



*State of North Carolina
Department of Public Safety
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.
- (d) Gender – A construct used to classify a person as male, female, both, or neither. “Gender” encompasses aspects of social identity, psychological identity, and human behavior.
- (e) Birth Sex – Gender assigned at birth by a physician based on external genitalia, internal reproductive organs, chromosome patterns and/or endocrine systems.
- (f) Exigent Circumstances - any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

.0103 POLICY

- (a) In the searching of **offenders**, all Correctional Officers and staff are required to act reasonably and professionally and employ a “common sense approach”. Every effort should be made to ensure that **offenders** 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 **NCDPS**-Prisons.

- (c) Routine, clothed (pat/frisk) searches of male offenders may be conducted by Correctional Officers of either gender.
- (d) Offenders housed at male facilities will be strip searched by a male Correctional Officer, except in exigent circumstances as determined by the shift supervisor. In such cases, the staff conducting the search will thereafter submit a statement by witness form, explaining the exigent circumstances that justified the search exception.. A supervisor will be responsible for completing an Incident Report.
- (e) Offenders housed at female facilities will be strip searched by a female Correctional Officer, except in exigent circumstances as determined by the shift supervisor. In such cases, the staff conducting the search will thereafter submit a statement by witness form, explaining the exigent circumstances that justified the search exception. A supervisor will be responsible for completing an Incident Report.
- (f) Routine, clothed (pat/frisk) searches of offenders housed in a female facility by male staff will only be conducted during an exigent circumstances as determined by the shift supervisor. The only exception to this section is an instance when time and circumstances do not permit the arrival of female staff or consultation with the shift supervisor prior to conducting the search due to an imminent threat of physical violence and a search is necessary to secure the offender to prevent injury to staff or offenders. In such cases, the staff conducting the search will submit a statement by witness form explaining the exigent circumstances that justified the search exception. A supervisor will be responsible for completing an Incident Report.
- (g) Searches of offenders shall not be conducted for the purpose of determining the person's genital status as it relates to transgender or intergender.
- (h) To control contraband, searches of offenders are authorized at the discretion of staff. Refusal to submit to a search may result in a forced search and disciplinary action against the offender.

.0104 SEARCHES OF OFFENDERS

- (a) Complete strip searches are to be conducted as follows:
 - (1) The search is conducted in an area, which is readily accessible to only persons participating in the search. Privacy is ensured to the extent possible and temperature and lighting are adequately controlled.
 - (2) The offender must empty all pockets, remove all clothing and place all articles in front of him/her. The offender is then instructed to step back from the area where the articles are placed to prevent access to the articles.

- (3) Staff will search all clothing and personal property and any articles that are considered contraband will be removed.
- (4) All sections of the body, including body cavities, are carefully inspected. The body search is conducted as follows:
 - (A) Have the offender remove any artificial limbs, removable dentures and other prosthetic devices and staff inspect.
 - (B) Staff will examine casts and dressings with a metal detector, or have medical personnel inspect and/or remove and replace such items.
 - (C) Have the offender to vigorously run their fingers through their hair while shaking the hair. Staff may ask the offender to part their hair in several places to view scalp for contraband, body parasites, injuries, and to determine the offender is not wearing a wig or hairweave. If hair is shorter, or if needed staff may direct the offender to use a wide tooth comb in the inspection of the hair scalp.
 - (D) Within a safe distance visually inspect the ears, nose, and mouth (with a flashlight, if possible). Do not place fingers into the openings.
 - (E) Instruct the offender to lift arms above head. Visually examine the armpits and, if needed, have offender to comb through body hair.
 - (F) Instruct the offender to hold hands out, spreading the fingers. Visually examine the hands in a palm up and down position, as well as between the fingers.
 - (G) Visually examine the offender from the chest to the groin; include the breast, navel and any excessively fleshy or hairy areas.
 - (H) From a safe distance visually examine the groin area. Inspect the pubic hair. Have the offender spread feet to shoulder width.
 - (i) For offenders with a penis and/or scrotum, have the offender lift their scrotum and penis simultaneously. Visually inspect the area by squatting and using a flashlight, if necessary. Have the offender drop their scrotum while holding their penis. Inspect the area for any contraband that may be taped to the penis and look for any open lesions. If the offender is uncircumcised, have them pull back the foreskin.
 - (ii) For offenders with a vagina, visually inspect the genital area and

have the **offender** remove any sanitary napkins or tampons and dispose of them. Have the **offender** spread **their** vagina and visually inspect inside using a flashlight, maintaining a safe distance. Have the **offender** do a deep knee bend to expel any objects. Only trained medical personnel are to perform an internal vaginal search.

- (I) Have the offender turn around. Visually inspect the entire back area including hairy areas and ask the offender to lift up any excessive folds of flesh. Have the **offender** spread feet to shoulder width, bend over at the waist and spread the buttocks. Using a flashlight, at a safe distance visually inspect the anal area for contraband, body parasites, open lesions, and signs of sexual abuse. Only trained medical personnel are to perform an internal anal search.
 - (J) Have the **offender** lift each foot to expose the sole of the foot. Also visually examine between the toes by having the **offender** to move them as he/she lifts foot for sole examination.
- (b) When Complete Searches are conducted
- (1) Complete searches of **offenders** 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 **gender** as the **offenders** under their supervision. Complete searches of **offenders** should be conducted by trained staff of the same **gender** as the **offender**. During an **exigent** operation, the **commanding Officer-In-Charge** may order complete searches of **offenders** by Criminal Justice Certified staff regardless of **gender**.
 - (3) The receiving facility will conduct a complete search on all offenders upon commitment to the Department of **Public Safety**, on return from escape or court, upon transfer from another facility, or placement on **restrictive housing for administrative or control purposes**.
 - (4) All **offenders** entering or leaving close or medium security facilities will be completely searched.
 - (5) **Offenders** assigned to **Restrictive Housing for Control Purposes or High Security Maximum Control** will be completely searched before and after visiting. General population offenders in close or medium custody will be completely searched after visiting. Minimum custody **offenders** may be completely searched after visiting.
 - (6) Minimum custody **offenders** 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 **offenders** 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.
- (c) Routine Searches are to be conducted as follows:
- (1) Correctional staff of either **gender** may conduct routine searches of male and female offenders.
 - (2) Where complete searches are not required, routine searches of minimum custody offenders shall be conducted upon the offenders 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.
- (d) Body cavity searches must be authorized by the facility head or designee when there is probable cause to believe an offender 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 Prisons in a medical setting pursuant to procedures in the Health Care Procedures Manual. If medical personnel of the 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.
- (e) Searches of Offender's Quarters and Effects. Complete shakedown searches of offender quarters and effects are authorized, regardless of whether there is reason to suspect any particular offender of concealment of contraband. Random searches of offender quarters and effects are to be conducted daily. Staff conducting the search should avoid any unnecessary scattering, disruption, or disarray of the offender's personal possessions during the search. Offenders' living quarters may be searched without the offender being present. Normally, offenders will be present when their locker is searched.

.0105 SEARCHES OF VISITORS AND OTHER PERSONS

The section on search procedures for visitors, volunteers, vendors, etc can be found in Prisons Entrance/Exit Policy F.3300.

.0106 SEARCHES OF EMPLOYEES

The section on search procedures for employees can be found in the Prisons Entrance/Exit

Policy F.3300.

.0107 AUTHORITY TO DETAIN

The section on Authority to Detain can be found in the Prisons Entrance/Exit Policy F.3300.

.0108 COMPLETE FACILITY SEARCH

A complete search of each facility shall be conducted **no** 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

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



Director of Prisons

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Date