



**State of North Carolina
Department of Correction
Division of Prisons**

Chapter: F
Section: .0100
Title: **Operational Searches**
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POLICY & PROCEDURES

.0101 PURPOSE

Operational searches are essential to the safe and secure operation of a prison facility and are a primary method to detect and intercept weapons, drugs and other contraband detrimental to the order and security of the facility.

.0102 DEFINITIONS

- (a) Complete Search - A strip-search (removal of all person's clothing), a search of the person's effects, and a visual search of the person's body cavities to look for contraband.
- (b) Routine Search - Pat and frisk searches with the person clothed. Can include the removal and search of hat, shoes, and socks.
- (c) Body Cavity Search - The probing of body orifices in search of contraband.

.0103 POLICY

- (a) In the searching of inmates, all correctional officers and staff are required to act reasonably and professionally and employ a "common sense approach." Every effort should be made to assure that inmates are not unnecessarily embarrassed or humiliated.
- (b) The facility head will be responsible for developing and implementing a facility search and seizure procedure consistent with this policy. Facility procedures must be reviewed annually to assure compliance with the current policy of the Division of Prisons.
- (c) To control contraband, searches of inmates are authorized at the discretion of staff. Refusal to submit to a search may result in a forced search and disciplinary action against the inmate.

.0104 SEARCHES OF INMATES

- (a) Complete Searches are to be conducted as follows:
 - (1) Complete searches of inmates may occur whenever necessary to control the presence of contraband or to maintain the security of the facility.
 - (2) Posts that routinely involve complete searches should be staffed by correctional officers of the same sex as the inmates under their supervision. Complete searches of inmates should be conducted by trained staff of the same sex as the inmate. During an emergency operation, the commander may order complete searches of inmates by

Criminal Justice Certified staff regardless of sex.

- (3) The receiving facility will conduct a complete search on all inmates upon commitment to the Department of Correction, on return from escape or court, upon transfer from another facility, or placement on segregation or control (disciplinary, administrative, maximum control, etc.).
 - (4) All inmates entering or leaving close or medium security facilities will be completely searched.
 - (5) Inmates assigned to high security maximum control, maximum control, and intensive control will be completely searched before and after visiting. General population inmates in close or medium custody will be completely searched after visiting. Minimum custody inmates may be completely searched after visiting.
 - (6) Minimum custody inmates assigned to facilities other than minimum-security facilities will be completely searched after visiting.
 - (7) Upon the discretion of the Facility Head or Officer-in-Charge and as indicated in the facility's Standard Operating Procedures, all or a random selection of minimum custody inmates will be searched daily upon the return from community based program activities. Such activities include but are not limited to Work Release, Study Release, Home Leave, Community Volunteer Leave, and Outside Work Assignment, etc.
- (b) Routine Searches are to be conducted as follows:
- (1) Correctional staff of either sex may conduct routine searches of male and female inmates.
 - (2) Where complete searches are not required, routine searches of minimum custody inmates shall be conducted upon the inmates leaving and returning to the facility for authorized outside activities.
 - (3) Where complete searches are not required before or after visiting, routine searches shall be conducted.
- (c) Body cavity searches must be authorized by the facility head or designee when there is probable cause to believe an inmate has concealed contraband in a body orifice. Body cavity searches are authorized only if a complete search has not produced the suspected concealed contraband. Body cavity searches shall be done by medical personnel of the Division of Prisons in a medical setting pursuant to procedures in the Health Care Procedures Manual. If medical personnel of the Division of Prisons are not available, the procedure may be done by outside medical providers. An Incident Report (DC-432) must be completed to document a body cavity search.

- (d) Searches of Inmate's Quarters and Effects. Complete shakedown searches of inmate quarters and effects are authorized, regardless of whether there is reason to suspect any particular inmate of concealment of contraband. Random searches of inmate quarters and effects are to be conducted daily. Staff conducting the search should avoid any unnecessary scattering, disruption, or disarray of the inmate's personal possessions during the search. Inmates' living quarters may be searched without the inmate being present. Normally, inmates will be present when their locker is searched.

.0105 SEARCHES OF VISITORS AND OTHER PERSONS

- (a) All visitors and all other persons who seek entry to any facility for any purpose may be subjected to a routine search of their person or their effects upon entering or leaving a facility or any time they are within the confines of a facility. Such searches are authorized at the discretion of the Officer-In-Charge. Appropriate documentation shall be provided to the Facility Head.
- (b) Routine searches of visitors and other persons seeking entry to a facility must be conducted by an officer of the same sex as the visitor or other person seeking entry to a facility. Whenever possible, more than one staff person should be present for such searches. If an officer of the same sex as the visitor is not available to conduct the routine search, visitors suspected of carrying contraband on their person must be denied entry into the facility. When visitors are suspected of carrying contraband, the Officer-In-Charge is authorized to request the assistance of local law enforcement provided that such assistance results in a search of the visitors by an officer of the same sex.
- (c) All visitors, contractors, vendors, and volunteers seeking entry at a close or medium custody facility must be processed with a walk-through or hand-held metal detector before entering the secure perimeter of the facility in accordance with DOP Inmate Visitation policy, D.0200.
- (d) All visitors will be asked if they are in possession of contraband such as firearms, ammunition, knives, narcotics, etc.
- (e) Visiting law enforcement officer or visiting correctional transport officer should use store their weapon in a weapons depository if it is available at the a facility. If a depository is not available at the facility, then the law enforcement or transporting officers will be required to secure the weapon either in the trunk of the vehicle, or in a locked glove box inside the vehicle if a trunk is not available (i.e. van, etc).
- (f) Searching of Visitor's Personal Property:
- (1) A routine search may also include the search of personal effects.
 - (2) Personal effects such as handbags, boxes, briefcases, or other items under the immediate control or access of the visitor, should remain outside the confines of the facility. When in the judgment of the Officer-In-Charge it is necessary for any of

these personal effects to be carried within the Institution, such personal effects will be subjected to a thorough search. A list of prohibited items is included in the DOP Prison Entrance/Exit policy, F.3300.

- (3) Visitors who refuse to agree to a search of personal effects will not be authorized to visit.
 - (4) Visitors will only be allowed to bring in enough medication suitable to meet their needs for the duration of their visit. All medication should be contained within the original container(s).
 - (5) Written documents should be sorted to detect contraband but shall not be read. The use of a walk-through and/or hand-held metal detector does not constitute a search for this purpose.
 - (6) A visitor's wallet should not be handled by the searcher, but shall be opened completely and its contents displayed by the owner/bearer.
- (g) If contraband is found on the person or in the personal effects of the visitor, the contraband should be confiscated and local law enforcement authorities notified immediately. Reasonable efforts short of the use of force should be utilized to encourage the visitor to remain until local law enforcement authorities arrive. If the visitor refuses to remain, as much descriptive and informational data as can be accumulated by correctional staff regarding the identity of the visitor and direction of departure and method of departure should be communicated to the local law enforcement officers.
- (h) A visitor seeking entry to the facility can avoid a routine search by leaving the facility. If the visitor refuses to submit to a routine search, the visitor shall be denied access to the facility. The visitor should also be considered for exclusion from an inmate's approved visitor's list in accordance with the Inmate Visitation Policy/Procedure policy, D .0200.
- (i) A written report detailing the visitor's refusal shall be prepared by the staff member involved and forwarded to the officer-in-charge for inclusion in an incident report.
- (j) If prior to visitation, prison officials receive reliable information that a visitor will attempt to smuggle contraband into the facility, the Officer-In-Charge should contact the local law enforcement agency for assistance.
- (k) Complete search of visitors, whether adults or minors, is solely the authority of local law enforcement. While such searches may be conducted on agency property, Division staff should not provide assistance. Any complete search by law enforcement officers shall be conducted in an area that affords the maximum level of privacy to the visitor and to law enforcement personnel while the complete search is performed. If a law enforcement officer of the same sex as the visitor is not available to conduct a complete search then the visitor may be declined entry into the facility.

.0106 SEARCHES OF EMPLOYEES

- (a) All employees of the Department of Correction may be subjected to a routine search of their person or their effects upon entering or leaving a facility or any time they are within the confines of a facility. Such searches are authorized at the discretion of the Officer-In-Charge. Appropriate documentation shall be made to the Facility Head.
- (b) Routine searches of employees will be conducted as a result of individualized suspicion. Employees at close and medium custody facilities will be subject to metal detection search as per the F.3300 Entrance and Exit policy.
- (c) Routine searches of employees must be conducted by an officer of the same sex as the employee. If an officer of the same sex as the employee is not available to conduct the routine search, employees suspected of carrying contraband on their person must be denied entry into the secured area of the facility. An employee may be ordered to remain in a designated area until such time as an officer of the same sex or local law enforcement officer of the same sex is available.
- (d) Whenever possible, more than one staff person should be present for such searches. One of these staff persons should be a supervisor superior in rank to the person searched; however, this requirement applies to staff searches conducted for cause. Routine searches conducted in accordance with the Division's Prison Entrance/Exit policy, F.3304 (b), may be conducted by employees of lesser or equal rank.
- (e) If the employee refuses to submit to a routine search or refuses to remain in the area as ordered, the employee shall be denied access to the facility. Appropriate disciplinary action, up to and including dismissal, shall be initiated in accordance with the Department's Disciplinary Policy and Procedures.
- (f) A written statement detailing the employee's refusal shall be prepared by the searching staff members involved and forwarded to the officer-in-charge for inclusion in an incident report.
- (g) Searching of Employee's Personal Property:
 - (1) A routine search may also include the search of personal effects.
 - (2) A list of allowed and prohibited items is included in the DOP Prison Entrance/Exit policy, F.3300.
 - (3) Employees who refuse to agree to a search of personal effects will not be allowed in the facility.
 - (4) Written documents should be sorted to detect contraband, but shall not be read. The use of a walk-through and/or hand-held metal detector does not constitute a search for this purpose.
 - (5) An employee's wallet or purse should not be handled by the searcher but shall be

opened completely and its contents displayed by the owner/bearer.

- (6) Upon individualized suspicion and subject to approval by the Officer-In-Charge, employee offices may be searched for contraband.
- (h) Complete searches of employees will be conducted only after the issuance of a Search Warrant, obtained through local law enforcement, by the appropriate judicial official.
- (i) Body cavity searches of employees will be conducted only after the issuance of a Search Warrant, obtained through local law enforcement, by the appropriate judicial official. DOC Medical staff will not conduct such a search. This would be conducted by a non-DOC physician at a local hospital or other non-DOC medical facility.
- (j) Searching of Employee's Personal Vehicle:
 - (1) Employees will ensure their parked and unattended personal vehicles are locked and the windows rolled up while on state property.
 - (2) If a vehicle is found to be unlocked, the officer-in-charge will be notified immediately.
 - (A) The driver of the vehicle will be determined via consultation with local law enforcement (license registration) and then notified to report to the vehicle.
 - (B) Action will be taken to secure the vehicle and/or the vehicle contents.
 - (3) Employee vehicles parked on Division property are subject to external inspections by Department staff and/or Narcotic Detection Canines.
 - (4) Employee vehicles on Division property may be searched if consent is given by the employee, or a Search Warrant has been properly issued and is being served by a law enforcement agency, or under some other legal justification for a search as determined by local law enforcement officials.
 - (5) Staff members who carry a firearm to and from work in their personal vehicle are expected to store it locked in a glove compartment, locked box or locked trunk.
 - (A) Firearms will not be placed in toolboxes or other similar storage devices affixed to or located in a truck bed.
 - (B) If the vehicle is a Jeep or similar soft top, no top, and/or no trunk type of vehicle, then a firearm must be secured in a locked box in order to be approved to have it on state property.
 - (C) Firearms will not be removed from a vehicle while on state property.

- (D) Employees who bring a personal firearm onto DOP facility property must obtain written authorization in advance from the facility head.

.0107 AUTHORITY TO DETAIN

- (a) Division of Prisons staff may detain another person when the staff member has probable cause to believe that the individual to be detained has committed in his or her presence any of the following:
 - (1) A felony
 - (2) A breach of the peace
 - (3) A crime involving physical injury to another person
 - (4) A crime involving theft or destruction of property
- (b) The detention must be in a reasonable manner considering the offense involved and the circumstances of the detention.
- (c) The individual may not be detained any longer than required to accomplish the earliest of the following:
 - (1) The determination that neither of the events described in section F.0107 (a) above has occurred.
 - (2) Surrender of the individual being detained to a law enforcement officer.
- (d) A staff member who detains another person must immediately notify a law enforcement officer and must, unless the staff member releases the person pursuant to section F.0107(c)(1) above, surrender the person to the law enforcement officer.
- (e) This section does not pertain to situations in which contraband is found on the person or in the personal effects of a visitor. The procedure to follow for that situation is detailed in Section F.0105 (g) of this policy.

.0108 COMPLETE FACILITY SEARCH

- (a) A complete search of each facility shall be conducted not less than once each six months. It is not necessary for the entire facility to be searched on the same day. Certain segments of the facility may be searched at different times as long as all parts of the facility get searched once each six months.

.0109 DISPOSITION OF CONTRABAND

(a) Disposition of contraband shall be in compliance with F.0802(e) and G.S. 114-18.1.

Boyd Bennett 10-05-07
Director of Prisons Date

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