



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 3.1.17	Subject: <b>SEARCHES AND CONTRABAND CONTROL</b>
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 6
Section 1: Security Operations	Effective Date: March 1, 1997
Signature: /s/ Loraine Wodnik, Interim Director	Revised: 02/02/2017

**I. POLICY**

The Department of Corrections divisions and facilities will develop, implement, and enforce procedures that detect and control the introduction, fabrication, possession, and transmission of contraband and ensure the safety of employees, the general public and offenders.

**II. APPLICABILITY**

All divisions, facilities and programs Department-owned and contracted, as specified in the contract.

**III. DEFINITIONS**

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the facility or program operation and management.

Body Cavity Search – A manual or instrument inspection of an offender’s anal or vaginal body cavities.

Chief of Security – The staff person, regardless of local title (associate warden of security, director of operations), designated by the administrator to manage the facility security program.

Clothed Body Search – The manual body search of an individual that requires the removal of outer clothing, e.g., coats, hats, gloves; emptying of pockets; and inspection of papers, bags, books, or other carried items (also referred to as a pat search).

Contraband – Any item possessed by an offender or found within the facility that is illegal by law, prohibited by policy or procedure, or unauthorized by those legally charged with the administration and operation of the facility.

Disability – A physical or mental impairment that substantially limits one or more of a person’s major life activities, a person who has a history of such an impairment, or a person who is perceived by others as having such an impairment. See *Americans with Disabilities Act of 1990 42 USC 12010*, as amended.

Dry Cell Procedures – Procedures for placing and observing an offender in a room or cell without plumbing fixtures or running water to intercept contraband inserted inside a body cavity in order to prevent the contrabands transfer into the facility.

Exigent Circumstances – Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to security or institutional order.

Facility – A place, institution, building (or part thereof), set of buildings, structure, or area that is

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used for the confinement of offenders.

Reasonable Suspicion – A conclusion drawn from specific, objective facts which would permit a reasonable and experienced correctional staff person to suspect that an individual or set of circumstances poses a threat to security, or to the health, safety, and security of offenders, staff, visitors, contractors, or community members, including, but not limited to, committing, or conspiring or attempting to commit a crime or rule violation.

Reasonable Suspicion Search – The search of person, property, or area where there is a reasonable suspicion that a law or policy has been violated.

Unclothed Body Search – A visual inspection of an individual’s unclothed body and thorough search of the unworn clothing to detect concealed contraband (also referred to as a strip search).

#### **IV. DEPARTMENT DIRECTIVES**

##### **A. General Requirements**

1. The facility administrator will ensure search plans and procedures include the following:
  - a. unannounced and irregularly timed searches of cells, offenders, and offender work areas;
  - b. searches of all vehicular traffic and supplies coming into the institution;
  - c. perimeter searches, including specific areas outside the secure perimeter;
  - d. prohibited use or transfer of wireless messaging devices inside the secure portion of the facility, unless authorized by the administrator;
  - e. use of metal detectors at compound entrances and, if used, at entrances into housing units;
  - f. complete search of each cell prior to occupancy by a new offender;
  - g. requirements for the search of offender religious items;
  - h. avoidance of unnecessary force, embarrassment, or indignity to the offender;
  - i. staff training in effective search techniques that protect both offenders and staff from bodily harm;
  - j. use of non-intrusive sensors, e.g., x-ray machines or other techniques, whenever feasible;
  - k. established procedures for offender placement on dry cell status;
  - l. conduct of searches to control contraband, recover missing or stolen property, and prevent escapes or other disturbances;
  - m. respect for offenders’ personal property;
  - n. provisions ensuring reasonable accommodations for offenders with disabilities during clothed and unclothed body searches; and
  - o. annual review of search procedures with updates as necessary.

##### **B. Documentation**

1. Facility procedures must require staff to document all searches, excluding routine clothed body searches that do not result in the discovery of contraband or result in a disciplinary write-up; itemize any found contraband; and maintain the documentation.
2. Cross gender clothed body searches of all residents in juvenile facilities, juveniles and

adult females will be documented.

### **C. Clothed Body Searches**

1. Facility procedures will include that all offenders, visitors, and staff are subject to clothed body searches at any time.
2. Staff who conduct clothed body searches will:
  - a. conduct full body clothed body searches in accordance with facility training requirements;
  - b. pass his/her hands deliberately and carefully in and around the groin area;
  - c. carefully search for items that may be concealed in females' bras; and
  - d. inspect shoes, insoles and heels as time and circumstances allow.
3. Staff will conduct clothed body searches of individuals of the same gender as themselves whenever possible.
4. Cross gender clothed body searches of residents in juvenile facilities, juveniles and adult females are not permitted unless an exigent circumstance requires a cross gender clothed body search.

### **D. Unclothed Body Searches**

1. Facility procedures will outline appropriate unclothed body search requirements and techniques applicable to both offenders and non-offenders.
2. Written procedures will provide that, except in emergency situations, staff of the same gender as the offender will conduct offender unclothed body searches in a private area and based on a reasonable suspicion that the offender is carrying contraband or other prohibited material.
3. Reasonable suspicion is not required for unclothed body searches when offenders return from contact with the general public or from outside the facility.
4. Trained staff will conduct unclothed body searches and do so in a respectful and dignified manner.
5. Staff are prohibited from searching or physically examining a transgender or intersex offender for the sole purpose of determining the offender's genital status.

### **E. Body Cavity Searches**

1. Facility procedures will govern the restricted use of offender body cavity searches in compliance with the following requirements:
  - a. only health care providers, excluding facility health care providers, will conduct body cavity searches when there is a reason to do so and only with the written authorization of the administrator;
  - b. in such cases, a physician must authorize the instrument or surgical examination of body cavities, including the use of an anal scope or vaginal speculum;
  - c. health care providers must:
    - 1) conduct body searches in private;

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- 2) fully document the search and its results;
- 3) forward documentation and authorizations to the offender record; and
- 4) whenever possible, have security staff available to ensure safety and proper handling of contraband.

**F. Visitor Searches**

1. Facility staff will identify and search all visitors, volunteers, and vendors in accordance with *DOC Policy 3.1.5 Entrance Procedures and Detainment of Non-Offenders*, and corresponding procedures.

**G. Area Searches**

1. Procedures will require frequent searches of all facility areas, which include housing, visiting, and general areas, to prevent serious incidents or escape and uncover contraband.
2. Facility staff will conduct housing unit searches in a manner that:
  - a. respects offenders' personal property;
  - b. handles offender property judiciously using care not to willfully discard, break, or misplace items; and
  - c. leaves the area as close to the way it was found as possible.
3. Facility staff who damage or destroy personal property will submit a report with the property to the appropriate supervisor.
4. Staff assigned to visiting areas must:
  - a. complete a thorough search of the visiting area immediately before visitors and offenders are permitted in the area; and
  - b. complete a thorough search of the area immediately after visiting hours.

**H. Vehicle and Delivery Searches**

1. Facility staff will:
  - a. conduct vehicle searches in accordance with *DOC Policies 3.1.5 Entrance Procedures and Detainment of Non-Offenders* and *3.1.12 Offender Escort and Transport*;
  - b. search and escort all vehicles entering and leaving facility grounds to and from their destinations within the secure perimeter;
  - c. search all supplies and food stocks delivered to the facility before allowing offender access to them;
  - d. store and control all supplies and food stocks prior to use; and
  - e. inspect mail and package deliveries for contraband in accordance with *DOC Policy 3.3.6 Offender Mail*.

**I. Contraband Control**

1. Facility procedures will instruct staff to intercept movement of weapons and other contraband through:
  - a. use of metal detectors at fixed posts;
  - b. searches of movable equipment such as utility and food carts;
  - c. use of dry cell procedures;

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- d. routine and recurring cell searches; and
- e. routine and random searches of offenders in housing units and as they move from one area to another.

**J. Disposition of Contraband**

1. Facility procedures will address the discovery, confiscation, reporting, storage, disposal, and record-keeping of contraband.
2. Contraband that may be used as evidence in a court proceeding will be managed in accordance with *DOC 3.1.28 Crime Scene and Physical Evidence Preservation*.
3. Facility procedures must address:
  - a. the confiscation and deposit of intercepted cash in an offender welfare fund; and
  - b. the deposit of any receipts from the sale of contraband in an offender welfare fund to be used for the intended purposes of that fund.

**K. Staff Contraband Issues**

1. Staff who are found to introduce contraband into a Department or contracted facility will be subject to *DOC Policy 3.1.19 Investigations*.

**L. Staff Training**

1. Facility administrators will require staff training to include the following procedures:
  - a. proper techniques to detect prohibited items, uncover potential security breaches, and protect both offenders and staff from undue harm;
  - b. use of security equipment such as hand-held and walk-through metal detectors;
  - c. preventive measures and proper safeguards to use during searches, such as methods to avoid the danger of “needle sticks” that may lead to infection;
  - d. proper responses to other potentially hazardous conditions, e.g., that potential explosive devices must not be moved;
  - e. methods of contraband fabrication, control of raw materials, and offender tool access in accordance with *DOC Policy 3.1.14 Tool Control*;
  - f. provision of reasonable accommodations to offenders with disabilities and how to document those accommodations in OMIS; and
  - g. how to conduct cross gender clothed body searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

**M. Probation and Parole**

1. The Probation and Parole Division and Youth Community Corrections will develop procedures for searches necessary to ensure officer, community and offender safety and to ensure offenders are compliant with conditions of supervision.
2. Procedures must address:
  - a. documentation of searches;
  - b. allowable searches and circumstances under which they will be conducted, including searches of the person, personal possessions and searches of residences;

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- c. the disposition of contraband including discovery, confiscation, reporting, storage, disposal, and record-keeping; and
  - d. training in proper search techniques and how to conduct searches in a professional and respectful manner
3. Staff will conduct clothed body searches of individuals of the same gender as themselves whenever possible.
  4. Cross gender clothed body searches of residents in juvenile facilities, juveniles and adult females are not permitted unless an exigent circumstance requires a cross gender clothed body search.
  5. Vehicle searches will be conducted in accordance with *3.1.12 Offender Escort and Transport*.

## V. CLOSING

Questions concerning this policy should be directed to the appropriate administrator.

## VI. REFERENCES

- A. *53-1-105, MCA*
- B. *4-4192, -4193, -4194; ACA Standards for Adult Correctional Institutions, 4<sup>th</sup> Edition; 3-JTS-3A-19, -3A-20, -3A-21; ACA Standards for Juvenile Correctional Facilities, 2003*
- C. *ACA Guidelines for the Development of a Security Program, 2007*
- D. *National Commission on Correctional Health Care Standards, 2003*
- E. *DOC Policies 3.1.3 Logs and Record-Keeping Systems; 3.1.4 Perimeter Security; 3.1.5 Entrance Procedures and Detainment of Non-Offenders; 3.1.12 Offender Escort and Transport; 3.1.14 Tool Control; 3.1.19 Investigations; 3.1.28 Crime Scene and Physical Evidence Preservations; 3.3.6 Offender Mail; 3.3.15 Americans with Disabilities Act (ADA) Offender Accommodations*

## VII. ATTACHMENTS

None