



DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE

Procedure:	MSP 3.1.17a SEARCHES
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Reference(s):	DOC Policy 3.1.17
Signature:	/s/ Jim Salmonsens / Warden
Signature:	/s/ Gayle Butler / MCE Administrator

I. PURPOSE

To control the introduction, fabrication, possession, and conveyance of contraband, prevent escapes, recover missing or stolen items, help maintain sanitation standards, and identify potential security, fire, and safety concerns and/or hazards.

II. DEFINITIONS

Body Cavity Search – A manual or instrument inspection of an inmate's anal cavity.

Body Scan – A whole-body security screening device which utilizes low dose x-ray scanning in order to detect contraband, weapons and similar items, hidden on and inside a person's body.

Canine – A specially trained and certified canine used by the facility which is the property of Montana State Prison (MSP).

Canine Handler – A security staff member who works in collaboration with a specially trained canine.

Canine Team – One handler with an assigned canine. Both handler and canine have been certified.

Cell Search – A complete search of an inmate housing assigned area and its contents, including inmate(s) if they are present at the time.

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).

Common Area – Any area to which multiple inmates have simultaneous access.

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.

For the purpose of this operational procedure contraband includes , but is not limited to:

1. Narcotics and/or controlled substances.
2. Weapons, firearms, or any instrument which if used could produce serious bodily injury.
3. Materials, instruments, and tools that could be used to affect an escape.

4. Any item listed in MSP disciplinary rule infraction #4102 (Possession or introduction of any firearm, weapon, ammunition, knife, sharpened instrument, items such as razor blades when they are not used as intended, Class-1 tool, to include keys and security equipment or key patterns)

Cross-gender - Supervision circumstance involving a supervisor (or correctional officer) and an inmate who are not the same gender

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.

Drug – All non-prescribed mood controlling substances, including such examples as alcohol, marijuana, cocaine, amphetamines, methamphetamines, barbiturates, benzodiazepine, opiates, and hallucinogens.

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

Intersex – A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Medical Practitioner – A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Predatory Inmate – A designation of an inmate who has a notable history of preying on others as reflected through intimidating, assaultive, aggressive, or violent acts.

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 infraction.

Reasonable Suspicion Search – The search of a person, property, or area when there is reasonable suspicion warranting the search.

Transgender – A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.

Thermal Imaging – The technique of using the heat given off by an object to produce an image of it or locate it.

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).

Work Area Search – A complete search of all inmates, equipment, fixtures, and items in a work-site area.

III. PROCEDURES

A. General Search Requirements

1. Staff will wear protective gloves when searching any person or article, or the surface of any item, to lessen the possibility of becoming contaminated with blood or body fluids.
2. Staff must always be alert for needles or other sharps when conducting searches.
3. Staff will inform the inmate of any clothed or unclothed body search that is about to take place.
4. All searches will be conducted in a professional, non-discriminatory, and non-retaliatory manner, while recognizing privacy needs and avoiding unnecessary force, embarrassment, or indignity to the inmate being searched.
5. 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.
6. Staff will be provided training in area, cell, and inmate search procedures. New Staff who are participating in on-the-job training (OJT) should be supervised by a search-experienced or trained staff member when performing any search.
7. Staff will document all searches they conduct. At a minimum staff must make a logbook entry to document.
 - a. Each area or group search (cell, dayroom, cube, work crew, visiting, etc.) completed
 - b. Clothed searches will include the number of individual searches conducted.
 - c. Number of unclothed searches along with each inmate's full name and DOC number.
8. Inmates who have a disability that prevents the use of standard search methods will be afforded reasonable accommodations. Searches will be thorough and professional, with safety and security being the paramount concern. If a search requires removal of a health care appliance such as a prosthetic device during the course of a search (clothed or unclothed), the inmate will be afforded an appropriate accommodation such as a chair to sit in while the prosthetic is removed. All accommodations given will be documented in OMIS.

B. Restrictive Housing Searches

1. Staff should place greater emphasis on conducting random and routine searches of the person, property, cell, and living areas of inmates housed in Restrictive Housing.
2. Staff should conduct searches at a frequency which:
 - a. Makes it very difficult for inmates to store or traffic in contraband.
 - b. Increases the likelihood contraband will be discovered.
 - c. Discourages inmates from risking possession of contraband and
 - d. Ensures the safety and security of the facility.
3. Staff should conduct clothed body searches of each restrictive housing inmate prior to the inmate being moved from their living area to recreation, visiting, court, or other areas beyond the inmate's dayroom.
4. Staff should conduct clothed body searches of inmates designated as predatory on a daily basis.

5. Staff should also conduct unclothed body searches of all restrictive housing inmates and inmates designated as predatory at irregular time periods.

C. Clothed Body Searches

1. All inmates are subject to clothed body searches.
2. Clothed body searches of inmates may be conducted by staff of either gender.
3. Clothed body searches will be conducted by trained staff who have successfully demonstrated proper and approved search techniques. Clothed body searches include.
 - a. Running the hands along the fully clothed body of the inmate (will use bladed hand across chest).
 - b. Removal of coat, hat, and shoes.
 - c. A manual search of all belongings in the inmate's immediate possession.
 - d. Visual inspection of nasal passages, hands, hair, ears, and mouth.
4. Random clothed body searches will be conducted on inmates returning to the Work and Reentry Center (WRC) from any work assignment, done at a minimum of once a week. Clothed body searches at the WRC will be done by work supervisors and correctional officers.

D. Unclothed Body Searches

1. Cross-gender unclothed body searches will not be conducted except in exigent circumstances.
2. Staff are prohibited from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.
3. Staff of the same gender as the inmate will conduct unclothed body searches in a private area and based on a reasonable suspicion that the inmate is carrying contraband or other prohibited material. Exigent situations may require immediate unclothed body searches when necessary to protect staff, members of the public, contractors, volunteers, or visitors from immediate risk of harm.
4. Staff will conduct random unclothed body searches at the Work and Reentry Center (WRC) on inmates who return to the facility from daily community work assignments. Fire Crew inmates returning to the WRC from active fire duty calls and/or when they have been away from the facility overnight will receive unclothed body searched upon each return.
5. For all other inmates who leave the facility grounds, an unclothed body search will be conducted when the inmate returns to the facility.
6. Steps of conducting an unclothed body search are as follows:
 - a. Staff will wear gloves.
 - b. Staff will instruct the inmate to remove clothing one piece at a time.
 - c. Staff will inspect each piece of clothing, making sure to inspect and bend all seams; if no contraband is found, staff will place each piece of clothing in a pile.
 - d. Staff will not touch the inmates unclothed body.
 - e. Staff will visually search the body systematically from head, torso, to legs
 - f. Staff will instruct the inmate to run his hands through his hair.

- g. Staff will instruct the inmate to open his mouth, remove any false teeth, and lift his tongue, and then visually inspect his mouth, ears and nose.
- h. Staff will face the inmate and instruct him to lift his genitals. Staff will then visually inspect the area underneath.
- i. Staff will check the inmate's buttocks and instruct him to squat, spread his buttocks, and cough. Staff will then visually inspect his rectum for contraband.
- j. If the inmate has a bandage(s) which might conceal contraband staff will instruct the inmate to lift or remove it so the area underneath can be visually inspected. If the inmate objects medical staff should be consulted.
- k. Staff will instruct the inmate to remove any prosthetic devices for inspection.
- l. Casts should be inspected by use of the body scanner when possible
- m. Staff will return the clothing to the inmate and instruct him to dress.

F. Full Body Scan

1. Full body scans will be conducted in accordance with *MSP 1.1.17c Body Scanners*.

G. Body Cavity Search/Examination

1. Only the Warden is authorized to request a medical practitioner (who is not a facility medical practitioner) to conduct a body cavity search/examination on an MSP inmate and only when a full body scan is unable to be conducted; and
 - a. Only when there is reasonable suspicion to believe contraband will be found and the inmate has consented in writing to the search. If the inmate refuses to consent to the cavity search, Command Post will be contacted to request further instruction. Command Post will ensure DOC Legal is consulted.
2. Prior to conducting an instrument or surgical examination of an inmate's body cavities, including the use of an anal scope, the medical practitioner must have written authorization from the Warden.
3. The medical practitioner who conducts the body cavity search must:
 - a. Conduct the search in a private location with MSP security personnel observing.
 - b. Fully document the search and its results; and
 - c. Forward documentation and the written authorizations to MSP for placement in the files the facility utilizes to store and maintains written information concerning the inmate.
4. Security staff will maintain direct supervision of the inmate at all times and ensure the safe and proper handling of any contraband that is found.

H. Cell/Work Area Searches

1. Staff will conduct searches of cells and work areas on unannounced and irregular schedules to look for contraband.
2. When conducting cell/work area searches, staff members should remember the following:
 - a. Except as described in section III.K.3. of this procedure concerning the searching of Native American religious items, it is not necessary for an inmate to be present at the time his cell or property is searched.
 - b. Staff must document the results of all searches they conduct and complete the appropriate reports.

- c. Staff should conduct searches of cells and work areas in a systematic manner.
 - d. Staff will treat inmate personal property items with respect and will not willfully discard, damage, or misplace them when searching for contraband or conducting cell inspections; and
 - e. Housing unit staff will completely search/inspect housing unit cells between the time the inmate who was assigned to that cell leaves and the time it is assigned to another inmate. A Cell Check In/Out Card must be filled out and signed by the inspecting officer(s) and the inmate when he moves in and out of a cell.
3. For work areas outside the double and single fenced perimeter, the Shift Commander will notify the MCE Administrator, or appropriate program director, at least 15 minutes prior to a search/shakedown of that work area, to ensure that the supervisor or designee is available to participate in the shakedown. If the MCE Administrator or appropriate program director is not available, the shakedown can proceed with the authorization of the Shift Commander. This notification is not necessary for searches of inmate housing areas. The Shift Commander will forward copies of reports concerning searches of MCE work areas to the MCE Administrator in a timely manner.
 4. Staff may perform unclothed body searches on inmates who are present when staff enter a cell, work, or activity area to perform a search before allowing them to exit the cell, work, or activity area. This includes the following:
 - a. If an unclothed body search is conducted, staff should ensure the privacy of the inmates, unless exigent or unusual circumstances prevail; and
 - b. After completion of any unclothed body searches all inmates will be directed away from the cell, work, or activity area, and secured in a safe and secure holding area.
 5. Staff will take steps to minimize inmate traffic in the cell/area being searched to prevent inmate loitering.
 6. Staff will conduct housing unit cell searches in a manner that:
 - a. Respect's inmate personal property items.
 - b. Handles inmate property items judiciously, using care not to willfully discard, break, or misplace items; and
 - c. Leaves the cell/area in an orderly manner consistent with the way it was found. This includes the following:
 - 1) Because bedding items (mattress, pillow, linens, and blankets) must be separated and individually searched, the items will be left on the bunks, but staff will not make the bed(s); and
 - 2) Because the items in the property containers or cell storage fixtures must be removed and individually searched, staff will place the items back in the containers or storage fixtures, but not exactly as found.
 7. When searching legal paperwork on an inmate's person or in his cell, staff will search it for concealed contraband then scan (not read) it to ensure the legal materials belong to the inmate.
 8. Inmates do not have to be present during a cell search.
 9. Inmates are not allowed to loan, trade, sell, give, etc. their personal property items to anyone. If an inmate is found in the possession of another inmate's property item(s) staff will cite both the inmate who has the item(s) and the inmate who the item(s) belonged to for a disciplinary rule

infraction, and the item(s) will be seized as contraband and processed in accordance with *MSP 3.1.17B, Contraband Control*.

10. Staff will document all items seized from an inmate during a search of his person or cell on the appropriate disciplinary infraction report form (*see section K below*).
11. Housing unit supervisors will set up a cell search schedule that will ensure that each cell is shaken down monthly. This will be accomplished by ensuring that 1st and 2nd shift unit staff are instructed to shakedown an average of three cells per shift. Third shift staff will shakedown all other areas within the prison and housing units.

I. Visitor Searches

1. Facility staff will identify and search all visitors, volunteers, and vendors in accordance with *MSP 3.1.5 Entrance Procedures & Detainment of Non-Offenders, and MSP 1.1.17c Body Scanners*.

J. Canine Searches

1. Montana State Prison utilizes a trained and certified canine, and canine handler for drug detection.
2. Canine searches will be conducted in accordance with this procedure, and *RD MSP 3.1.36 Canine Team Operations*.

K. General Area Searches

1. The Associate Warden (AW) of Security will ensure a general search of all areas of the facility is conducted as necessary and on a routine basis. Written reports on these searches, describing the scope of the search, the results, and a list of all contraband found, will be filed with the AW of Security.
2. Staff assigned to visiting areas must conduct a thorough area search of all visiting areas immediately before and after visiting hours. Inmates will not be permitted in these areas until these searches are complete.
3. The AW of Security will ensure a general search of all perimeter areas of the facility is conducted as necessary and on a routine basis

L. Religious Items

1. Staff will treat all inmate religious items with respect and care; however, all religious items are subject to reasonable search procedures.
2. If contraband is found to be concealed within any religious item, the contraband and the religious item will be confiscated, and the inmate will be cited for a rule infraction on a disciplinary infraction report.
3. When staff encounter a medicine bag or the Ceremonial Sacred Pipe and wish to search it in performing their assigned duties, the medicine bag and pipe must only be visually, rather than manually, inspected and only when the designated owner is present. This includes the following:

- a. For medicine bags, the inspecting staff will ask the inmate to show them the property receipt and approval by the religious coordinator / advisor. The inmate will assist in a visual shakedown by showing the contents, demonstrating there is no contraband; and
- b. For the pipe, the inspecting staff will ask the carrier to open the bundle, lay out all the items, and break down the pipe. Because it is difficult to see in these areas without actually holding the pipe, the carrier must either blow through the pipe or run a pipe cleaner through the stem and bottom opening of the bowl to demonstrate there is no contraband in these places. If questions arise, the Religious Coordinator or a Religious Advisor should be contacted. Emergency situations may require staff to conduct a manual search of a medicine bag or pipe bundle when the designated owner is not present. This search requires authorization from the unit's Sergeant or Unit Manager.

M. Thermal Imaging

1. Thermal imaging surveillance is a passive and non-intrusive search which translates energy waves into a viewable image. Only staff who are trained and authorized by the AW of Security may utilize this device. Staff who utilize thermal imaging will check out the device from the armorer or designee.
2. Uses for thermal imaging include but are not limited to:
 - a. Search and rescue.
 - b. Fugitive search.
 - c. Perimeter surveillance.
 - d. Officer safety.
 - e. Structure searches.
 - f. Body searches for any contraband giving a heat signature.
 - g. Surface searches; and
 - h. Vehicle compartments.
3. An incident report will be completed whenever contraband is recovered due to usage of device.
4. Any calibration will be conducted in accordance with manufactures guidelines.

N. Drugs/Alcohol

1. Staff who find a substance suspected or known to be drugs or alcohol will not move the substance unless the area where the substance is found cannot reasonably be isolated from inmates.
2. If the area and these items can be isolated from inmates, staff will secure the area as a potential crime scene, immediately contact the Investigators office, and complete and forward a detailed incident report to the Shift Commander.
3. If the area and substance cannot be isolated from inmates, staff will correctly and completely fill out an evidence receipt/card/tag, attach it to the substance, and bring it to the Command Post. The time and date of when the substance passed from the control of one person to another must be clearly documented. The staff that found the items will complete a detailed incident report and submit it, with the substance, to the Shift Commander.

O. Processing Contraband

1. Staff will document non-dangerous / minor category contraband items seized during a search of an inmate's cell on a *Summary Action / Cell Search / Property Receipt form (see attachment A)*. If the inmate is present during the search, staff will ask the inmate if he will accept the summary action (disposal of the contraband items).
 - a. If the inmate accepts the summary action, staff will have the inmate sign the form and give the inmate a copy. Staff will bring the paperwork and items to the Command Post to be stored in the disciplinary contraband disposal bin next to Tower 1 for disposal by disciplinary staff.
 - b. If the inmate doesn't accept the summary action, or isn't present when the contraband is seized, staff will cite the inmate for a minor rule infraction, attach the summary action form and the infraction report to the seized item(s), and bring the paperwork and items to the Command Post. Staff will make a copy of the infraction report, attach it to the contraband, draw the keys to the appropriate unit evidence storage bin near Tower 1, and put the items and copy of the report in the bin for processing by housing unit disciplinary staff. Staff will put the original infraction report in the appropriate unit mailbox in the Command Post. The following lists the disciplinary rule infractions that may apply:
 - 4302 Possession or displaying any material of an offensive nature including, but not limited to, sexually suggestive pictures, jokes, and posters.
 - 4304 Possession of expired blister pack.
 - 4305 Possession of property belonging to another person or the state government.
 - 4312 Taking items or food from the Food Service.
 - 4319 Possession of: excessive property, items altered from their original approved condition, non-dangerous unauthorized items, and/or accumulation of garbage (nuisance contraband).
 - c. Staff will leave a copy of the completed *Summary Action / Cell Search / Property Receipt form* in the inmate's cell as a written notice of what contraband items were removed from his cell.
2. Staff will document dangerous / major category contraband items seized from an inmate during a search of a person or cell by citing the inmate for a major rule infraction on a Disciplinary Rule Infraction report form. Staff will bring the completed disciplinary infraction report and items to the Command Post to draw the keys to store them in the disciplinary evidence storage area for processing by disciplinary staff. As the infraction report lists the contraband items that were seized, the inmate will be provided a copy of what items were taken when he is served the infraction report. The following lists the disciplinary rule infractions that may apply:
 - 4102 Possession or introduction of any firearm, weapon, ammunition, knife, sharpened instrument, items such as razor blades when they are not used as intended, Class-1 tool, to include keys and security equipment or key patterns
 - 4107 Possessing, introducing, or using any narcotic, narcotic paraphernalia, or illegal/unauthorized drug.
 - 4215 Possession of money or currency, unless specifically authorized.
 - 4218 Making, possessing, or using intoxicants.
 - 4219 Smoking/possession of any amount of tobacco or tobacco paraphernalia.
 - 4221 Possession of unauthorized clothing or identification.
 - 4222 Tattooing and/or possession of tattoo paraphernalia, including needles.
 - 4223 Smuggling/introduction or possession of unauthorized items into the institution.
 - 4224 Deliberate misuse of an authorized medication, including unauthorized possession of another individual's medication.

4225 Forming a Security Threat Group (STG) or participating in STG activities. This includes possessing or displaying any materials, symbols, colors or pictures of any identified STG or behaviors uniquely or clearly associated with a STG.

3. Crime related physical evidence is as follows:

- a. When an item is seized from an inmate or the inmate's cell that may be utilized in criminal prosecution, the following procedure will be implemented. This is done to maintain a clear chain for evidence:
 - 1) Staff must correctly and completely fill out an evidence receipt/card/tag and attach it to the evidence. The time and date of when evidence passed from the control of one person to another must be documented.
 - 2) Once staff have completed tagging all physical evidence, they will bring it to the Shift Commander who will ensure it is appropriately secured. The Shift Commander will forward a copy of the infraction report to the Disciplinary Hearings Investigator for notification purposes.
 - 3) When evidence is no longer needed, it will be disposed of in accordance with *DOC 3.1.16, Contraband Control*; and
 - 4) Staff will not place wet or blood-soaked evidence in plastic bags. Paper bags must be utilized.
4. Staff will deliver contraband they find that has not been determined to belong to a person, or persons, to the Command Post with a copy of an incident report attached. The Shift Commander will ensure the contraband is appropriately secured pending final disposition.

P. Monitoring and Training

1. All staff will receive training in effective and proper search techniques, including methods of documentation. Training will be documented.
2. Supervisors will monitor search techniques and provide feedback and training to correct any deficiencies.

IV. CLOSING

Questions concerning this operational procedure will be directed to the AW of Security.

V. ATTACHMENTS

Summary Action / Cell Search / Property Receipt form

attachment A

STATE OF MONTANA DEPARTMENT OF CORRECTIONS

MSP MWP CONTRACT FACILITY: _____

SUMMARY ACTION / CELL SEARCH / PROPERTY RECEIPT

Type of Property <input type="checkbox"/> Approved <input type="checkbox"/> Contraband	Source of Items <input type="checkbox"/> Room/Area Search <input type="checkbox"/> Pat/Strip Search	Date & Time	Storage Location Property <input type="checkbox"/> Evidence <input type="checkbox"/> Contraband Bin <input type="checkbox"/>
Inmate Name: _____ ID# _____ Inmate Name: _____ ID# _____		Cell/Room #: _____	Housing Unit: _____
Type of Infraction (if applicable): _____		Location of Search/Incident: _____	

Use a separate form for contraband and another for approved items. List only one item per line. Put in disposition code (from bottom of form) as needed.

Description, condition & reason property was removed	Owner's Name	Summary Action or Hearing?	Hearing Disposition

Officer: _____	Officer: _____	Inmate: _____	Inmate: _____
This Portion to be completed by Disciplinary Unit Only			
Disposition Codes: R-returned to owner P-placed in Property Room E –Placed in Evidence Room DES - Destroyed H-held for Investigation SAC-Summary Action Confiscation DON-donate Date: _____ Disposition completed by Staff Member: _____			

Copies to: 1. Property File 2. Inmate-upon confiscation 3. Inmate-upon final disposition 4. Housing Unit
[Chain of custody on back]