



INMATE SEARCHES

POLICY.

It is the policy of the Deschutes County Sheriff's Office - Adult Jail (AJ) and Work Center (WC) for staff to search all inmates to prevent a flow of contraband into, within, or out of the jail. Corrections staff will use the appropriate search type for the situation to deter and detect the introduction, possession, and transfer of contraband. Inmate searches will help ensure the safety and security of jail staff, inmates, and the public.

PURPOSE.

This policy gives staff specific guidelines on the various types of inmate searches and the conditions for their use.

OREGON JAIL STANDARDS:

- B-103 Initial Search of Arrestees
- B-105 Receiving Females
- B-204 Female Inmates
- B-301 Contraband Control
- B-305 Arrestee Search Prior to Lodging
- E-303 Basis for Conducting Searches
- E-304 Scope of Intrusion and Justification
- E-305 Individualized Reasonable Suspicion Not Required
- E-306 Manner of Search
- E-307 Clothed Searches
- E-308 Unclothed and Visual Body Cavity Searches
- E-309 Intrusive Body-Cavity Searches
- E-310 Exigent Circumstances
- E-311 Frisk and Clothed Searches of Male Inmates by Females
- E-312 Unclothed Searches of Male Inmates by Females
- E-313 Male Searches of Female Inmates
- E-314 Documentation of Cross-Gender Unclothed Searches

REFERENCES:

- United States Constitution, Fourth Amendment (Unreasonable searches and seizures)
- United States Constitution, Eight Amendment (Prohibition against cruel and unusual punishment)

- Title VII of the Civil Rights Act of 1964 (Equal employment opportunities)
- Oregon Constitution, Article I, Section 9 (Unreasonable searches and seizures)
- Oregon Constitution, Article I, Section 16 (Cruel and unusual punishment)
- ORS 162.185, Supplying Contraband
- ORS 169.076, Standards for Local Correctional Facilities

DEFINITIONS:

Arrestee. A person accused of a crime that has just entered the jail and is being held in the intake area. The arrestee has reasonable pretrial release options still available, so has not been dressed-in and lodged. It excludes a person coming in on a transport from another correctional facility.

Clothed Search. Touching or patting the subject's body over the subject's clothing in various ways to detect contraband in the clothing or on the body. It includes a careful manual search of the genital, anal, and female breast areas over the clothing for a thorough search. It also includes looking in a person's mouth, nose, ears, and other visible body cavities. Deputies may have the person remove outer garments that normally do not directly touch the skin, like shoes and vests. Refer to *Training Attachment II, Clothed Search*.

Contraband. Any instrument, article, device, or substance, which may be used to threaten or harm any other person. Any unauthorized item in an inmate's possession. Any authorized item that has been altered in any way. An excess of the authorized number for an authorized item.

Corrections Supervisor. A corrections sergeant, lieutenant, corrections captain, or Sheriff.

Dangerous Contraband. Any item that is or can be used as a weapon, explosive, intoxicant, escape or fire-starting device, money, drugs, or is an unauthorized medication or medication of another person.

Digital Body Cavity Search A search performed by medically trained personnel, in which an inmate is required to remove his or her clothing, and a visual, manual and/or instrument inspection of an inmate's anal or vaginal cavity is made.

Dry-Cell. A level of supervision in which an inmate is placed on single cell occupancy status and the water to that cell is turned off. The length of time that the inmate is on dry-cell status, the inmate's feeding schedule, the frequency of security checks and any other supervision requirements will be determined by both corrections medical staff and the shift supervisor.

Forced-Search. Deputies physically restraining an inmate in a prone position while another deputy searches the inmate. This method is used to search non-compliant inmates.

Freestanding. A frisk or clothed search position where an inmate stands erect with arms stretched out from the sides at shoulder height. The deputy does the search from behind. Used when an inmate is physically unable to stand in an off-balance position for a search, or instead of the off-balance position.

Frisk Search. Touching a person's outer clothing in various ways to detect contraband in the clothing or on the body. Unless exigent circumstances exist, the deputy will be the same sex as the person being searched. The deputy will touch or pat the inmate's body over their clothing in an attempt to detect contraband. This search includes a careful manual search of the genital, anal and breast areas over the inmate's clothing. When a female deputy performs a frisk search on a male inmate they should avoid deliberate touching of the genital and anal area. The deputy will also look in a person's mouth, nose, ears, and other visible body cavities. Frisk searches are also known as pat-down searches. Refer to *Training Attachment I, Frisk Search*.

General Population. Housing that allows inmates to mix with each other and have certain living area privileges. It is for maximum, medium, or minimum custody inmates that do not have needs or risks requiring segregation.

Inmate. A "dressed in" and lodged person held in the jail for arraignment, trial, or transfer. A person coming in on a transport for jail lodging. A person serving a sentence anywhere while in the custody of the Sheriff. It excludes an arrestee.

In-Transit Inmate. An inmate being transported from one place to another.

Off-Balance. A frisk or clothed search position where an inmate is leaning with their hands against a surface, face towards the surface, with the hands and feet spread wide apart. The deputy does the search from behind.

Reasonable Suspicion. A conclusion using objective facts, common sense, and experience that a particular person is or may be carrying or concealing contraband. Staff base reasonable suspicion for a search for contraband on factors such as appearance, odor, conduct, current charges, and conviction history. Appearance and conduct includes dress and unusual movement.

Unclothed Search. Unclothed searches are defined as searches that involve the visual inspection of a disrobed subject or a subject wearing only undergarments. Also known as a visual body cavity search or strip search. Unclothed searches are considered to be much more intrusive than frisk or clothed searches. The person is not touched in any manner during the search, unless it is a forced search of an uncooperative or violent inmate. The body cavity orifices are exposed for viewing during the search. It also includes the touching and visual inspection of the person's clothing and any items in possession of the inmate at the time of the search. Refer to *Training Attachment III, Unclothed Search*.

Universal Precautions. The treating of all human blood and bodily fluids as if they are known to be infectious or carry a blood borne pathogen. It is a method of infection control that helps reduce the risk of occupational exposure to potentially infectious materials.

SECTION A: INITIAL SEARCH PROCEDURES

A-1. Purpose of Initial Search. To provide a reasonable margin of safety during the booking process by disarming arrestees and detecting more easily discoverable items of contraband that could present an immediate threat to the safety and security of the jail. A lawful arrest establishes the authority to search. The safety of corrections deputies and

the security of the facility depend upon ensuring that weapons and other contraband are intercepted at or before the arrestee's entry into the jail.

- A-2. Initial Search of Arrestees.** All arrestees entering the jail facility will receive an immediate initial frisk search in the pre-booking area. Deputies conducting the search must look for contraband and signs of medical or suicide problems that require intervention or follow-up. An unclothed search may be conducted if the factors in *Section A-4* are met.
- A-3. Processing of Female Arrestee.** When a female arrestee is brought to the jail, a female deputy will conduct any searches. Male deputies are restricted from conducting random or routine searches of female inmates. Male deputies participation in searches of female arrestees are restricted to circumstances where exigent circumstances exist, or in which the female inmate refuses to submit to a lawful search and/or is aggressive, fighting, physically resisting the search and acting in a manner that creates reasonable cause to believe:
- a. The female deputy might be injured without assistance from male deputies; and/or
 - b. The search cannot be completed without assistance from male deputies.
- A-4. Search Criteria at Pre-Booking.** During the admission process, deputies must not subject an arrestee brought to jail who still has reasonable release alternatives available to an unclothed and visual body cavity search unless the deputy has individualized reasonable suspicion the arrestee:
- a. May be in possession of a weapon, controlled substance, criminal evidence, or other contraband that would present a threat to the safety of staff or other person in the jail or to the security of the facility and could not be found with an less intrusive search; or
 - b. Has a health condition requiring immediate medical intervention, and a more intrusive search is required to confirm the information; or
 - c. Has a current arrest charge for a felony drug offense; or a violent or use- of weapons felony crime: or
 - d. Has a history of a felony drug offense, or violent or use-of weapons felony crime arrest within the past 10 years; or
 - e. Has a history of escape within the past 10 years.
- A-5. Determination for Move to General Population.** After completion of the booking paperwork, deputies will determine if the inmate meets the criteria for release prior to lodging. Inmates who meet criteria for release may not receive an unclothed search unless sufficient grounds for individual reasonable suspicion are present. See *Section A-4* of this policy.

SECTION B: SEARCH CRITERIA FROM BOOKING TO GENERAL POPULATION

- B-1. Inmate Release Exhausted.** After the completion of the booking process and once reasonable release options are exhausted, the inmate will receive an unclothed visual body-cavity search and be lodged in the jail.

- B-2. Search Criteria to General Population.** Inmates will receive an unclothed search prior to being placed into general population when they are:
- a. To be lodged in the jail; or
 - b. Under remand from a court; or
 - c. An in-transit hold; or
 - d. Transferred from another corrections facility; or
 - e. From the Oregon Department of Corrections or a federal law enforcement or corrections agency; or
 - f. Held for violation of probation or parole.

SECTION C: GENERAL SEARCH GUIDELINES

- C-1. Manner of Search.** The deputy conducting the search will provide an appropriate degree of privacy for searches that by their nature tend to be exceptionally embarrassing or humiliating; intrusive searches should be done in a manner that reasonably ensures that inmates being searched are observed only by:
- a. Staff members conducting or assisting with the search;
 - b. Staff members working in the area; and
 - c. Other inmates being searched at the same time.
- C-2. Authorized Searchers.** Only trained deputies will do frisk, clothed, and unclothed searches.
- C-3. Scope of Search.** Staff will conduct a search in an objective, professional, and dignified manner. The more a search intrudes on an inmate's privacy, the greater the obligation for staff to do the search in private. Staff will:
- a. Never make taunting, degrading, dehumanizing, or other inappropriate comments to inmates (during searches or at any time);
 - b. Not use body searches of any type to punish, humiliate, or harass an inmate;
 - c. Perform searches using generally accepted methods and appropriate search positions such as off-balance, freestanding or forced; and
 - d. Use the minimal level of force necessary to do a search properly. Staff must maintain control of the inmate during a search for safety reasons.
- C-4. Gender of Searcher.** A deputy that is the same sex of the inmate usually will do the search unless exigent circumstances exist. Refer to *Sections E*.
- C-5. Searches of Transgendered Inmates.** A deputy that is the same sex as the inmate's identified gender, or as selected on the *Statement of Unclothed Search Preference for Transgender Inmate Form No. 476* will search the inmate except in the event of an emergency or exigent circumstance. If a deputy begins a search of a transgender inmate, and becomes aware the inmate prefers and identifies with the opposite gender, the deputy must stop as soon as they are made aware, consult the *Statement of Unclothed Search Preference for Transgender Inmate Form No. 476*, and have a deputy of the opposite,

preferred sex finish the search. Document the search in JMS and/or on AJ *Cross Gender Search Form No. 471*. Refer to AJ Policy [CD-6-10, Transgender Inmates](#).

- C-6. Universal Precautions.** Staff should protect themselves from the risks that result from the physical contact that is a necessary aspect of searches. Risks include assaults by inmates; exposure to contagious disease and vermin infestation; and skin punctures from needles hidden in clothing or other possessions. Refer to AJ Policy *MD-8, Bloodborne Pathogens Exposure*.
- C-7. Search Integrity.** While performing searches, staff must use caution to avoid mixing searched inmates and unsearched inmates or placing searched inmates back into an unsearched area.
- C-8. Non-Complaint Inmates.** If an inmate does not comply with search procedures, a corrections sergeant may order an immediate search using force or may place the inmate in the booking area, under dry-cell conditions, until the inmate complies. If the non-compliant inmate is at intake or dress-in, staff will follow procedures found in AJ Policies [CD-5-1 Intake and Booking](#) and [CD-5-2, Intake Screening](#).

SECTION D: SEARCH TYPES AND CRITERIA

- D-1. Frisk Searches.** Deputies will perform frisk search at pre-booking, of a person primarily as a quick check to see if the person is carrying a weapon, escape device, drugs, or other immediately harmful contraband. Staff will frisk search an inmate:
- a. When taking custody of a restrained arrestee at intake.
 - b. At random, whenever the inmate enters or leaves a housing unit.
 - c. At random when the inmate is performing inmate worker duties.
 - d. At random when the inmate is on a self-escort movement.
 - e. At random when entering or leaving program areas and the medical unit.
 - f. If there is reasonable suspicion the inmate is carrying contraband.
- D-2. Clothed Searches.** All inmates are subject to clothed searches at any time during their incarceration, such as:
- a. After removing an arrestee's restraints in Pre-booking.
 - b. Before placing an inmate in a holding cell in Booking.
 - c. Before and after court transports.
 - d. Before a contact visit.
 - e. If any reason to believe inmate is in possession of contraband.
 - f. As part of security search of an inmate's cell or sleeping area.
 - g. At random, whenever the inmate enters or leaves a housing unit.
 - h. At random when the inmate is performing inmate worker duties.
 - i. At random when the inmate is on a self-escort movement.
 - j. At random when entering or leaving program areas and the medical unit.
 - k. On a routine, selective, and/or random basis.
 - l. Entering, leaving or returning to the facility.

- D-3. Unclothed Searches – General Population Inmate.** Inmates that have been in the custody of the jail will receive an unclothed body search:
- a. After the completion of the booking paperwork and prior to placement in general population.
 - b. Upon returning from inmate worker assignments, or other activities that provide an opportunity for inmate to introduce or transport contraband.
 - c. If dangerous contraband is found in the inmate's cell or bunk area.
 - d. Upon assignment or leaving segregation housing or other restricted area.
 - e. When leaving for or returning from an activity or area that gives the inmate an opportunity to introduce or transport contraband. Examples include outside health care appointments, outside work details, and access to tool and material areas.
 - f. Upon returning from a contact visit.
 - g. At random when transporting inmates.
 - h. At random when the inmate is performing inmate worker duties.
 - i. At random when the inmate is on a self-escort movement.
 - j. At random when entering or leaving housing units, program, or medical unit.
 - k. At random as a part of a cell shakedown.
 - l. When staff reasonably believe an inmate is in possession of contraband, using drugs, or is concealing a medical problem that may need treatment.
- D-4. Contraband During Search.** In the event staff discovers contraband in a body cavity during an unclothed search, the deputy will contact a Facility Nurse, or ask the inmate, if appropriate, to remove the items from the body cavity unless there is a clear exigent circumstance that requires immediate action.
- D-5. Digital Body Cavity Searches.** If staff has reasonable suspicion to believe an inmate (or arrestee) is concealing contraband in a body cavity, a corrections supervisor may authorize the inmate to be transported to a hospital or medical clinic for outside health care staff to do a digital body cavity search. If the inmate refuses to the digital body cavity search, a warrant must be obtained prior to the transport. Ingested contraband is a health risk and inmates will be transported to a hospital or medical clinic for appropriate medical procedures. Deputies will place the arrestee or inmate in a dry cell and handcuff if necessary pending the search.
- a. Only health care or other medically trained personnel will conduct a gloved-finger or instrument inspection of a body cavity.
 - b. A physician or nurse practitioner must authorize the use of x-rays or surgical instruments like an anal scope or vaginal speculum.
 - c. A deputy that is the same sex as the inmate must be present during the search.
- D-6. Search of Inmate with Health Care Items.** Staff may use equipment, like a metal detector or x-ray machine to inspect casts, prosthesis devices, and other health care items. The Corrections Captain will approve the type of equipment used in searches. A physician or nurse practitioner must authorize the use of x-rays. Only health care or other specifically trained personnel will use medical equipment. Depending on the extent of the injury, either jail or health care staff will examine bandages as a part of a search.

D-7. Ingested Contraband. If staff has reasonable suspicion that an inmate (or arrestee) has ingested dangerous contraband, they will contact 9-1-1 Dispatch for an emergency medical response. Staff will also contact a shift supervisor and medical staff.

- a. The shift supervisor may direct a deputy to do the following:
 - 1) Transport the inmate to the hospital if the inmate's health or safety is at risk. The shift supervisor and health care staff will determine this need.
 - 2) In cases where the ingested contraband is not potentially life threatening the supervisor may direct the inmate be moved to a dry cell on a constant, special watch until the inmate is able to produce the contraband.
- b. The deputy on the special watch will be the same sex as the inmate. The deputy will observe the inmate when the inmate has to urinate, have a bowel movement, or vomit. The deputy will inspect the substances to locate the suspected contraband.
- c. The shift supervisor will decide when to take the inmate off special watch if the inmate has not produced the suspected contraband.

D-8. Random Searches. Supervisors will have deputies do random frisk, clothed, and unclothed searches as a routine part of their duties. Deputies will keep search patterns unpredictable. Supervisors may have deputies track random inmate searches in a manner similar to random and routine area searches under AJ Policy [CD-8-8, Contraband Control and Searches](#).

SECTION E: CROSS-GENDER SEARCHES

E-1. Unclothed Searches of Male Inmates by Female Deputies. Female deputies may perform frisk and clothed searches on male inmates. Female deputies will not normally participate in unclothed and visual body-cavity searches of male inmates. Exceptions may include exigent circumstances for the safety and security of the facility, staff or inmates. Prior to any search, a corrections supervisor must authorize the cross-gender unclothed searches. Clothed and unclothed searches under this section will be infrequent, non-routine, or indirect or at a distance.

E-2. Male Searches of Female Inmates. See section A-3.

SECTION F: SEARCH DOCUMENTATION

F-1. Search Documentation. All deputies performing a search on an inmate during the initial custody assessment will document the search on the appropriate form in the Jail Management System (JMS). The name of the inmate, the type of search conducted, and the name of the person(s) who conducted the search must be included on the appropriate form. If an unclothed search is performed on an inmate prior to being lodged in general population (includes segregation), deputies will complete the appropriate form and the name of the person(s) who conducted the search.

F-2. Cross-Gender Unclothed Search Documentation. Deputies performing a cross-gender unclothed search will complete the *Cross-Gender Search Form No. 471* that includes the name of inmate being searched, deputies participating in the search, date, time and location of the search, justification of the search, type of search, whether force was used, what contraband if any was found, and other significant factors.

F-3. Type of Search and Documentation and Method. All deputies performing a search on an arrestee or inmate will complete the proper documentation as listed below:

Table 1. Search Documentation Requirements	
Type of Search	Documentation Method
Any search of a female inmate by a male deputy	Jail Management System (JMS) and AJ Form Nos. 473 or 470 and Incident Supervisor Report. <i>Cross-Gender Search Form No.471</i> (Including reason and person performing the search).
A Clothed or Unclothed Search of a male inmate by a female deputy	JMS, <i>AJ Frisk, Clothed, Unclothed Search Form No. 473</i> or <i>Screening & Unclothed Search at Booking Form 470</i> and Incident Supervisor Report, <i>AJ Cross-Gender Search Form 471</i>
Frisk, Clothed or Unclothed Search at Pre-Booking	<i>AJ Frisk, Clothed, or Unclothed at Pre-Booking Form No. 473</i> and/or in the Jail Management System (JMS).
Screening for Unclothed Search	<i>AJ Unclothed Search Form No. 470</i> and/or in the Jail Management System (JMS).
Clothed Search for General Population Inmates.	No documentation required unless specified by supervisor or orders, or unless search by opposite sex requiring documentation.
Unclothed Search for General Population Inmates	Jail Management System (JMS) and <i>AJ Unclothed Search for General Population Inmates Form No. 472.</i>
Digital body cavity search	Jail Incident Report and Incident Supervisor Report in the Jail Management System (JMS).
Cross-Gender Unclothed Search	<i>AJ Cross-Gender Search Form No. 471</i> and Incident Supervisor Report in the Jail Management System (JMS).
Transgender Unclothed Search (Consult <i>The Statement of Unclothed Search Preference for Transgender Inmates Form No. 476</i>)	Jail Management System (JMS) and/or <i>Unclothed Search at Booking Form No. 470</i> and/or <i>Unclothed Search for General Population Inmates Form No. 472</i>

F-4. Documenting Found Contraband. Deputies will document contraband they find during an inmate search on a JMS jail incident report. AJ Policy [CD-5-4, Inmate Property](#), covers procedures to follow if deputies find contraband at intake.

- F-5. Handling Found Contraband.** Deputies will handle, dispose of, and store the contraband they find according to AJ Policies [CD-6-3, Rules and Discipline](#); [CD-8-8, Contraband Control and Searches](#); and [CD-8-17, Criminal Acts](#) (if the contraband is criminal evidence.)
- F-6. Discipline for Contraband.** Staff will discipline inmates they find with contraband on or in their bodies according to AJ Policy [CD-6-3, Rules and Discipline](#).

FORMS USED:

- *Custody Intake Information Form No. 307*
- *Screening and Unclothed Search at Booking Initial Custody Housing Form No. 470*
- *Cross Gender Unclothed Search Form No. 471*
- *Unclothed Search for General Population Form No. 472*
- *Frisk Clothed or Unclothed Search at Pre-Booking Computer Entry - Form No. 473*
- *The Statement of Unclothed Search Preference for Transgender Inmates Form No. 476*
- *Attachment - Training Order No. 1 - Frisk Search*
- *Attachment - Training Order No. 2 - Clothed Search*
- *Attachment - Training Order No. 3 - Unclothed Search*

Attachment: Training Order I

Frisk searches will be conducted in the following professional manner:

1. Inform the inmate that they are going to be searched.
2. [REDACTED]
3. Empty all pockets and remove any coats, hats, or other outer clothing items.
4. [REDACTED]
5. [REDACTED]
6. Do not blindly reach into pockets or tight fitting clothing.
7. Careful manual search of all unexposed areas, including groin area, avoids deliberate touching of the genital, anal, or female breast areas. Look into the mouth and hair.
8. Search of socks, and shoes/boots.
9. Taunting, degrading, dehumanizing or other inappropriate comments will not be made during frisk searches (or at any time).

Attachment: Training Order II

Clothed searches will be conducted in the following professional manner:

1. Inform the inmate that he is to be searched.
2. Empty all pockets and remove any coats, hats, or other outer clothing items.
3. Instruct the person to face away from the searching deputy.
4. [REDACTED]
5. From the back, conduct a systematic and thorough search of the person's clothing and body.
6. [REDACTED]
[REDACTED]
[REDACTED]
7. Looking into a person's mouth, nose, ears, and other visible body cavities
8. Manual search of the genital, anal, and female breast areas over the clothing for a thorough search.
9. Taunting, degrading, dehumanizing or other inappropriate comments will not be made during clothed searches (or at any time).

Holding Cell Placement

Inmates placed in a holding cell in the pre-book area will be subject to the following additional procedures: Shoes, belts or other safety and security items should be removed prior to placement in a holding cell.

Attachment: Training Attachment Order III**Unclothed searches will be conducted in the following professional manner:**

1. All unclothed searches will be conducted in private, with the dignity of the inmate a major concern.
2. Inform the inmate that he is to be searched.
3. Instruct the inmate to remove all remaining items not removed during frisk or clothed search, including piercing, false teeth, wig, etc.
4. Conduct a thorough search of the clothing for contraband.
5. Instruct the inmate, once unclothed, to face you and spread his arms and legs for a visual search.
6. Have the inmate spread all fingers and display both open hands, turning them over for inspection of top and bottom.
7. Have the inmate run his hands through his hair vigorously to dislodge anything hidden in his scalp.
8. Have the inmate open his mouth and inspect the inside of the mouth and under the tongue and lips.
9. Check the inmate's nose and ears.
10. Have the inmate slowly turn around and inspect the inmate's back and rear part of legs.
11. Have the inmate raise each foot and wiggle their toes, turning the foot up for inspection.
12. Have the inmate squat, by sitting on their heels, and cough.
13. Have the inmate bend over and spread their anal cavity.
14. Have females spread their vagina.
15. Note any signs of rashes, infections, or injuries and report them to facility medical personnel.
16. Inspect any casts or bandages.
17. If necessary, instruct the inmate to shower and present the inmate with the appropriate sized facility clothing.
18. Taunting, degrading, dehumanizing or other inappropriate comments will not be made by staff during unclothed searches (or at any time).