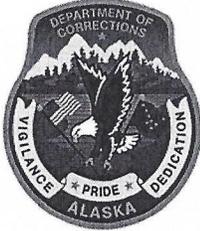


STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES	SECTION: Reception And Orientation		PAGE: Page 1 of 7
	CHAPTER: 811	NUMBER: 811.04	P&P TYPE: Public
	TITLE: Search Upon Admission		
	APPROVED BY:  Dean R. Williams, Commissioner		DATE: 12/22/16
ATTACHMENTS / FORMS: (None.)		AUTHORITY / REFERENCES: 22 AAC 05.155 AS 47.37.170 22 AAC 05.010 DOC P&P 807.20 AS 11.56.375-390 DOC P&P 809.02 AS 33.30.011 DOC P&P 811.05 AS 33.30.021 DOC P&P 1207.01 AS 44.28.030 DOC P&P 1208.08 AS 47.30.705	

POLICY:

- I. It is the policy of the Department of Corrections (DOC) that all newly-committed arrestees to an institution of the Department will be searched. Individuals received at any institution for initial commitment and booking or transfer will be searched as part of the admissions process, and prior to entry into the secure area of the institution.
- II. It is also the policy of the Department that all prisoners transferring between institutions of the Department will be searched. Prisoner transfers received at any institution will be searched as part of the admissions process to that institution, and prior to entry into the secure area of the institution.
- III. No cross-gender pat-down searches may occur except when exigent circumstances exist.
- IV. No cross-gender strip searches may occur except when exigent circumstances that immediately impact the safety or security of the institution exist. When those circumstances exist, the occurrence must be documented **and** should be video recorded. A second officer should also be present.
- V. Arrestees waiting to post bail or who will be released on their own recognizance, under the one (1) hour rule, should be kept separate from other prisoners.
- VI. All arrestees will be weapons searched. This is a search that does not require a person to disrobe. Intrusion beyond the outer garments, to include pockets, shall be limited to what is necessary to identify weapons. The individual must be given a minimum of one (1) hour to post bail before a pat down search or a strip search can be conducted.
- VII. An outside law enforcement agency must obtain any evidence from the arrestee prior to remand. DOC officers will not assist in the retrieval of this evidence. Once a remand slip has been signed, a prisoner's property can only be released to an outside law enforcement agency by court order or search warrant.

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- VIII. In accordance with DOC P&P 811.05, Prisoner Personal Property, any contraband or illegal items found during the weapons search, pat down search or the strip search will be seized and turned over to the appropriate law enforcement agency. This includes such items as drugs, drug paraphernalia, and weapons. An informational report will be written to document this occurrence.

APPLICATION:

This policy and procedure will apply to all Department employees, arrestees and prisoners.

DEFINITIONS:

As used in this policy, the following definitions shall apply:

Arrestee:

An individual brought in to a DOC institution by a law enforcement agency (or other entity authorized to detain individuals) who may be able to post bail or otherwise arrange release from the institution, and thus has not yet completed admission to the institution.

Bail Schedule:

A fixed amount of money upon which a person who is arrested without a warrant may be released from custody prior to appearance in court.

Body Scanning Search:

Low-level X-ray technology that permits a non-invasive internal and external search of the prisoner for contraband that does not require the prisoner to disrobe.

Contraband:

Items which prisoners are not authorized to possess, as defined and applied in DOC P&P 809.02, (Prohibited Conduct And Penalties), and 22 AAC 05.660 (b).

Dry Cell Procedures:

Dry cell procedures involve the use of a segregated, camera cell and close prisoner monitoring in order to ensure that contraband does not enter the general population of the institution. Prisoners are placed in a cell with minimal belongings and they and their bodily functions are closely observed for a time period sufficient enough to either recover any suspected contraband or make a positive determination that the prisoner has no contraband. Medical staff shall be notified whenever dry cell procedures are to be used.

Exigent Circumstances:

Circumstances that would cause a reasonable person to believe that immediate action was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of a prisoner, or some other consequence threatening the order / security of an institution. [Based partly on United States v. McConnery, (1984).]

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Intrusive Body Cavity Search:

This is a manual internal inspection of body cavities for contraband that may include the nostrils, ears, mouth, navel, penis or vagina, and rectum. These types of searches are only performed by a doctor at an external medical facility. They will **not** be performed by DOC medical staff.

One (1) Hour Rule:

Only a Weapons Search (see definition below) may take place if the arrestee is able to post bail or otherwise arrange release within one (1) hour after entrance into the institution.

Pat Down Search:

Frisking of the prisoner's outer garments to search for weapons and contraband. Pockets may be searched, shoes may be removed and a thorough search of the clothing for weapons and contraband is conducted prior to a Pre-Incarceration Inventory. This search may not be performed on those prisoners awaiting bail or release under the one (1) hour rule. Prisoners under the one (1) hour rule may only be subjected to a weapons search. (See below.)

Physical Resistance:

A person who is actively resisting or displaying combative gestures to do physical harm to themselves or another.

Pre-Incarceration Inventory:

An inventory that occurs after the initial pat down search of a prisoner, by searching and gathering personal clothing and belongings prior to entry into the secure area of the institution. (Refer to DOC P&P 811.05, Prisoner Personal Property, for more details and forms.)

Reasonable Suspicion:

An objective determination of facts and circumstances that would lead a reasonably cautious person to believe that a crime or violation has occurred, is about to or will occur. While reasonable suspicion does not require hard evidence, it does require more than a hunch.

Security Officer:

A correctional officer designated by the Superintendent who oversees institutional security.

Strip Search:

A visual search that requires the person to completely disrobe; all property is inspected for the purpose of detecting contraband and shall be inventoried in accordance with DOC P&P 811.05, Prisoner Personal Property. This search includes a visual check of the entire body to detect contraband and / or health issues.

Title 47 Detainees:

Individuals who have been taken into protective custody because they are gravely disabled or suffering from a mental illness and are likely to cause serious harm to themselves or others; or are intoxicated or incapacitated by alcohol or drugs in a public place and are in need of assistance for their protection and safety, and / or the protection and safety of others. (AS 47.37.170)

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Weapons Search:

This is a search that does not require a person to disrobe. Intrusion beyond the outer garments, to include pockets, shall be limited to what is necessary to identify weapons.

PROCEDURES:

Note: Any time it is necessary for security staff to search a person's prosthesis; medical staff shall be notified and involved in the prosthesis removal.

I. A arrestee who **has** been charged with an offense where bail has been set, or is otherwise releasing within one (1) hour, should be kept separate from other prisoners and searched as follows:

A. The searching officer will complete a weapons search **prior to admitting the arrestee into the secure are of the institution.** (See Definitions above.)

II. A prisoner who cannot release within one (1) hour will be processed as follows:

A. If a strip search cannot be performed immediately, the searching officer will complete a pat down search. (See Definitions above.)

B. Pockets, Jewelry and Head Coverings:

The prisoner shall remove all items from his or her pockets. Items such as rings, wrist watches, piercings, necklaces and all other types of jewelry will be removed. If the prisoner is wearing a head covering, the prisoner will remove it and hand it to the searching officer for inspection. The officer will inspect the head covering inside and out. If the prisoner has long hair, the officer will request the prisoner to run their fingers through their hair or comb their hair out in the officer's presence.

C. Coats, Sweatshirts, Outer Garments and Shoes:

If the prisoner is wearing a coat or outer garment, the prisoner shall remove it for inspection. The officer will search all pockets, hems, folds and the collar for contraband. Shoes shall be removed and inspected thoroughly.

III. Title 47 Detainees:

Upon admission of a Title 47 detainee into protective custody under AS 47.37.170 (i), the searching officer may take reasonable steps for self-protection, including a full protective search (strip search) of the person.

IV. Contraband:

A. Weapons:

If a prisoner has a weapon in his or her possession or any item deemed to be a potential weapon, the

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weapon will be confiscated, tagged and placed in a secure location. A notation will be entered on the booking record and any firearms or ammunition will be turned over to the appropriate law enforcement agency. Other items shall be processed in accordance with DOC P&P 811.05, Prisoner Personal Property, or as illegal items or unauthorized personal property under (B) or (C) below.

B. Illegal Items:

1. If a prisoner being searched possesses illegal items or suspected illegal items such as drugs or drug paraphernalia, these items must be secured and preserved as evidence in accordance with the law and DOC P&P 1208.08, Searches Of Prisoners And Institutional Areas. The seizure shall be recorded in the booking record.
2. If less than one ounce of marijuana is discovered, it will be seized and a seizure report will be written per DOC P&P 1208.08, Searches of Prisoners And Institutional Areas. The contraband will be secured in the evidence locker. The Security Officer will be responsible for the disposal with a second officer witnessing the disposal of the less than one ounce of marijuana.

C. Unauthorized Personal Property:

If a prisoner being searched has items in possession which are not authorized within the institution, those items must be dealt with in accordance with DOC P&P 811.05, Prisoner Personal Property.

V. Suicidal Prisoners:

Suicidal prisoners must be searched in a designated holding area in accordance with: this policy; DOC P&P 1207.01, Use Of Force; DOC P&P 1208.08, Searches Of Prisoners And Institutional Areas; and DOC P&P 807.20, Suicide Prevention And Intervention.

VI. Physical Resistance Of An Individual:

Physically resistive individuals must be searched in a designated holding area in accordance with: this policy; DOC P&P 1207.01, Use Of Force; and DOC P&P 1208.08, Searches Of Prisoners And Institutional Areas. To ensure the safety of staff as well as the arrestee / prisoner the following guidelines should be considered when dealing with persons who are physically resistive or who become physically resistive.

- A. Attempts at verbal de-escalation of the physically resistive individual, when appropriate, should be made.
- B. If the individual is restrained and is physically resisting:
 1. Gain control of the individual;
 2. Conduct a weapons search;
 3. Isolate individual for the safety of others; and

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4. Do not remove restraints until it is safe to do so.

C. If the individual is not restrained and is physically resisting:

1. Gain control of the individual;
2. Place appropriate restraints on the individual;
3. Conduct a weapons search;
4. Isolate the individual for the safety of others; and
5. Do not remove restraints until it is safe to do so.

VII. Strip Search:

- A. An arrestee not able to secure bail or other authorized release must be strip searched before being housed in the general population.
- B. The prisoner will be strip searched in accordance with DOC P&P 1208.08, Searches Of Prisoners And Institutional Areas.
- C. If the searching officer has reason to believe that a prisoner may have contraband concealed in a body cavity, he or she may direct the prisoner to submit to a body scanning search (see section VII, below). If a body scanning search is not available, the prisoner may be subject to 'Dry Cell Procedures' per section VIII below, or an intrusive body cavity search per section IX, below.

VIII. Body Scanning Search (where available):

- A. Only those employees trained in the use of body scanning technology may use it to perform searches on prisoners in a manner as prescribed by the manufacturer.
- B. Body scanning searches should be conducted and read by an officer of the same sex as the prisoner being scanned, whenever possible.

VIII. Dry Cell Procedures:

- A. Dry cell procedures may be used for any prisoner suspected of concealing contraband, provided there is no immediate medical threat to the health of the prisoner. Dry cell procedures may only be implemented or concluded with the approval of the Assistant Superintendent or higher authority. On-duty medical staff must also be notified of any dry cell procedures placement, the reasons for implementing dry cell procedures and the type of contraband suspected.

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- B. Normally dry cell procedures will utilize a camera cell. Any deviation from the use of a camera cell for these procedures must be cleared by the Assistant Superintendent or a higher authority.
- C. Prisoners will be strip searched and body scanned (where available) prior to being placed on dry cell procedures.
- D. Dry cell procedures will be conducted in accordance with each institution's approved dry cell procedures Standard Operating Procedures (SOP) and under the guidance of medical staff. The prisoner's vital signs shall be monitored at least daily while the prisoner is in the dry cell.
- E. Any contraband discovered during dry cell procedures must be handled in accordance with proper evidence procedures, and all documentation (incident reports, chain of evidence forms, and property seizure forms) should be completed. Alaska State Troopers (AST) should also be notified if applicable.

IX. Intrusive Body Cavity Search:

When reasonable suspicion exists, prisoners may be subject to an intrusive body cavity search. A search warrant should be initiated and the prisoner should be transported to the nearest medical facility to have the intrusive body cavity search performed by a doctor.

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