

 King County	Department of Adult and Juvenile Detention Adult Divisions General Policy Manual		
	Chapter 4 Security and Control		
4.02.005, Search of Inmates	Approved By:	Director John Diaz	
	Effective Date:		
	Reviewed By:	PRC Committee, PAO	
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Purpose

To ensure that searches of inmates are conducted in a safe, secure and professional manner and meet the requirements set forth in state and federal laws and by the courts.

Policy

Inmates will be searched for contraband to ensure the safety of inmates, staff, public, and to protect institutional security in such a manner as is consistent with chapter 10.79 RCW and the Prison Rape Elimination Act and the conditions set forth in the stipulated permanent injunction of Grew v. King County.

References

Federal: Prison Rape Elimination Act (PREA)
RCW: Chapter 10.79 RCW
Department Forms: Strip Search Form (F-543)
Officer Report (F-627)
Supervisors Incident Report (F-523)

Department Policies:

1.01.008, Processing Staff Reports
4.01.002, Searches and Contraband
4.01.021, Evidence Collection and Storage
4.03.009, Use of Restraints
4.04.001, Court Remand
4.04.002, Hospital Guarding
6.03.007, Transgender Inmates

Other: Grew v. King County

Definitions

Pat down search: When an officer pats down the outer surfaces of a person's clothing to determine whether the individual possesses weapons or contraband.

Strip search: Having a person remove or arrange some or all of their clothing so as to permit an inspection of the person's clothes, genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

Compelled Dress-out: The compelled removal of an uncooperative inmate's clothing without inspection of the inmate's body parts.

Body cavity search: The touching or probing of a person's body cavity (stomach or rectum, or vagina of a female person), whether or not there is actual penetration of the body cavity.

Reasonable suspicion and probable cause: The determination of whether reasonable suspicion or probable cause exists to conduct a strip search shall be based on a consideration of all information and circumstances known to the Officer authorizing the strip search. Factors that should be considered include:

- a) The inmate's prior criminal record
- b) The nature of the offense for which the inmate has been incarcerated
- c) A history of concealing contraband of any type in the facility
- d) Physically violent behavior
- e) Statements from other inmates

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 the facility.

1. General Guidelines

1. All searches of inmates, to include pat-down searches, compelled dress-out, and strip searches, will be conducted in a safe, secure and professional manner.
2. No search of an inmate, to include pat-down searches, compelled dress-out, and strip searches, shall be performed for punishment purposes.
3. Body cavity searches are prohibited.
4. All searches of transgender, transsexual, intersex, and gender variant inmates shall comply with department policy 6.03.007, Transgender Inmates.

A. Pat-Down Searches

2. Pat-down searches will only be performed by officers.
3. Pat-down searches of female inmates shall be conducted by female officers unless there are exigent circumstances (refer to Section C. below).

B. Strip Searches and Compelled Dress-Out

Automatic Strip Search

1. A strip search is authorized under the following circumstances:
 - a) Inmates being booked or held in a post-conviction status; this includes but is not limited to:
 - i. Any person turning themselves in for commitment per court order (i.e. 3-day commitment).
 - ii. An inmate returning from a Temporary Release (TR).
 - b) Inmates who were booked on warrants that stipulate "no bail/bond" and "no personal recognizance release".
 - c) Inmates arrested on an investigation or warrant for any of the following crimes:
 - i. 1st and 2nd degree aggravated murder
 - ii. 1st and 2nd degree murder
 - iii. 1st and 2nd degree manslaughter
 - iv. 1st degree arson
 - v. 1st and 2nd degree assault

- vi. 1st and 2nd degree burglary
- vii. 1st and 2nd degree extortion
- viii. Indecent liberties with forcible compulsion
- ix. 1st degree kidnapping
- x. 1st and 2nd degree rape
- xi. 1st degree statutory rape
- xii. 1st and 2nd degree robbery
- xiii. Any felony arrest involving possession of a drug or controlled substance under Chapter 69.50 RCW or any successor statute.
- xiv. Any offense involving burglary or the use of a deadly weapon.

Individually Determined Strip Search or Compelled Dress-Out

1. Except for inmates covered under the automatic strip search category, no strip search or compelled dress-out may be conducted without the specific prior ~~written~~ approval of the Duty Sergeant or higher-ranking authority, which must be documented following the search/dress-out.
2. The sergeant may grant approval for a strip search, if, after an officer makes reasonable efforts to conduct a pat-down, electronic metal detector or clothing search, one of the following conditions apply:
 - a) There is an individualized determination of reasonable suspicion to believe that a strip search or forced dress-out is necessary to discover weapons, drugs, criminal evidence, or other contraband, concealed on the body of the inmate to be searched, which constitutes a threat to the security and safety of the facility.
 - b) There is probable cause to believe that a strip search or forced dress-out is necessary to discover other criminal evidence concealed on the body of the inmate to be searched but does not constitute a threat to the safety and security of the facility.
 - c) There is reasonable suspicion to believe that a strip search or forced dress-out is necessary to discover a health condition requiring immediate medical attention.

Procedures for Conducting a Strip Search or Compelled Dress Out

1. Unless there are exigent circumstances (refer to Section C. below), a strip search or compelled dress-out shall be performed and observed only by officers of the same ~~gender~~sex as the inmate being searched.
2. If force is anticipated for a strip search or compelled dress out, DAJD shall make sure that all officers of the same gender as the inmate are present before force is used.
3. a) Strip searches of transgender, transsexual, intersex or gender variant inmates shall be conducted in accordance with Section CF. below and Department policy 6.03.007, Transgender Inmates.
4. If a Sergeant is present during a strip search or compelled dress out, they will either be of the same gender as the inmate or be out of direct view of the individual who is being searched where there are no exigent circumstances and is in a position where they may be able to view the body, the sergeant will be of the same gender as the inmate. Opposite gendered supervisors/Sergeants will place themselves out

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of direct view of the individual being strip searched and will not view the search. Opposite gendered Sergeants/supervisors shall not assist in the strip search or compelled dress out, absent emerging exigent circumstances. Exigent circumstances shall be documented.

5. Strip searches of transgender, transsexual, intersex or gender variant inmates shall be conducted in accordance with Section C. below and Department policy 6.03.007, Transgender Inmates.

2-6. All strip searches or compelled dress-out shall be conducted in a private area not exposed to observations by any person not physically conducting the search.

3-7. Two officers shall conduct strip searches or compelled dress-out.

4-8. No person shall be present during or observe the strip search or compelled dress-out unless necessary to conduct the search.

5-9. The Officer conducting the strip search shall not touch the inmate being searched, except as reasonably necessary to effectuate the strip search of the inmate.

6-10. The top identification portion and appropriate boxes of the strip search form (F- 543) must be completed and placed into the booking packet of all new bookings, whether or not a strip search or compelled dress-out is actually conducted.

7-11. If a strip search or forced dress-out is conducted, form F-543 must be filled out completely by the Officer who conducted the search, and copies distributed accordingly.

8-12. If contraband is viewed while conducting the strip search or compelled dress-out, the inmate shall be directed to retrieve the contraband and place it in an evidence bag provided by the Officer.

9-13. In the event the inmate is unwilling or unable to retrieve the item, additional security measures shall be taken (i.e. dry cell,) until such items can be retrieved.

10-14. The inmate being searched shall be instructed to remove all of their clothing and hand it to the Officer.

11-15. During a strip search, aAll body parts shall be visually searched accordingly to ensure that no contraband is being hidden:

a) The Head

- i. The inmate shall be instructed to remove dentures (if applicable) and open the mouth wide, while moving the tongue from side to side, then up and down.
- ii. Check the nasal passages.
- iii. The inmate shall bend their head forward and shake their hair forward and backward.
- iv. The head shall be turned sideways, and the ear pulled back by the inmate.

b)a) The Hands

- i. The inmate shall hold the hands forward toward the officer.
- ii. The fingers shall be spread apart.
- iii. The hands shall be rotated back and forth.

c)b) The Trunk

- i. The inmate shall be instructed to lift their arms up above their head to show the arm pits.
- ii. They shall rotate around in a circle to show all parts of the trunk.

- iii. Any bandages shall be removed by the inmate.
- iv. JHS shall be contacted to replace the bandages following the search, if the inmate is incapable of replacing them.
- v. Inmates shall lift their stomach up if it is hanging over their waist.
- vi. Female inmates shall lift their breasts to show the underside.

~~d)c)~~ The Genitals

- 1. Male inmates shall be instructed to:
 - i. Lift the scrotum and penis.
 - ii. If the inmate has not been circumcised, he shall pull back the foreskin.
- 2. Female inmates shall be instructed to:
 - i. Turn away from the officer.
 - i. Bend at the waist.
 - ii. Spread the buttocks to expose the vaginal area.

~~e)d)~~ The Legs and Feet

- i. The inmate shall be instructed to turn around showing all sides of the legs.
- ii. With their back to the officer they shall lift one foot at a time and spread the toes wide.

~~f)e)~~ The Buttocks

- i. The inmate shall be instructed to turn their back to the officer.
- ii. Bending at the waist they shall spread the buttocks open using their hands.
- iii. If a foreign object is seen by the officer, the inmate must remove it themselves.
- iv. If they refuse to remove it, the Sergeant shall be notified immediately.

C. Opposite-Gender Searches

- 1. Opposite-gender strip searches or compelled dress-out of all inmates are prohibited unless there are exigent circumstances as defined in this policy.
- 2. Opposite-gender pat-down searches of female inmates are prohibited unless there are exigent circumstances as defined in this policy.
 - a) The department shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this requirement.
- 3. Officers shall be trained in how to conduct opposite-gender pat searches, compelled dress-out and strip searches, to include opposite-gender searches of transgender, transsexual, intersex, and gender variant inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
- 4. All opposite-gender searches shall be documented by the officer(s) involved and any staff who witnessed the search in an Officer's Report (F-627). All reports shall be forwarded through the chain-of-command.
- 5. In non-emergent situations that require searching a cell where an inmate of the opposite gender is present;

- a) When possible, an officer of the same gender as the inmate will conduct the search.
- b) The inmate should be isolated until such time as an officer of the same gender is available.
- c) If an officer of the same gender is not available, a sergeant will be present prior to entering the cell.
- d) An officer of the opposite gender shall announce their presence when entering the cell.

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