



**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS
INTERIM POLICY AND PROCEDURES MEMORANDUM**

APPROVED BY:

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PAGE:

Page 1 of 2

MEMO TYPE:
Public

MEMO TITLE:

Cross-Gender Searches And Search Upon Admission

MEMO ATTACHMENTS / FORMS:
(None.)

AUTHORITY / REFERENCES:

22 AAC 05.010

AS 33.30.021

22 AAC 05.155

AS 44.28.030

AS 33.05.010

DOC P&P 811.04

AS 33.16.180

DOC P&P 1208.08

AS 33.30.011

28 CFR Ch. 1 §115.15

PURPOSE:

The purpose of this Interim Policy and Procedures Memorandum (IPPM) is to place language into existing policy that modifies the definition of exigent circumstances, the policy context of cross-gender pat searches and strip searches and search requirements of known male Muslim prisoners / arrestees.

APPLICATION:

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

EXISTING DOC POLICY & PROCEDURES MODIFIED:

This IPPM modifies language found in DOC P&P 811.04, Search Upon Admission. Specifically language found in the Policy section and the Definitions section.

NEW POLICY:

Policy statements III and IV are being re-written as follows:

- III. No cross-gender pat-down searches of female prisoners may occur, unless 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, in accordance with DOC P&P 1208.08, Searches of Prisoners and Institutional Areas.

A new policy statement is being added as follows:

- IX. No cross-gender pat-down searches of known, male Muslim prisoners / arrestees may occur, unless exigent circumstances exist. In such circumstances, the occurrence must be documented and should be video recorded with a second officer present, in accordance with DOC P&P 1208.08, Searches of Prisoners and Institutional Areas.

NEW DEFINITIONS:

The definition for “**Exigent Circumstances**” is being re-written as follows:

Exigent Circumstances:

Any set of temporary and unforeseen 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. McConney, (1984).]