



## **CONTRABAND CONTROL AND SEARCHES**

### **POLICY.**

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to establish and enforce procedures for searching all people, areas, and property within the AJ and Work Center (WC) and their immediate perimeter. Corrections staff will act to deter and detect the introduction, making, possession, and transfer of contraband. Such control helps ensure the safety and security of corrections staff, inmates, and the public.

### **PURPOSE.**

The purpose of this policy is to establish prevention and search procedures as the primary way to control, detect and remove contraband from the facilities.

### **OREGON JAIL STANDARDS:**

- E-301 Contraband Control
- E-302 Inmate Personal Property
- E-303 Basis for Conducting Searches
- E-315 Inmate Accessible Areas
- E-316 Transportation Vehicles
- E-317 Deliveries
- E-318 Visitor Searches

### **REFERENCES:**

- United States Constitution, Fourth Amendment (Unreasonable searches and seizures)
- United States Constitution, Eighth Amendment (Prohibition against cruel and unusual punishment)
- Oregon Constitution Article 1, Sec 9 (Unreasonable searches or seizures)
- Oregon Constitution Article 1, Sec 13 (Treatment of confined person)
- Oregon Constitution Article 1, Sec 16 (Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case)
- ORS 162.185, Supplying Contraband
- AJ Policy [CD-6-3, Rules and Discipline](#)
- AJ Policy [CD-8-9, Defensive Tool Control](#)
- AJ Policy [CD-8-4, Key, Tool and Material Control](#)

- AJ Policy [CD-8-7, Inmate Searches](#)
- AJ Policy [CD-8-17, Criminal Acts](#)
- AJ Policy [CD-12-1, Inmate Mail](#)
- AJ Policy [CD-12-2, Inmate Visiting Control](#)
- *AJ Inmate Manual*

## **DEFINITIONS.**

**Common Area.** An area that more than one inmate may access. Some examples are holding cells, the laundry, kitchen, corridors, recreation areas, video arraignment and dayrooms. An inmate's sleeping area (cell or bunk) is not a common area.

**Contraband.** 1) An unauthorized item in an inmate's possession or in a cell, bunk, or common area. 2) An authorized item altered in any way. 3) An item in excess of the authorized number.

**Dangerous Contraband.** An item that is or can be used as a weapon, explosive, intoxicant, tobacco, escape or fire-starting device, money, drug or tattooing paraphernalia, gambling device or proceeds, or is an unauthorized medication or medication of another person.

**Nuisance Contraband.** Contraband that is not a serious threat to the AJ and WC safety or security, such as excess amounts of authorized items or sexually explicit material.

## **PROCEDURES.**

### ***SECTION A: GENERAL GUIDANCE AND CONDUCT***

**A-1.** Staff will use searches for the following purposes:

- a. Prevent the introduction and possession of contraband.
- b. Detect the making of contraband.
- c. Discover and suppress the trafficking of contraband between inmates and others.
- d. Enforce rules designed to eliminate a cause of tension between inmates.
- e. Discourage theft and trafficking of jail supplies.
- f. Prevent the waste or destruction of jail property.
- g. Discover hazards to health or safety that may otherwise go unnoticed.

**A-2.** Contraband control will include placing notice to all visitors entering the facility and grounds that they are subject to search along with the following elements:

- a. Searches of people entering the jail, of both their bodies and possessions.
- b. Searches of vehicles that enter and leave the jail compound.
- c. Manual or electronic inspection of mail, packages, and equipment entering the AJ or WC.
- d. Use of secure gun lockers.
- e. Searches of inmates and visiting areas.
- f. Use of K-9 unit drug dogs in searches.

- g. Training staff on contraband control and searches.
  - h. Informing visitors of the contraband and search rules primarily through signage and visitor briefings or publications.
  - i. Informing inmates of the contraband and search rules primarily through orientation, orientation video, and the *Inmate Manual*. Information provided to inmates will include: items inmates are authorized to possess; items not specifically approved are considered contraband; and jail supervisors' intent and determination to enforce rules including contraband.
- A-3.** Staff must not give contraband to an inmate, transport contraband for an inmate, or knowingly or through negligence allow another person to pass contraband to an inmate. To do so may result in disciplinary action, up to termination and criminal prosecution. Staff will not use searches to harass, humiliate, or punish a person.
- A-4.** Staff must not allow an inmate unauthorized access to jail, contractor, or staff-owned items.
- A-5.** Staff may only bring personal items into the jail if there is compelling need and only after supervisor approval. Staff may not bring in personal cell phones or other two-way communication devices. Staff will secure the approved items in a closed "staff only" room or a locked storage space. An inmate must not have the opportunity to access the personal items. Staff will keep alert so they do not bring in or transport jail contraband by accident.

### ***SECTION B: SEARCH MANAGEMENT AND METHODS***

- B-1.** Corrections deputies may search an area or item in the jail on a routine or random basis, or at any time based on such things as intelligence information, safety and security concerns, or a recent found contraband incident.
- B-2.** The Supreme Court has held that the Fourth Amendment search and seizure "reasonableness" standard does not apply to prisons or jails. Therefore, deputies at the AJ and WC will conduct frequent, routine and random searches of inmates' cells, dayrooms and other living areas.
- B-3.** Shift lieutenants may assign a sergeant to manage the jail program for searches.
- B-4.** Corrections deputies will do searches in a way that avoids unnecessary force, damage to property, or embarrassment to a person. They will give care and respect to religious items and personal property. Staff will leave an area in an orderly and neat condition. Staff must not confiscate property without just cause.
- B-5.** Tools to aid in searching hard-to-search areas and items will be maintained in the control center.

- B-6.** Corrections staff may use drug dogs to search areas of the AJ, WC or court holding areas to detect contraband or drugs. The shift supervisor may contact a patrol supervisor to ask for a K-9 deputy's assistance. When a K-9 searches an area, corrections deputies will also search all the inmates in the area. Corrections deputies will document the K-9 search in an incident report within the Jail Management System (JMS).
- B-7.** Any property confiscated or seized as a result of a search will be documented in the JMS as an incident report.
- B-8.** Staff will not search an inmate's personal property at the direction of law enforcement officials without a warrant.

### ***SECTION C: SEARCHES IN HOUSING UNITS***

- C-1.** Deputies will do random searches of cells, rooms, common areas, and all inmate accessible areas. Staff will use care not to use predictable patterns. Staff may re-search an area to keep searches unpredictable to inmates.
- C-2.** All of the following areas and/or items should be searched before and after inmates and/or visitors use them:
  - a. Individual cells
  - b. Recreation areas
  - c. Visiting areas
  - d. Interview rooms
  - e. Cleaning gear
- C-3.** All sections and items in a search area should be thoroughly searched, including all personal items, bedding, plumbing, fixtures, vents, doors, televisions, etc.

### ***SECTION D: OTHER AREA SEARCHES***

- D-1.** The jail lieutenant or designee will [REDACTED] [REDACTED] The shift supervisor will compare completed search records to the schedule each week. To stay on schedule, the lieutenant or designee will work with shift supervisors in assigning searches.
- D-2.** Any deliveries or other items entering the AJ or WC are subject to search.
- D-3.** Area searches and any significant findings will be logged in the JMS. Appropriate disciplinary action will be taken if necessary.

### ***SECTION E: SEARCH OF PERSONS AND ITEMS ENTERING THE JAIL AND WORK CENTER***

- E-1.** **Approved** personal items staff takes inside the security perimeter of the jail are subject to search with or without cause. Staff normally will be present for any search of their

belongings. The Corrections Captain or a corrections supervisor may request staff on Sheriff's Office property to submit to a body search only when there is reasonable suspicion they are involved in a contraband violation. Refusal of staff to submit to any search may be grounds for disciplinary action, up to and including termination of employment.

- E-2.** See AJ Policy [CD-8-7, \*Inmate Searches\*](#), for procedures on searching an inmate's body.
- E-3.** Visitors, such as contractors, volunteers, or tour members, are subject (when reasonable suspicion exists) to frisk and/or clothed searches with or without cause. Corrections staff will deny the visitor entry into the jail or Work Center if a visitor does not consent to a search. A shift supervisor must approve the search before a search is conducted. The deputy will be the same sex as the visitor. The deputy will write a JMS jail incident report to fully document the search and any actions taken. See AJ Policy [CD-12-2, \*Inmate Visiting Control\*](#), for procedures for searching inmate visitors.

Individualized reasonable suspicion a visitor is concealing contraband or otherwise engaged in or attempting to violate jail rules is required prior to asking consent for an unclothed search. If the visitor does not consent, they should leave the premises. Supervisor approval is required prior to any visitor unclothed search.

- E-4.** The shift supervisor will make sure staff does contraband searches of supplies, food, books, newspaper, and other materials delivered or brought into the jail or Work Center. Staff will also search materials maintenance workers bring into the jail, Work Center or court areas. Staff will store and control material according to AJ Policy [CD-8-4, \*Key, Tool and Material Control\*](#). Deputies will search all materials going into housing units.
- E-5.** Staff will randomly search carts moving throughout the AJ and WC. Supervisors of inmate workers will make sure the workers do not use meal, laundry, or other carts to hide and transport contraband.
- E-6.** See AJ Policy [CD-12-1, \*Inmate Mail\*](#), for procedures to handle contraband found in inmate mail.

#### ***SECTION F: POST-SEARCH ACTIONS***

- F-1.** Deputies will document searches in the JMS and record details about found contraband in jail incident reports.
- F-2.** Deputies will discipline inmates they find with contraband. See AJ Policy [CD-6-3, \*Rules and Discipline\*](#).
- a. Deputies must fill out a JMS misconduct report on an inmate he finds with dangerous contraband.

- b. Deputies will use an appropriate level of discipline for an inmate they find with nuisance contraband.
- F-3.** Staff will confiscate contraband they find. Deputies will complete a *Property Transfer and Confiscation Form No. 322*, if it is the personal property of the inmate and it has no value.
- F-4.** Deputies confiscating dangerous contraband or any items retained for evidence will place evidence in properly marked paper or plastic bag. The deputy handling the evidence will then log and transport the evidence to the Sheriff's Office Evidence Room. Refer to AJ Policy [CD-8-17, Criminal Acts](#), and DCSO [Policy No. 4.10, Evidence Control](#).
- F-5.** When a criminal report is generated it will be forwarded to the District Attorney's Office for consideration. Refer to AJ Policy [CD-8-17, Criminal Acts](#).

### **SECTION G: TRAINING**

- G-1.** The Corrections Captain will make sure all corrections staff receives training on contraband control and searching at initial hiring. Civilian staff will also receive training as determined by the Corrections Captain. Refresher training will be on an as-needed basis.
- G-2.** The Administrative Lieutenant will make sure visitor and volunteer training is conducted using the *Rules of Conduct for Visitors, Policy and Procedures for Attorney Visits No. 608* as a guide for contraband control training. The volunteer coordinator will use the *Volunteer Training Form No. 627* for the same purpose. The Administrative Lieutenant or designee will conduct refresher training on an as-needed basis.
- G-3.** The type and content of contraband search and training may occur in a formal classroom setting, at shift briefing, or by e-mail. Contraband control and search training should vary by the target audience and should include the following topics, but may vary depending on the target audience:
  - a. Types of contraband
  - b. Recognizing altered items as dangerous contraband
  - c. Inmate methods of making contraband
  - d. Known common or potential hiding places
  - e. Visiting and staff search procedures
  - f. Area search protocols
  - g. Cart searches
  - h. Documentation requirements
- G-4.** Shift supervisors should provide specific instructions for searching an area and assure supplies and equipment are in order.

### **FORMS:**

- Policy & Procedures for Attorney Visits, Form No. 610
- Property Transfer and Confiscation, Form No. 322
- Rules of Conduct for Visitors, Form No. 608
- Volunteer Training, Form No. 627