

 <div style="text-align: center;"> ADMINISTRATIVE REGULATIONS STATE OF ARKANSAS BOARD OF CORRECTIONS </div>	Section Number: DOC-401 <u>DOC 401</u> DCP-4.2 <u>DCC 4.2</u>	Page Number: 1 of 6 <u>of 6</u>
	Board Approval Date: <u>2/17/94</u>	
	Supersedes: DOC-401 <u>DOC 401</u> 9/15/92	Dated:
	Reference: DCC-DCP 4.2 Emerg <u>DCC-DCP 4.2 Emerg</u>	Effective Date: 1/19/94 <u>3/10/94</u>
SUBJECT: Searches for and Control of Contraband		

I. AUTHORITY:

The Board of Corrections ~~s and Community Punishment~~ is vested with the authority to promulgate Administrative Regulations by Act 50 of 1968, Extraordinary Session, as amended; Acts 548 and 549 of 1993, Regular ~~Session~~ (Session (Ark. Code Ann. § 16-93-1203 and 12-27-105 of 1993).

II. PURPOSE:

To provide the Departments of Correction (ADC) and Community ~~Punishment~~ Correction (DCC) staff with information and guidelines regarding approved procedures for the suppression of contraband and to specify approved search methods.

III. APPLICABILITY:

To all employees ~~and offenders~~ and especially those employees involved in searches for the suppression of contraband.

IV. DEFINITIONS:

- A. Contraband: Any article not authorized nor issued to an offender as personal or state property, nor purchased through the facility commissary. ~~Also included is nuisance contraband or items defined as nuisance contraband.~~

1. Nuisance Contraband - Any item or article which may be or may have been authorized for possession, but which is now prohibited because excessive quantities present health or fire hazards or the items have become a housekeeping problem. Specific examples include but are not limited to:

- a. Excessive numbers of newspapers, letters, or magazines;
- b. Food items which have spoiled;
- c. Items accumulated for the purpose of barter or trade.

~~1.~~2. Articles in excess of established facility limits, articles used for unauthorized purposes, and/or articles in an offender's possession or control in an unauthorized area are also considered contraband. Contraband seized from offenders during a residential, vehicle or personal search is also included.

B. Personal Property: Items which are purchased by or for an offender and/or given to an offender which ~~is~~are authorized to be retained, within limits as posted in the facility of assignment, on an offender's person or in living or storage areas.

C. State Issued Property: Items ~~which are~~ issued to an offender for ~~his or her~~ personal use and which ~~may be~~ are retained, within a reasonable amount, by the offender on his or her person or in the assigned ~~the~~ living area.

State issued property other than that of a rapidly expendable nature (i.e., toilet paper, soap, toothpaste, etc.) ~~are~~ is to be clearly identified as state property.

D. Reasonable Suspicion: ~~Department officials must point to specific objective facts and rational inferences that they are entitled to draw from those facts in light of their experience. Unspecified suspicions fall short of providing reasonable grounds to suspect that an individual will attempt to smuggle contraband into the facility. Facts and rational inferences that department officials are entitled to draw from in light of the person's experience.~~

The following are among ~~but not limited to~~ the factors to be considered in determining reasonable suspicion:

- _____ (1) the demeanor of ~~individual in the~~ suspect;
- _____ (2) the gait and manner of the suspect;
- _____ (3) prior background or character;
- _____ (4) whether the suspect is carrying anything; and what they may be carrying
- _____ (5) their manner of dress;
- _____ (6) the time of day or night the suspect is observed;
- _____ (7) any overheard conversation;
- _____ (8) information received from a third person;
- _____ (9) whether the suspect is consorting with others whose conduct is "reasonably suspect;"
- _____ (10) ~~apparent~~ a visible effort to conceal an article; ~~and~~
- _____ (11) ~~apparent~~ an effort to avoid identification or confrontation by officials.

E. Individuals: May include but not be limited to offenders, employees, contracted staff, visitors, volunteers, and any persons entering or leaving a facility.

F. Offenders: Persons ~~sentenced to~~ in the custody of ADC or confined in a DCC Facility. Department of Correction or to the Department of Correction for judicial transfer to the Department of Community Punishment or confined in a community punishment center as a condition of probation, suspended imposition of sentence, post prison transfer or under supervision of the Department of Community Punishment.

V. POLICY:

It shall be the policy of the ~~Department of Correction~~ ADC and the DCC to have procedures in place that detect and deter the introduction, manufacture, possession, and/or conveyance of contraband.

VI. PROCEDURE:

All contraband discovered during a search or otherwise is to be confiscated, recorded pursuant to the appropriate administrative directive and reported to a supervisory officer. The supervisory officer should investigate to determine exactly where the contraband came from and how it was ~~found~~ introduced.

A. General Searches:

Searches shall include but not be limited to the following elements:

1. Searches of individuals entering the facility, including searcheses of persons, packages, and other items;
2. Searches of all vehicles entering and leaving the facility;
3. Inspection of packages and other non-vehicular items entering and leaving the facility to include inspection by electronic means;
4. Use of hand-held and walk-through metal detectors or other detection technology to detect and deter the movement of contraband.
- ~~5. ——— Use of depository procedures for law enforcement weapons and ammunition outside the offender traffic area of the facility.~~

B. Offender Searches:

Procedures for offender searches shall include the following:

- (1) Use of pat and strip searches;
- (2) Use of intrusive body cavity searches in accordance with established procedures;
- (3) Shakedowns in facilityyies shall be carried out in accordance with established procedures;

- (4) Shakedowns in other common areas, including but not limited to offender and program work areas such as the kitchen, visitation room, and school; ~~as well as~~ halls, day rooms, activity areas, and outside recreation areas.

1. Pat Searches of Offenders

Pat searches may be conducted by an employee of either gender and may be performed in any area of the facility and during movements. Pat searches ordinarily do not require an offender to remove clothing other than hats and gloves.

2. Strip Search of Offenders

Strip searches shall be conducted in a professional manner by staff the same gender as the offender. In cases of emergency (i.e., escape, riot, etc.), this provision may be waived.

3. Facility Contraband Searches

- a. Unannounced and irregular Searches of facilities shall be performed on a continual basis; ~~however,~~

~~unannounced and irregular.~~

- b. Each facility will have Standard Operating Procedures (SOP's) established for ~~the searches of the facilities~~. Copies of the SOP's are to be a part of all post orders.

C. Contraband Searches Associated with Facility Lockdown:

The Warden/Center Supervisor may determine that a facility lockdown or partial lockdown is necessary to facilitate a search for contraband. A facility lockdown shall be premised on the presence of contraband, e.g., recent surfacing of contraband of a serious nature;¹ potentially dangerous weapons;¹ or a large quantity of drugs or cash which, in the estimation of the Warden/Center Supervisor constitutes a significant threat to the security of the facility and safety of offenders and staff.

D. Search of Staff:

1. Pat Search of Staff

The pat search ~~differs from the strip search in that it~~ is conducted while the employee is wearing clothes. ~~The person conducting the search must be of the same gender as the person being searched.~~ All staff is subject to pat searches. Pat searches may be conducted at random. Pat searches may be conducted by an employee of either gender.

~~Searches may be conducted at random. The warden/center supervisor must have a reasonable suspicion that contraband may be introduced into the facility.~~

2. Strip Search of Staff

All staff ~~are~~ is subject to strip searches. All strip searches may be conducted in an area separate and private from offender^s and other staff if possible and in such a way as to ensure tact, privacy and a minimum of embarrassment. Strip searches will be conducted by staff of the same gender as the person being searched. The warden/center supervisor must have a reasonable suspicion that contraband may be introduced into the facility.

E. Search of Visitors:

1. Pat Search of Visitors

The pat search ~~differs from the strip search in that it~~ is conducted while the visitor is wearing clothes. The person conducting the search must be of the same gender as the person being searched.

All visitors shall be notified by a plainly visible sign that pat searches may be conducted. ~~The warden/center supervisor must determine that reasonable suspicion exists before a search is conducted.~~ The search of a visitor shall only occur prior to or during the visitor's meeting with the offender. ~~Searches shall not be conducted on visitors after termination of visits with offenders.~~ Entry to the facility will be denied if an individual ~~suspected of carrying contraband~~ is not willing to submit to a search.

2. Strip Search of Visitors

Strip Searches will be ~~indicated-~~ conducted only if reasonable suspicion exists. Strip searches of visitors will not be conducted indiscriminately and must be authorized by the Warden/Center Supervisor or, in his or her absence, the Deputy/aAssistant Warden or Assistant Center Supervisor.

Any visitor refusing a search (pat or strip) shall be escorted from Department property and be indefinitely suspended from visitation privileges.

F. Personal Property:

Although it is essential that all searches are thorough and systematic, it is equally important that no damage, loss or abuse occurs to any personal property. Any such loss or damage that is determined to be through neglect may result in disciplinary action against the negligent employee(s) and officer(s) and they will be liable for the cost of replacement of such items.

1. Excessive Authorized Personal Property:

Authorized offender personal property in living quarters which constitutes a significant safety concern, seriously impairs reasonable visual observation or impedes reasonable search shall be considered contraband.

2. Unauthorized Personal Property Received at Facilities

Offenders ~~received at facilities~~ who possess or receive in the mail unauthorized personal property shall have such property confiscated and disposed of in accordance with established procedures.

3. Contraband Personal Property at Time of Inter-Facility Transfer

Upon transfer, an offenders' personal property not allowed at the receiving facility shall be ~~considered contraband and confiscated by the receiving facility~~ and disposed of in accordance with established procedures.

4. Disposal of Excess Personal Property Confiscated as Contraband,
with Exception of Legal Materials

Items of personal property confiscated as contraband shall not be stored at the facility but shall be shipped at the offender's expense or made available for pick-up at a regular visit ~~to an authorized visitor as designated by the offender by~~ someone on the inmate's list of approved visitors (family or friends other than a Department employee) or destroyed after thirty days upon the offender being notified of the pending destruction.

5. Copy of Confiscated Item Form Delivered to Offender

Pursuant to administrative directive, a form will be completed by the officer conducting the shakedown of an offender's cell, property or person and shall be completed at the time of the shakedown. A copy of this form will be given to the offender within 72 hours following the shakedown of his/her cell, property or ~~only person only~~ if items of contraband or personal property are confiscated.

G. Disposition of Contraband:

All contraband shall be safeguarded under the supervision of the Deputy/Assistant Warden/Assistant Center Supervisor until termination of its utilization as evidence.

Contraband shall then be disposed of ~~and the disposition noted on the form attached to the administrative directive.~~ in accordance with current policy.

VII. **REFERENCES:**

ACA Standards ~~3-4184; 3-4435; 3-4436; 3-4437~~

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