

ARKANSAS REGISTER

FILED Transmittal Sheet

SEP 17 1992



W. J. "BILL" McCUEN
SECRETARY OF STATE

Secretary of State
State Capitol Rm. 010
Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date 10/7/92 Code Number 004.00.92--009

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry Norris, Interim Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended

Administrative Regulation 401-Searches for and Control of Contraband
Date

Intended Effective Date

☐ Emergency

Legal Notice Published 7/11-17/92

☐ 20 Days After Filing

Final Date for Public Comment 7/29/92

☒ Other

Filed With Legislative Council 7/8/92

Please use the filing date as
9/17/92 and the effective date
as 10/7/92

Reviewed by Legislative Council 8/6/92

Adopted by State Agency 9/15/92

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Larry Norris
Signature

Interim Director
Title

September 15, 1992
Date



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
401

Page Number
1 of 8

Board of Correction Approval Date:
9/15/92

Supersedes:
AR 401

Dated:
03/27/86

Attorney General
Review Date:

9/15/92

Date Filed
Secy. of State:

9/17/92

SUBJECT: Searches for and Control of Contraband

FILED

SEP 17 1992

I. AUTHORITY:

W. J. "BILL" McCUEN
SECRETARY OF STATE

The authority of the Board of Correction to ^{BY}promulgate this administrative regulation is confirmed in Act 50 of 1968, First Extraordinary Session, as amended.

II. PURPOSE:

To provide Department of Correction 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 inmates and especially those employees involved in searches for the suppression of contraband.

IV. DEFINITIONS:

A. Contraband: Any article not authorized nor issued to an inmate as personal or state property, nor purchased through the unit/center commissary. Also included is 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 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.

2. Articles in excess of established unit/center limits, articles used for unauthorized purposes, and/or articles in an inmate's possession in an unauthorized area are also considered contraband.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
401

Page Number
2 of 8

Board of Correction Approval Date:
9/15/92

Supersedes:
AR 401

Dated:
03/27/86

Attorney General
Review Date:

9/15/92

Date Filed
Secy. of State:

9/17/92

SUBJECT: Searches for and Control of Contraband

Contraband seized from releasees during a residential, vehicle or personal search is also included.

- B. Personal Property: Items which are purchased by or for an inmate and/or given to an inmate which is authorized to be retained, within limits as posted in the unit/center of assignment, on an inmate's person or in living or storage area.
- C. State Issued Property: Items which are issued to an inmate for his or her personal use and which may be retained, within a reasonable amount, by the inmate on his or her person or in the living area.

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

- D. Reasonable Suspicion: Prison 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 prison.

The following are among but not limited to the factors considered in determining reasonable suspicion: (1) demeanor of individual in suspect, (2) gait and manner of suspect, (3) prior background or character, (4) whether the suspect is carrying anything, and what, (5) manner of dress, (6) the time of day or night the suspect is observed, (7) any overheard conversation, (8) information received from third person, (9) whether the suspect is consorting with others whose conduct is "reasonably suspect," (10) apparent effort to conceal an article, and (11) apparent effort to avoid identification or confrontation by officials.

- E. Individuals: May include but not be limited to inmates, releasees, employees, contracted staff, visitors, volunteers, and any persons entering or leaving a unit/center.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
401

Page Number
3 of 8

Board of Correction Approval Date:
9/15/92

Supersedes:
AR 401

Dated:
03/27/86

Attorney General
Review Date:
9/15/92

Date Filed
Secy. of State:
9/17/92

SUBJECT: Searches for and Control of Contraband

F. Inmate: Includes all persons incarcerated within a Department of Correction facility or under release supervision.

V. POLICY:

It shall be the policy of the Department of Correction 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 on the attached Form F-401 and reported to a supervisory officer. The supervisory officer should investigate to determine exactly where the contraband came from and how it was found.

A. General Searches

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

1. Searches of individuals entering the units/centers, including search of persons, packages, and other items;
2. Searches of all vehicles entering and leaving the units/centers;
3. Inspection of packages and other nonvehicular items entering and leaving the units/centers to include inspection by electronic means;
4. Use of hand-held and walk-through metal detectors to detect and deter the movement of contraband.
5. Use of depository procedures for law enforcement weapons and ammunition outside the inmate traffic area of the units/centers.

B. Inmate Searches



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
401

Page Number
4 of 8

Board of Correction Approval Date:
9/15/92

Supersedes:
AR 401

Dated:
03/27/86

Attorney General
Review Date:

9/15/92

Date Filed
Secy. of State:

9/17/92

SUBJECT: Searches for and Control of Contraband

Procedures for inmate 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 units/centers shall be carried out in accordance with established procedures;
- (4) Shakedowns in other common areas, including but not limited to inmate 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 Search of Inmates

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

2. Strip Search of Inmates

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

3. Unit/Center Contraband Searches

- a. Search of units/centers shall be performed on a continual basis; however, unannounced and irregular.
- b. Each unit/center will have Standard Operating Procedures (SOP's) established for the search of the facilities. Copies of the SOP's are to be a part of all post orders.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
401

Page Number
5 of 8

Board of Correction Approval Date:
9/15/92

Supersedes:
AR 401

Dated:
03/27/86

Attorney General
Review Date:

9/15/92

Date Filed
Secy. of State:

9/17/92

SUBJECT: Searches for and Control of Contraband

c. Contraband Searches Associated with Institutional Lockdown

The Unit Warden/Center Supervisor may determine that an institutional lockdown or partial lockdown is necessary to facilitate a search for contraband. An institutional lockdown shall be premised on the presence of contraband, e.g., recent surfacing of contraband of a serious nature, potentially dangerous weapons, or a large quantity of drugs or cash--which, in the estimation of the Unit Warden/Center Supervisor, constitutes a significant threat to the security of the unit/center and safety of inmates 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.

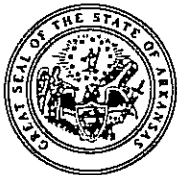
Searches may be conducted at random. The Unit warden/center supervisor must have a reasonable suspicion that contraband may be introduced into the unit/center.

2. Strip Search of Staff

All staff are subject to strip searches. All strip searches may be conducted in an area separate and private from inmates 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.

E. Search of Visitors

1. Pat Search of Visitors



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
401

Page Number
6 of 8

Board of Correction Approval Date:
9/15/92

Supersedes:
AR 401

Dated:
03/27/86

Attorney General
Review Date:

9/15/92

Date Filed
Secy. of State:

9/17/92

SUBJECT: Searches for and Control of Contraband

- a. 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.
- b. 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 inmate. Searches shall not be conducted on visitors after termination of visit with inmate. Entry to the facility will be denied if an individual suspected of carrying contraband is not willing to submit to a search.

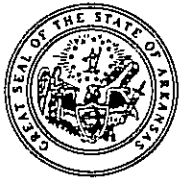
2. Strip Search of Visitors

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



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
401

Page Number
7 of 8

Board of Correction Approval Date:
9/15/92

Supersedes:
AR 401

Dated:
03/27/86

Attorney General
Review Date:

9/15/92

Date Filed
Secy. of State:

9/17/92

SUBJECT: Searches for and Control of Contraband

Authorized inmate 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 Units/Centers

Inmates received at units/centers who possess unauthorized personal property or receive in the mail shall have such property confiscated and disposed of in accordance with established procedures.

3. Contraband Personal Property at Time of Inter-Unit/Center Transfer

Upon transfer, inmate personal property not allowed at the receiving unit/center shall be considered contraband and confiscated by the receiving unit/center and disposed of in accordance with established procedures.

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

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

5. Copy of Confiscated Form Delivered to Inmate

Form F-401 will be completed by the officer conducting the shakedown of an inmate's cell and shall be completed at the time of the shakedown. A copy of this form will be given to the inmate within 72 hours following the shakedown of his/her cell only if items of contraband or personal property are confiscated.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number
401

Page Number
8 of 8

Board of Correction Approval Date:
9/15/92

Supersedes:
AR 401

Dated:
03/27/86

Attorney General
Review Date:

9/15/92

Date Filed
Secy. of State:

9/17/92

SUBJECT: Searches for and Control of Contraband

G. Disposition of Contraband

All contraband shall be safeguarded under the supervision of the assistant warden/assistant center supervisor until termination of its utilization as evidence. Contraband shall then be disposed of and the disposition noted on Form F-401.

SEARCHES (TXTADMRE)