incoming inmates are:

- Discover vermin or indications of communicable disease;
- Discover tattoos worn by prisoners or other indicators that may identify them as members of a gang or other serious threat group;
- And to interdict the introduction of weapons, drugs, and other contraband

B. Complete Searches and Routine Security Requirements - Strip searches are also a vital security procedure beyond the admissions process, of course. Other inmates who should be subjected to strip searches include, but are not limited to, inmates:

1. Returning to the facility from transportation outside the jail or from work projects;
2. Being transported to or from the jail from the State Prison, other jails, court, outside medical providers, or other such off-site locations;
3. Housed in a living area which in which a cell shakedown is being conducted;
4. Who have had contact with persons outside the facility or who have had an opportunity receive contraband;
5. On random and/or routine basis to deter trafficking in or possessing contraband;
6. Returning from contact visits;
7. Entering or leaving administrative or punitive segregation (or other restricted area);
8. Work projects outside the jail perimeter; and
9. Returning from other security zones or activities within the facility.

**Digital Body Scan:** A practice of utilizing a digital body scanner to detect to contraband. All inmates arriving at the Shelby County Jail will be scanned as a part of the intake process, except inmates who are pregnant or have reasonable belief that they are pregnant. These inmates will not be scanned but completely searched by a female officer before placed in a holding cell until a medical determination can be made to confirm their pregnancy. Inmates who are physically unable to safely stand on the body scanner will not be scanned until it is safe to do so. Refer to the *Inmate Intake* policy for detailed digital body scanning procedures.

**Body Cavity Search:** A practice which is either visual or manual internal inspection of body cavities for prohibited materials, i.e. contraband, such as illegal drugs, money, weapons, jewelry etc. Body cavities used for concealment include nostrils, ears, mouth, navel, penis, vagina or rectum. Digital body-cavity searches are defined as searches which involve the probing of the
vagina and/or rectum using a gloved finger or other instrument to search for contraband. Search procedures and training should prepare officers to conduct digital body-cavity searches in a manner which is consistent with constitutional requirements. If an inmate in the SCJ is suspected of concealing contraband in a body cavity, it is considered a medical emergency and a member of the jail medical staff will be contacted as soon as possible. Body cavity searches will not be completed by SCJ staff.

Digital body-cavity searches:

1. Must be approved by the Division Commander or the Assistant Division Commander in his or her absence.
2. May be conducted when staff has a reasonable suspicion to believe that an inmate has contraband hidden in a body-cavity;
3. Shall be conducted by medical personnel only;
4. Shall be conducted in a professional manner; and
5. Shall be documented in JMS.

Exigent Circumstances:
Staff members conducting or observing a complete search shall have the same anatomy as the inmate subject to the search except when exigent circumstances are such that a delay could jeopardize the safety of the inmate, the officer(s), or the safety/security of the facility. If a cross-gender complete search is conducted, the staff member will complete an incident report documenting the exigent circumstances.

Voluntary Exposures:
Any circumstance in which an inmate who intentionally or voluntarily disrobes, partially disrobes, or otherwise exposes their private areas to any staff member or other person(s). Actions in which an inmate my voluntarily disrobe may include but are not limited to: intoxication, drug use, mental health disorder(s), drug or alcohol withdrawals, etc. Inmates who intentionally or voluntarily disrobe and expose themselves to staff members or any person(s), automatically waive their sexual privacy interests and staff members may proceed with the performance of their duties. The waiver of privacy exists during the handling of the situation and does not serve as a permanent waiver of privacy. When a voluntary exposure by an inmate occurs, whether intentional or unintentional, the officer or staff member who witnessed the exposure is required to document the event and then should further consider if any appropriate administrative or criminal charges should be pursued.

Contraband Located During A Search:
All contraband located during searches will be confiscated and signed over to the shift supervisor. A report will be written that describes the contraband and when and where it was found. This report will be turned over to the shift supervisor, who will review and approve the report, then forward it to the SCJ Captain via email. If the contraband was associated with a specific inmate, an incident report will be filed. When the contraband consists of controlled substances or may be evidence in a criminal matter, the discovering Officer will establish a chain of custody, and either release it to proper law enforcement authorities for prosecution, or destroy it using a procedure devised in cooperation with, and approved by, local law enforcement agencies. Firearms and explosive materials discovered as contraband will be turned over to the proper law enforcement agency for disposition.

Staff Training:
Staff training in proper search techniques is important so forbidden items may be found and potential security breaches uncovered. However, it is equally important that the staff be familiar with proper techniques for their own safety. Specific training will be provided to employees on proper safeguards to take during searches to avoid the danger of blood borne pathogens, HIV infection, or other hazards. Staff will also be given training on proper responses to other hazardous conditions including, but not limited to potential or possible explosive devices, makeshift weapons, flammables, and techniques and devices for concealing contraband. Staff will also be trained on how to conduct cross-gender searches in a professional manner and in the least intrusive manner possible, consistent with facility security.