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| SOUTH DAKOTA<br><br>DEPARTMENT OF CORRECTIONS<br>POLICIES AND PROCEDURES |  | POLICY NUMBER<br>1.3.A.5   | PAGE NUMBER<br>1 OF 22 |
|   |  | DISTRIBUTION: <b>Public</b>  |                        |
|   |  | SUBJECT: Searches - Institutions   |                        |
| RELATED STANDARDS:  | <b>ACA 5-ACI: 3A-19, 3A-42, 7D-08<br/>         PREA 115.5, 115.15 (a), 115.15 (b),<br/>         115.15 (c), 115.15 (f)</b> | EFFECTIVE DATE: September 1, 2022  |                        |
|   |  | SUPERSESSION: 11/06/2019   |                        |
| DESCRIPTION:<br>Security and Control  | REVIEW MONTH:<br>August  | <b><i>Kellie Wasko</i></b><br><b>KELLIE WASKO</b><br><b>SECRETARY OF CORRECTIONS</b> |                        |

## I. POLICY

It is the policy of the South Dakota Department of Corrections to *provide for searches of facilities and offenders to control contraband and provide for its disposition. This policy is available for all staff and offenders to review [ACA 5-ACI-3A-19].*

## II. PURPOSE

The purpose of this policy is to define contraband, contraband disposition and various types of searches and provide *guidelines for conducting searches [ACA 5-ACI-7D-08]. The DOC provides for preservation, control and disposition of all physical evidence obtained in connection with a violation of law and/or facility regulation [ACA 5-ACI-3A-42].*

## III. DEFINITIONS

### Assistive Device

A tool that enables or assists a person with a disability to complete a task, accomplish a daily living activity, or communicate with others. Such devices may include, but are not limited to auxiliary aides, adaptive, rehabilitative, or ergonomic equipment, assistive technology, or adaptive clothing. Assistive devices do NOT include health care appliances that can only be approved or prescribed by Clinical Services.

### Body Cavity Search

A visual, manual and/or instrument inspection of an offender's anal and/or vaginal cavity or opening. The search shall be conducted only by outside medical staff. Examinations of an offender's body cavities conducted for medical purposes by a medical professional is not considered a body cavity search.

### Body Scanning Device

A device that functions with millimeter wave advanced imaging technology, which uses non-ionizing radio-frequency energy in the millimeter spectrum to generate an image based on the energy reflected. Designated DOC facilities will use ADANI COMPASS DV Class A (full body scan) devices within a limited-use system to detect contraband and weapons concealed in or on an offender's body or clothing. This device is capable of producing an image of discernable body contours and/or actual body images, including outlines of breasts, buttocks, and genitalia.

### Contraband

An unauthorized item that is not permitted in the institution or is not sold in commissary. Approved items may be contraband if altered, possessed in a higher quantity than authorized, used in ways for which it is not intended, or obtained through an unapproved source.

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## **Crime Related Physical Evidence**

Dangerous contraband and dangerous drugs are considered crime related physical evidence. Each Inspector General (IG) investigator is the custodian of the crime related physical evidence.

## **Direct Supervision**

Direct, continuous, uninterrupted, and unobstructed on-site visual observation and supervision of an offender and their surroundings by an employee.

## **Dry Cell Watch**

An offender is housed in a cell designated to securely house an offender without plumbing fixtures or plumbing fixtures that are capable of being shut off.

## **Electronic Security Device**

Metal detector, ion spectrometry, body scanner, or other authorized devices. May be used to search a clothed body, clothing, or property/objects.

## **Exigent Circumstances**

Any set of temporary and unforeseen circumstances that require immediate action to combat threats to security or institutional order, such as escape, riot or disturbance, mass assault, or when delaying the search may result in the likely loss of concealed contraband or is contrary to preservation of the legitimate penological interests of the DOC.

## **Health Care Appliances**

Durable medical equipment, or medical support equipment that have been prescribed for the offender and approved and/or issued by Clinical Services.

## **Intersex**

A person whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

## **Intimate Parts**

The external genitalia, perineum, anus, buttocks, pubic hair, or the breast of any person. Breasts are considered intimate parts of female and transgender offenders, but not male offenders.

## **Ion Mobility Spectrometry (IMS)**

Also referred to as Ion Scanner. A non-intrusive search tool used to detect the presence of identified substances within objects or on a person. Ion scanners are trace detecting devices that measure deflection of particles exposed to an electronic field.

## **Nuisance Contraband**

Articles, items, instruments, or substances which will not be used as evidence for a disciplinary charge, in a criminal charge, or legal proceeding and is determined to have monetary sentimental value. Examples include but are not limited to food items that have spoiled or have been retained beyond the expiration date, library materials deemed contraband content pursuant to DOC policy on Offender Property, empty canteen containers/packaging/cardboard, and other items not used for their intended purpose.

## **Reasonable Accommodation**

Under ADA Title I-A reasonable modification or adjustment which enables qualified employee, contract workers or volunteers with disabilities to access the job application process, to perform the essential functions of a position, or to enjoy equal benefits and privileges of employment as enjoyed by those similarly situated. Under ADA Title II- In order to avoid discrimination on the basis of disability, any reasonable structural or procedural modification or adjustment to policies, practices, and procedures; the removal of architectural, communication, or transportation barriers; or provision for auxiliary aids, equipment, or services, to ensure qualified individuals with disabilities have equal access to DOC services, programs, and activities.

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## Reasonable Suspicion

Judgment based on specific, objective facts or reasonable inferences, drawn in light of and based on experience, training and education.

## Sex

Assigned to persons at birth by a physician based on external genitalia, internal reproductive organs, chromosome patterns, and/or endocrine systems; or assignment of such organs and/or genitalia through Sex Reassignment Surgery, which is a surgical procedure that changes a person's sex genitalia and/or reproductive organs. Opposite sex persons do not have the same external genitalia, internal reproductive organs, chromosome patterns, or endocrine systems, i.e., male sex versus female sex. Same sex persons are those with the same external genitalia, internal reproductive organs, chromosome patterns, endocrine systems.

## Strip Search

A systematic, visual inspection, during which an offender is required to remove all his/her clothing. The unclothed offender, including the offender's ears, nose, mouth, under arms, soles of the feet, between the toes, breasts, buttocks, anus, and genitalia, will be visually inspected. The offender will not be touched during such a search; however, his/her clothing, shoes and any personal affects will be physically searched/examined.

## Transgender

Refers to the broad spectrum of individuals who identify with a gender different than their birth-assigned sex. A transgender individual may or may not have a clinical diagnosis of gender dysphoria, depending on the presence or absence of clinically significant distress or impairment caused by gender identity.

## Universal Pat Search

Consists of the removal of outer protective clothing, the emptying of pockets, the physical search of an offender or visitor, screening by any device which does not require disrobing, and the inspection of papers, bags, books, or other items being carried. Pat searches of male offenders may be conducted by DOC employees or contract workers of either sex; female offenders may only be pat searched by female DOC employees or contract workers unless a cross-gender pat search is necessitated by an emergency or immediate security concern. If an offender identified as transgender or intersex, the offender may request to be strip searched and pat searched (pat search for female transgender offenders only) by an employee of the gender the offender identifies with. The request will be honored if an employee of the designated gender is available and willing to conduct the search unless exigent circumstances dictate the need for an immediate search by available personnel.

## Universal Restraints

A multiple use restraint system utilized to limit and control offender mobility, which should include seat harness when restraint is used for an extended period of time.

# IV PROCEDURES

## 1. Purpose of Searches:

- A. Searches will be performed within all DOC institutions to:
1. Prevent the introduction, use, possession, sale, distribution or concealing of weapons, alcoholic beverages, controlled substances, and other contraband (See SDCL § 24-2-14).
  2. Detect the manufacture of weapons, explosives, escape devices, alcoholic beverages, controlled substances, or drugs.
  3. Prevent escapes.
  4. Discover the planning or organizing of gang activity, disturbances, assaults, or riots.
  5. Enhance and preserve overall safety and security.
  6. Recover missing or stolen property.
  7. Check for waste, damage, or destruction of DOC property.



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8. Identify health and life safety hazards or threats, including potential fire hazards or areas which present a potential risk to security, safety, and wellbeing of those in the institution.
9. Enforce rules and reduce disagreement and conflict between offenders.
10. Discourage theft and trafficking of property or materials.
11. Control offender personal property.

B. An Informational Report will be entered in the Comprehensive Offender Management System (COMS) documenting discrepancies or non-compliance pertaining to security, safety, rules, regulations, standards, directives, or policies including health, life safety or fire hazards, discovered during the search. Offender non-compliance will be documented by staff.

## 2. General Information:

- A. The agency will establish, publish, and post a declaration of contraband at each facility entry (See Section 18).
- B. Searches are conducted to detect and prevent the introduction of contraband, to recover missing or stolen property, and to prevent escapes and other disturbances.
- C. Frequent, unannounced searches of offenders, housing units and other areas of the facility will be conducted, as often as necessary, to ensure the safety and security of the facility.
- D. Searches will be accomplished respectfully and conducted in a manner to avoid unnecessary force, destruction of property, or embarrassment to the public, visitor, or offender.
- E. Employees will conduct and log searches of any areas of the facility or DOC property, as determined by the warden or designee.
- F. Offenders who have a disability that prevent the use of standard search methods will be afforded reasonable accommodation under the direction of the supervisor in charge. Such searches will be thorough and professional, with safety and security being the paramount concern. If a search requires removal of a health care appliance, a compliant offender will be allowed to remove the appliance and render it to the DOC employee doing the search. If forcible removal of an appliance is necessary, it will be removed in the presence of qualified medical employees or contract workers, unless the situation involves an emergency.
- G. Searches of offenders and others will be conducted in a manner to avoid imposing *unnecessary force, embarrassment or indignity* by the person being searched [ACA 5-ACI-3A-19]. Staff will not make degrading, insulting, offensive or harassing remarks while searching the person. Searches will be conducted in a professional and dignified manner, without discriminatory intent and for legitimate, lawful objectives. Searches will not be used to punish or harass and will be conducted without unnecessary use of force.
- H. Searches will be frequent, *unannounced, and irregularly timed*, and performed on a random basis [ACA 5-ACI-3A-19].
- I. Searches for drugs, paraphernalia, or other contraband by DOC canine teams will be both random and planned searches. All DOC facilities will be searched regularly by canine teams, in accordance with DOC policy.
- J. Equipment such as flashlights, protective gloves, and mirrors will be made available to staff conducting searches.

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- K. Electronic security devices or other equipment authorized by the Warden to aid and enhance the safety and effectiveness of the search process may be used by staff when conducting searches of property or persons.
- L. Offender personal property will not be willfully or intentionally damaged, discarded, destroyed, or misplaced by staff conducting searches.
- M. When body searches are conducted, the least intrusive practicable search method shall be employed, as indicated by the type of contraband and the method of suspected introduction or concealment.

### 3. Housing and Living Unit Searches:

- A. Searches of housing units, cells, and general areas accessible to offenders shall be conducted by staff as part of the daily operations of the institution. Searches are typically unannounced and performed at irregular times. Searches may be random or targeted.
- B. Searches of housing units and cells will be conducted each month. All searches will be conducted in an orderly and professional manner.
  - 1. Only one (1) staff member is required to be present during the search of an offender's cell.
  - 2. Offenders will be placed in a holding cell during the search. Offenders will not be provided advance notice of the search.
  - 3. Offenders in direct proximity to the identified search area will be pat searched prior to being directed to depart from the search area/cell.
  - 4. All searches must be documented in COMS, and will include at a minimum the search date, area or cell searched, and any contraband discovered. Searches will be tracked and recorded for inclusion in applicable monthly reports, along with a record/report describing all major contraband finds, i.e., illicit substances, cell phones, and weapons.
  - 5. If a staff member accidentally damages or destroys offender personal property during a search, the staff member will document this in the reporting section of COMS and forward the report to the OIC or supervisor.
- C. Each occupied cell in a restricted housing unit, i.e., disciplinary, IP, dry cell, PC, should have at least one staff walkthrough daily.
- D. All vacant cells must be *searched and inspected prior to occupancy by a new offender [ACA 5-ACI-3A-19]*. All prior damage to the cell and furnishings must be documented.
- E. Cells used to house offenders on mental health watch must be searched before placing an offender in the cell. Unapproved property items must be removed from the cell.
- F. Staff may inspect and examine all offender personal property. Privileged/legal correspondence may be scanned by staff for contraband but not read, as described in DOC policy.
- G. Staff conducting searches will handle approved offender religious/cultural items with care and respect for the item and the religion/culture.
  - 1. Religious/cultural items may be confiscated if staff believes the item is contraband, or there is question relative to the legitimacy of a religious item.
  - 2. Confiscated religious/cultural items must be promptly turned over to the Cultural Coordinator and shall not be destroyed by security staff. Protected items such as eagle feathers and certain religious items such as rosaries, require special consideration.
  - 3. Questions regarding the legitimacy of a religious item shall be directed to the Cultural Coordinator.

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#### 4. General Area Searches:

- A. Searches in areas other than housing units or cells, such as the kitchen area, chow hall, education classrooms, vocational work areas, day halls, recreation areas, visit area, health services area, prison industry shops, will be conducted as part of the daily operations of the institution and completed by staff routinely.
  1. The shift commander or designee will log all searches conducted in areas other than the housing units in COMS.
- B. Offender work areas, lockers, workstations, etc. shall be searched regularly by work supervisors.
- C. Staff will conduct a complete and thorough search of the visit area (including any adjacent restrooms or spaces offenders or visitors may access), immediately before and immediately following each visit period. Offenders will not be permitted in the visit areas until the searches have been completed.
- D. All perimeter fences, walls, buildings, windows, doors, gates, parking lots within or directly adjacent to the security perimeter and all entry/exit points and offender delivery and reception areas must be searched prior to offenders accessing the area.
  1. Logs of searches, to include the date of the search, area searched, person completing the search and contraband discovered, will be maintained by the respective control room in COMS.
- E. Any discrepancies or deficiencies observed by staff will be documented in COMS and reported to the shift supervisor, who will take appropriate action to ensure the discrepancy or deficiency is corrected as soon as possible.

#### 5. Universal Pat Search Procedures:

- A. All offenders are subject to a universal pat search at any time and in any location. The purpose of conducting universal pat searches is to detect and halt the movement of contraband.
- B. Employees are trained in how to conduct universal pat searches of all offenders to include male, female, transgender, and intersex offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs **[PREA 115.15(f)]**.
  1. Universal pat searches of male offenders may be conducted by employees or contract workers of either sex; female offenders will not be universal pat searched by cross-gender employees or contract workers, **except in exigent circumstances [PREA 115.15(b)]**.
  2. Offenders that identify as female transgender may request to be pat searched by a female employee. The request will be honored if an employee of the designated gender is available and willing to conduct the search unless exigent circumstances dictate the need for an immediate search by available personnel.
  3. Opposite gender universal pat searches of female offender will be documented in an incident report **[PREA 115.15(c)]**.
- C. The staff person performing the search shall press his/her hands on the outer clothing of the person and use a sense of touch to determine whether prohibited objects are present. The search will include inspection of clothing items and any personal items removed in the person's possession at the time of the search. Hand pat searches shall be utilized in the following circumstances:
  1. Detection of contraband.
  2. Whenever offenders move to or from housing units to other areas of the institution or movement between one institution to another.
  3. Regularly and randomly when offenders return to their housing unit from outside the housing unit.
  4. Prior to an offender leaving a cell/room or other area about to be searched by staff.

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5. Whenever offenders assigned to restricted housing or punitive housing unit leave or return to their unit or cell.
  6. When offenders enter or leave work or vocational areas.
  7. Prior to an offender being searched with an electronic device or following such search to identify potential contraband. The search may be isolated to the alerting area.
  8. Prior to conducting a strip search of an offender.
- D. Hand pat searches of offenders shall be conducted in accordance with the offender's identified gender, *except in exigent circumstances* [PREA 115.5, 115.15 (b)]. Exigent circumstances are defined as any set of temporary and unforeseen circumstances that require immediate action to combat threats to security or institutional order, such as escape, riot or disturbance, mass assault, or when delaying the search may result in the likely loss of concealed contraband or is contrary to preservation of the legitimate penological interests of the DOC. The OIC must be contacted immediately following or during any cross-gender search.
1. Cross-gender pat searches that are inconsistent with an offender's identified gender will be documented on an Informational Report, unless the search is the result of the transgender, intersex, or gender dysphoric offender's approved request for gender specific pat searches.
    - a. Documentation will include at a minimum the following information:
      - 1) name of the staff member conducting the search,
      - 2) the name of the offender; and
      - 3) reason for the exception.
    - b. The report shall be forwarded immediately to the Warden and/or designee.
- E. An offender's access to required programming, work, vocational training, medical appointments, or attorney visits will not be restricted by the availability of same-gender staff to conduct a universal pat search.
- F. Prior to proceeding with a universal pat search, staff will inform the person of the search and implement appropriate protective precautions.
- G. The person being searched will be directed to remove any headwear and outer garments they may be wearing. The person will be asked to empty all pockets. All items removed from the person will be searched by staff prior to being returned.

## 6. Strip Searches:

- A. The purpose of strip searches is to detect weapons and other contraband. Offenders may be strip searched by staff who have received the training and skills necessary to properly conduct a strip search. Additionally:
1. Strip searches will only be conducted when there is reasonable suspicion that contraband may be concealed on the offender, or when staff has reasonable suspicion that a good opportunity for concealment of contraband exists, or as outlined in institution procedures, as listed below.
  2. A strip search, including a non-invasive visual inspection of offender body cavities, will be conducted based on a reasonable belief that the offender is carrying contraband or other prohibited material.
  3. Reasonable belief is not required when offenders return from contact with the general public or from outside the facility. Such searches will be conducted by an employee of the same sex as the offender being searched, *except in exigent circumstances or when performed by medical practitioners* [PREA 115.15(a)].
    - a. Offenders that identify as transgender or intersex, may request to be strip searched by an employee of the gender the offender identifies with. The request will be honored if an employee of the designated gender is available and willing to conduct the search unless exigent circumstances dictate the need for an immediate search by available personnel.
    - b. Exigent circumstances resulting in an opposite-gender strip search by non-medical staff *will be documented* in an incident report [PREA 115.15(c)].

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4. All offenders are subject to a strip search at any time. When an offender refuses to comply with the strip search, it will be viewed as suspicious for introduction of contraband.
    - a. Prior to placement of an offender in any temporary status (e.g., RFP, dry cell, restrictive housing, etc.) a strip search will be conducted.
    - b. If the offender refuses to be strip searched the offender will be addressed in accordance with DOC Use of Force policy.
- B. Offenders are subject to strip search when the following occur:
1. Upon admission to a DOC institution, all offenders (including parole violators, detainees, CTP returns, offenders returning from TAP).
  2. Upon receipt or transfer of an offender from outside the secure perimeter of the institution. Includes offenders received who had had unsupervised access to the community, i.e., work, programming, court, appointments, furlough.
  3. When an offender is transferred to restrictive housing, dry cell, disciplinary housing, investigative purposes (IP) or other punitive housing or status, or when subject to drug testing.
  4. Following an offender's participation, involvement or suspected participation or involvement in significant, prohibited activity, such as assault, fighting, drug activity, escape, inciting a disturbance, movement of contraband, etc.
  5. Following contact visits.
  6. Upon apprehension and return to custody from escape status, or an attempted escape.
  7. Prior to transport outside of the secure perimeter.
    - a. Offenders assigned to an institutional work crew, yard crew, etc. may be pat searched prior to exiting the secure perimeter.
    - b. All offenders entering the secure perimeter not under the direct supervision of a staff member for the entire duration of time they were outside the secure perimeter, must be strip searched.
  8. When an offender housed in a minimum-security institution is transferred from one institution or unit to another.
  9. Offenders approved for medical appointments off-site, will be strip searched directly prior to transport, except in the case of a medical emergency where delaying transport may be life threatening. This must be authorized by the OIC.
    - a. If time does not allow for the above to be completed, staff will conduct a pat search of the offender AND use a hand-held metal detection wand to search the offender prior to transport from the institution.
- C. Strip Search Privacy: A strip search is conducted by trained employees in a private location and in a respectful manner.
1. When a strip search is conducted in-cell, privacy will be maintained by ordering the offender(s) who is/are not being strip searched to face away from the offender who is undergoing the strip search.
    - a. Use of privacy screens for in-cell strip searches is not required.
      - 1) Other offender(s) assigned to the cell are not required to be removed from the cell during the strip.
    - b. Planned strip searches of more than one offender performed in a Common Area: Privacy **will** be maintained by use of a privacy screen, barrier, or other appropriate location. Examples include, but are not limited to, mass facility transfers/transports, facility-wide search, and facility reentry of offender work crews.
      - 1) The privacy screen, barrier, or other appropriate location is intended to allow correctional officers to conduct a thorough and complete strip search but will prevent intimate parts of the offender from being exposed to other offenders or employees not conducting or supervising the search or providing security for the strip search.
      - 2) In emergency situations only, when the use of the privacy screen would compromise prison security, a privacy screen will not be utilized.

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## 7. Strip Search Procedures:

- A. All clothing, including headwear, religious headwear, and personal items in the offender's possession at the time of the search will be removed from the offender and examined.
1. When possible, a flashlight will be utilized throughout the strip search procedure to enhance the visual inspection.
  2. The offender will remove all clothing, headgear, and undergarments and stand clear while clothing is searched by an employee. Medical dressings will be physically searched. If it is determined that a medical dressing needs to be removed, Clinical Services will be contacted for removal.
  3. Hair will be searched by having offenders run their fingers through their hair. If braids, ponytails, dreadlocks, or any other hairstyle interferes with the search, offenders may be expected to remove the braids, etc. If offenders refuse to remove the braids, the hair may be cut, in accordance with Offender Clothing and Bedding Issue, Dress Code, Hygiene, and Grooming.
  4. If a female offender is wearing a tampon or sanitary pad, it must be removed and disposed of. A new sanitary pad will be given to the offender upon completion of the strip search.
  5. Employees will visually inspect the offender's hair, ears, nose, mouth, hands/fingers, armpits, breasts, body fat/rolls of skin, belly button, front of body, pubic hair, feet/toes, and back of body.
  6. Male offenders will be required to lift genitalia and pull back foreskin of penis, if applicable, for visual inspection.
  7. Female and transgender offenders will be required to lift their breasts to provide a clear view of the chest area.
  8. With their back toward the employee, the offender will squat, and cough as directed.
  9. With their back toward the employee, offenders will bend forward at the waist and separate buttocks.
    - a. Employees will look for any foreign objects or contraband.
    - b. Employees must be able to clearly see the rectal area of a male offender and both the rectal and vaginal areas of a female offender.
  10. Pregnant offenders who are unable to perform standard strip search procedures will be afforded reasonable accommodation under the direction of the supervisor in charge.
    - a. Such searches will be thorough and professional, with safety and security being the paramount concern.
    - b. Upon return to the facility after childbirth, offenders are entitled to have a Clinical Services employee present during any strip search.
  11. Strip search of offenders who have a disability will be in accordance with sections IV.A.6. and IV.B.5.
    - a. Offenders who have a disability will not be required to lay or sit on extremely hot or cold surfaces to perform strip search maneuvers.
    - b. Offenders who use health care appliance(s), who have severe mobility impairments and are unable to perform standard unclothed body search maneuvers, will be afforded reasonable accommodation to ensure a thorough visual inspection.
    - c. If the search includes removal or disassembly of a health care appliance, it will be conducted in a clean setting.
  12. Opposite-gender body cavity searches will be documented in an incident report [PREA 115.IS(c)].
- B. Except in an emergency, reasonable accommodations will be made to conduct strip searches in a designated area suitable for conducting strip searches. Designated areas will be out of public view (staff not directly involved in the search and other offenders), with a reasonable degree of sight and sound seclusion to provide as much privacy as security conditions permit. Audio and/or video recording of a strip search is prohibited. The search area will have sufficient lighting, space, and protective equipment available for staff use.
1. Strip searches will be conducted by staff who are the same sex as the offender being searched, except in exigent circumstances.
    - a. The OIC must be contacted immediately following or during any cross-gender search.

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- b. Opposite sex staff strip searches of an offender; or occasional, inadvertent, incidental viewing of an unclothed offender's breasts (female), buttocks, or genitals by a staff member of the opposite sex, (including control room staff monitoring security cameras), must be documented on an Informational Report. The report will include at a minimum, the name of the staff member, the name of the offender, the reason for the search and details of what caused the viewing. The report shall be promptly forwarded to the Warden or designee.
- C. Strip searches are a visual inspection of the person's body surfaces and cavities. At no time during a strip search will any part of the offender's body be touched unless the offender's behavior during the search warrants physical handling by staff to prevent injury or escape. Staff members will inspect the offender's head hair and/or beard and may physically touch these areas during search of these areas.

## 8. Body Scan Search Procedures:

- A. Body scan searches will be conducted by staff with the training and skills necessary to properly conduct the search. Staff conducting the search shall be of the same sex as the offender being viewed/searched, except in exigent circumstances. This device is capable of producing an image of discernable body contours and/or actual body images, including the outlines of breasts, buttocks, and human genitalia.
- B. To maintain the security of the institution, a thorough investigation and analysis of the body image of an offender identified as potentially concealing contraband internally, shall be completed by trained internal and/or external investigators. Opposite sex viewing of recorded body images of an offender when part of an official investigation, procedural review, or audit and consistent with lawful intent is permitted.
  - 1. Images, including identifying documentation, i.e., offender name, ID number, date, and time, may be saved and used as evidence.
- C. Each staff member's training, specific to the body scan system, will be maintained in the staff member's training records.
- D. Staff will utilize the body scanning system to supplement existing search processes and search offenders for concealed contraband. Body scan searches are conducted without any physical/tactile contact of the offender by staff. Body scan searches are not a substitute for hand pat searches or strip searches.
  - 1. Random body scan searches are searches in which the offender is instructed to perform and follow all requirements of the body scan process, but the offender is not exposed to any screening dose of radiation.
  - 2. Random searches may be incorporated into the body scan procedures.
- E. Each institution assigned a scanning system will ensure staff conducting the search have received appropriate training, sufficient to operate the system properly and safely and positively identify objects, substances, and contraband. Operation manuals for the system shall be available for staff use and reference. Residual training may be required, as deemed necessary.
- F. Designated staff at the institution will contract with qualified service providers to ensure the system is properly calibrated and serviced. Designated staff will ensure preventative and regular maintenance is scheduled and performed, in accordance with the manufacturer's (ADANI) schedule, specifications and requirements.
- G. No modification of the system shall be made unless approved, authorized or completed by the manufacturer.
  - 1. The installation or relocation of the system shall comply with all radiation safety requirements/specifications, manufacturer's requirements, and applicable American National Standard Institute (ANSI) standards. Only properly trained individuals may install or relocate the system.

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- H. The institution shall ensure all required records related to the system and its operation are collected and stored, including the following:
1. Each operator's training on the system.
  2. Upgrades, modifications, maintenance, and repair records (for the life of the system).
  3. Records of radiation surveys.
  4. Evidence to show the dose limits, inside and outside isolation zone.
  5. The total number of scans conducted.
  6. The total number of times each offender is scanned each year, and the dose received for each scan/annual dose.
  7. Date and method of disposal or transfer of the system.
  8. The name of the staff member designated by the Warden who is responsible for ensuring compliance with all allocable regulatory requirements and radiation safety; and
  9. A complete set of operating procedures for the system, specific to the institution where the system is located.
- I. Screenings shall be in accordance with the recommendations of the device's manufacturer (ADANI) and ANSI/HPS Standard N43.17 (2009).
1. The number of screenings received by any offender shall not exceed 1,000 per 12-month period.
  2. The reference effective dose shall not exceed 0.25 uSv per screening. The lowest dose is .25 uSv.
  3. The reference effective dose multiplied by the number of screenings shall not exceed 250 uSv (25 mRem) over a 12-month period, per non-pregnant offender.
  4. Exposure for pregnant females shall not exceed 0.05 rem. or 5 mSv for the entire pregnancy (Nuclear Regulatory Commission-Regulatory Guide 8.13).
  5. Offenders, including those with medical implant devices i.e., pacemakers, defibrillator, prosthetic devices, may be screened.
  6. The radiation dose selected to perform all searches shall be As Low as Reasonably Achievable (ALARA) to accomplish the intended purpose/required detection performance and take into account the benefit derived from the exposure.
- J. Pregnant offenders (as determined by Health Services) are subject to random body scan searches only (not regular scheduled body scan searches). Records of exposure shall be maintained for the entire term of the offender's pregnancy. Pregnant offenders will only be searched using the LOW MODE .25 uSv.
- K. In accordance with operation requirements of a Limited-Use System, each screening where the offender is exposed to radiation shall be tracked and recorded within the system through the offender's assigned DOC ID number.
- L. Staff will provide verbal instructions/direction to offenders before, during and after the body scan search.
- M. Staff operating the system will maintain full visual surveillance of the inspection area to ensure bystanders are not located in the inspection zone when a screen is being conducted. The identification area shall be clearly delineated. A caution sign shall be posted in the area. Offenders who have been searched will be kept separated from those waiting to be searched.
- N. The keyboard and monitor will be blocked from offender viewing.
- O. Offenders identified as having internally concealed/possessed objects or substances will be hand pat searched and may be strip searched. The offender will be given directives to remove the object or substance. If the offender fails or is unable to remove the suspected object or substance, the offender will be placed in a dry cell.

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- P. Offenders who refuse a body scan will be placed in a dry cell and are subject to disciplinary action.
- Q. Scanned images may be documented/saved by the scan operator in the ADANI Compass logbook and a designated folder within the system, in accordance with the approved Operational Procedures manual/instructions. Saved images shall be treated as evidence. Images may be saved for comparison during subsequent searches of the offender.

## 9. Metal Detector Search Procedures:

- A. ***Written policy, procedure, and practice provide for searches of facilities and offenders to control contraband.*** Visitors, contractors, staff, and offenders may be required to pass through a metal detector and/or submit to search by hand-held detection wand [ACA 5-ACI-3A-19].
- B. All persons entering DOC facilities will be required to pass through metal detectors at designated areas throughout the institution, as instructed.
- C. Metal detectors have the potential to affect the functionality of certain medical devices, such as implanted cardiac pacemakers, defibrillators, and nerve stimulators.
1. Although the risk is low, those who have such devices are advised not to remain near a metal detector longer than necessary.
  2. Any person subject to search who is unable to walk-through the metal detector will be subject to a screening by a hand-held detector or hand pat search.
  3. Persons with an electronic medical device must advise the staff person conducting the search of the existence of the device prior to the search being initiated. Staff will not hold the wand near the location of the device longer than necessary/to complete the search. The person may request a hand pat search in lieu of search with the hand-held metal detector wand.
  4. Any person who fails a metal detector or wand search (has an alert) is subject to a second search to verify cause of the reaction.
  5. Any visitor or staff member who fails to pass the metal detector or hand-held wand search who cannot or will not identify the cause of the reaction, may be denied access to the institution. The shift supervisor will be notified immediately.
  6. Offenders who fail to pass a metal detector or hand-held wand search or who cannot or will not identify the cause of the reaction, are subject to hand pat search and/or strip search.

## 10. Body Cavity Search Procedures:

- A. Body Cavity Searches: DOC Clinical Services, employees or contract workers will not perform body cavity searches or administer any medication designed solely for the purpose of obtaining forensic material, except in extenuating circumstances.
- B. An IG investigator, in conjunction with the Warden or designee will determine if the offender will be transported to a medical facility for a body cavity search or other forensic evidence collection. The facility will coordinate the arrangements to transport the offender to a medical facility. Clinical services will clear the offender medically for transport.
1. If a court order is issued directing the administration of an oral laxative to an offender:
    - a. If the offender is willing, Clinical Services will order and administer the laxative to the offender.
    - b. If the offender is not cooperative, the offender will be transported to a medical facility where the laxative will be administered involuntarily.
    - c. The IG investigator will notify the Warden or designee who will make the necessary arrangements to transport the offender to a medical facility. Clinical services will clear the offender medically for transport.

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- C. Medical transport of an offender to an outside provider for the purpose of conducting a visual, manual and/or instrument inspection of an offender's body cavities may be authorized by the an IG investigator, in conjunction with the Warden or Associate Warden only when it is determined a medical concern exists for the offender's safety and wellbeing, such as when an internally concealed object or substance is believed to be causing seizures, infection, blockage or internal damage, or when it is determined by Health Services the object is likely to cause medical risk or harm to the offender.
1. Health Services will be notified when an offender is suspected of internally concealing an object or substance. Health Services will determine if the internally concealed object or substance presents a medical risk/concern to the offender and whether the offender should be transported to an outside medical provider. The Warden or Associate Warden and Director of Clinical and Correctional Services will be notified.
- D. The following factors will be considered when determining when referring an offender to Health Services:
1. Reasonable suspicion the offender is concealing or possessing an object or substance internally. Reasonable suspicion includes any of the following:
    - a. The results of a body scan or other search support the presence of an object or substance within a body cavity; or
    - b. Self-disclosure by the offender that they have an object or substance within a body cavity.
    - c. Indication by a DOC canine.
    - d. Confidential information or other supportive, reliable information/evidence suggests an offender has an object or substance within a body cavity.
  2. The offender has refused staff directive to voluntarily turn over the object or substance or is unable to do so.
  3. Staff believes the continued internal concealment or possession of the object or substance poses or may pose a medical risk/concern to the offender.
- E. The offender will remain under constant, direct staff supervision while waiting escort to health services and while awaiting transport to an outside medical provider.
1. If Health Services recommends the offender be transported to an outside medical provider, the offender will be prepared for a medical transport, consistent with the offender's risk. Offenders will typically be transported to the emergency room, unless otherwise directed by Health Services.
  2. If Health Service staff is not available, the OIC or Health Service liaison will contact the on-call staff person and explain the concern, including a description of the suspected object or substance.
- F. Offenders transported to an outside medical provider should be given the opportunity to voluntarily remove the object or substance before any medical examination or procedure is initiated to verify the presence of the object or substance and before facilitating removal of the object or substance.
- G. Any object or substance removed/recovered will be documented by DOC staff in an Informational Report. A disciplinary report may be generated, depending on the circumstances.
- H. Offenders returned to the institution who are believed to internally possess or have concealed, an object or substance in a body cavity, will be placed in a dry cell or the institution infirmary until the object or substance is recovered, or it is verified the object or substance is no longer present. Verification may be accomplished by a body scan or medical examination.

## 11. Dry Cell Status:

- A. Dry Cell Watches: When there is reason to believe that an offender has obtained contraband and swallowed or ingested it, or otherwise concealed it within their body in order to avoid detection of the item or substance, the offender may be housed in a dry cell for the purpose of capturing and inspecting contraband.

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- B. When circumstances compel placement of an offender in a dry cell:
1. Verbal approval for the placement must be obtained from the Warden or designee prior to an offender's placement in a dry cell. The Director of Prison Operations and the Inspector General (IG) will be notified of all dry cell watches,
  2. An incident report documenting the reason for the dry cell placement will be completed and attached to the Removal from Population form, prior to forwarding it to the Warden for ratification within twenty-four (24) hours of the placement. The OIC will ensure the Dry Cell Watch log is completed and obtain all necessary signatures.
  3. The offender will be placed under continuous observation at all times by employees. Offenders will be placed in universal restraints without the seat harness and leg restraints and strip searched. Male offenders will be placed in orange jumpsuits and female offenders will be placed in orange pants and a T-shirt. The pant legs will be taped at the ankles. The offender's hands and restraints will be visible at all times.
    - a. *Dry Cell Observation Log* (see Attachment 1) will be maintained.
    - b. Lighting in the cell will be reduced during offender sleeping times as long as offender hands, restraints, and movements can still be clearly observed by employees. The offender will be issued a mattress and pillow.
    - c. The offender's wrists will be wrapped in gauze and taped to ensure minimal abrasions from the wrist restraints. Leg restraints will not be utilized unless the offender's behavior is at a level of disruption that leg restraints are needed for employee safety and security or to prevent destruction of contraband/evidence. If leg restraints are used, the offender will be provided with socks to ensure minimal abrasions occur.
    - d. Offender strip searches will occur during initial placement, at shift change, after each bowel movement and will be documented on Dry Cell Observation Log.
    - e. A video camera will be positioned outside the observation area to be utilized during offender bowel movements. Universal restraints will remain on the offender during this process. Offenders will be allowed to wash their hands following bowel movements.
  4. Clinical Services DOC employees or contract workers will be advised of the dry cell watch and will monitor the physical health of the offender. If Clinical Services is not on site, the offender will be transported to a hospital for evaluation.
    - a. An initial assessment will be made of the offender's health by Clinical Services DOC employees or contract workers, prior to placement in the dry cell watch location. The offender will be advised of medical complications that could occur if contraband was ingested. Offenders refusing recommended medical treatment will be required to sign the electronic Refusal of Treatment form located in the electronic health record. If the offender refuses to sign the Refusal of Treatment form, Clinical Services employee or contract worker will note the offender's unwillingness to sign the form and have the form witnessed by another employee or contract worker.
    - b. Clinical Services DOC employees or contract workers will determine whether the offender should be moved to an off-grounds medical facility. If the offender remains at the facility, Clinical Services will evaluate and provide appropriate treatment as outlined in clinical standards.
    - c. Clinical Services DOC employees or contract workers will make daily visits to offenders on dry cell watch during each shift the clinic is staffed. During this time, the offender will receive any routine medications or health care treatments.
    - d. If an employee detects any change in the offender's mental or physical condition, Clinical Services will be notified immediately.
    - e. If a drug test is obtained and tests positive for dangerous drugs during the dry cell watch, Clinical Services will be notified immediately.
    - f. When the dry cell is concluded, the offender will be evaluated by a Clinical Services DOC employee or contract worker and an anatomical form completed.
    - g. If a dry cell watch has not concluded within seventy-two (72) hours, it may be extended in consecutive twenty-four (24) hour periods with the approval of the Director of Prisons. The dry cell watch will conclude after the contraband is recovered or after the equivalent of three (3) consecutive normal bowel movements (whichever occurs first).

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5. All appropriate documentation and/or incident reports are to be completed and processed as soon as possible after completion of the dry cell watch. An Incident Report will be completed, and copies forwarded to the incident review officer, along with copies of any incident reports and logs for the dry cell watch.
- C. When a reasonable belief exists, an offender has ingested or internally inserted an object, substance or contraband into their body cavity, and the offender refuses to produce the object, substance, or contraband upon directive by staff, the offender may be placed in a dry cell. The Warden, Associate Warden, OIC, shift supervisor, or staff of equal or higher rank, must approve the placement.
  - D. Dry cells shall be located in an area that allows direct supervision of the offender, which may be accomplished through physical presence of staff, or a security camera monitored by staff. Dry cells will be located in a secure area, away from other offenders. If the cell is equipped with running water, all water to the cell must be turned off. Prior to placing an offender in the cell, the cell must be searched to determine it is free of contraband.
  - E. Prior to placement in a dry cell, the offender will be directed to remove the suspected object, substance, or contraband. If the offender refuses or cannot remove the object or substance, the offender will be strip searched and placed in the dry cell.
  - F. Pregnant offenders may be placed in a dry cell, provided sufficient dietary, hydration and medical care is provided and continued without interruption. Pregnant offenders must be permitted to remain ambulatory while in the dry cell. Health Services must be notified when a pregnant offender is placed in a dry cell. Placement must not be medically contraindicated. Pregnancy shall be defined as any stage of pregnancy, except labor or delivery, but including the post-partum period.
  - G. Offenders shall not be placed in a dry cell for longer than seventy-two (72) hours without authorization from the Warden, Associate Warden, or designee. An extension may be granted if reasonable suspicion exists that an offender has retained the object, substance or contraband or has re-ingested or re-inserted it. A checklist will be utilized to monitor dry cell. The checklist will be hung cell front and completed by the OIC at the end of each shift.
  - H. Staff will notify the shift commander or OIC when contraband is found/recovered. Any contraband found/recovered by staff will be documented. Staff is not required to retain contraband contaminated with feces or bodily fluids, unless ordered by the Warden or Associate Warden. Proper handling, documentation and chain of evidence shall be maintained for all contraband, including disposal of documented contraband.

## **12. Transgender and Intersex Searches:**

- A. Staff will not search or physically examine transgender or intersex offenders for the sole purpose of determining the offender's genital status. If an offender's genital status is unknown, this may be determined during conversations with the offender, a review of the offender's medical records, or as part of a broader medical examination conducted by Health Service staff.
- B. Transgender or intersex offenders may request to be pat searched by staff who are of the same gender as the offender's identified gender. Female sex staff may search any transgender or intersex offender.
- C. All offenders, including transgender or intersex offenders, shall be permitted the opportunity to shower, perform bodily functions and dress/undress without nonmedical staff of the opposite sex viewing their exposed breasts (female), buttocks, or genitalia, except in exigent circumstances. This shall include close observation of an offender's genitals during a urine test (UA) or monitoring offenders with security cameras.

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### 13. Search of Visitors:

- A. Signs will be posted in the lobby, admission area or public entrance or access point to the institution advising visitors and others entering the institution they are subject to search. Each institution will provide notice of prohibited items. This may be supplemented by a list of items permitted during visits.
- B. Participation in visits is strictly voluntary. Visitors are subject to search by DOC staff. Hand pat searches may be conducted by staff members of the same gender as the visitor. Visitors may request a search by the same gender. Visitors will be searched before entering the institution and are subject to search during the visit and prior to departing from the institution (See ARSD 17:50:02:08).
- C. If a visitor is under the age of eighteen (18), the parent or guardian shall be present during the search.
  - 1. A visitor's refusal to be searched (including search of personal belongings), or refusal to give consent to conduct a search of a visitor under the age of eighteen, is sufficient cause to terminate the visit, restrict or limit future visits and/or deny admission to the institution (See DOC policy and ARSD 17:50:02:08). Under no circumstance will force be used to facilitate search of a visitor. Refused visits will be reported to the OIC.
  - 2. Searches of visitors during visits may be targeted or random.
  - 3. If a pat search or metal detector search is insufficient to eliminate the possibility a visitor is concealing contraband, the visitor will be denied access to the visit room and advised to exit the institution. The OIC will be notified.
- D. DOC Canine teams may be used to screen persons participating in visits at a DOC institution. A visitor's participation in visits and voluntary presence within the visit room is consent to be searched by the Canine.
- E. Any visitor found in possession of a controlled substance or Class A Contraband, as defined by South Dakota Codified Law, may be reported to law enforcement.
  - 1. Staff will gather and record vital information, such as name, address, phone number, automobile make, model, physical description, and license plate number.
  - 2. Visitors will not be forcibly detained. Any evidence seized or discovered during search of the visitor or his/her belongings will be retained and processed in accordance with best practices of preservation of chain of evidence.
  - 3. Possession of unauthorized articles with the intent to deliver to an offender is a felony (See SDCL § 24-2-22). Staff will document the incident on an Incident Report.

### 14. Search of Staff:

- A. The DOC reserves the right to conduct searches of staff and their belongings to monitor compliance with DOC rules, policies, and state law and to preserve the safety, security, and disciplined operation of the institution. Staff are required to consent to search or inspection of their person, property, work areas, lockers, and personal vehicles while on DOC property (see DOC Policy 1.1.D.3 *Facility Access and Identification Requirements* for the *Consent to Search Authorization and Registration* form).
- B. Institutional staff may be required to place all property items they intend to bring into the institution in an approved, clear, plastic bag. All bags, containers, boxes, intended for introduction into the institution are subject to search.
- C. Should a pat search of an employee be authorized by the Warden, Inspector General (IG), or designee it will be conducted by an employee of the same sex in a private location.

### 15. Search of Vehicular Traffic:

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- A. **All vehicles** and accompanying trailers or empty trash dumpsters *entering the security perimeter of a DOC institution, will be searched* prior to placement within, or removal from, the secure perimeter of a DOC institution [ACA 5-ACI-3A-19]. All vehicles, trailers and containers parked or placed within the secure perimeter are subject to search. Failure by the operator of the vehicle to consent to search may result in denied access to security perimeter. The operator will be directed to immediately remove the vehicle from the grounds.
1. All vehicles entering or leaving a DOC property are subject to search. The Warden, through local implementation adjustments, will define authorization for random and routine search of all vehicles on state property. All vehicles must be locked. All items that could be construed as a security risk will be secured in a safe manner.
  2. Upon entry and exit of the secure perimeter, each vehicle and its contents will be searched, including the cab, accompanying trailer, trunk or bed area of the vehicle, engine compartment and the underside of the vehicle. All trailers attached to or towed by a vehicle entering the secure perimeter shall be inspected.
    - a. Exceptions may be granted by the Warden or his/her designee for vehicles exiting the secure institution that remain under constant, direct supervision of staff for the duration of time the vehicle is within the secure perimeter.
    - b. Vehicles that cannot be thoroughly searched must remain under constant, direct supervision of staff while inside the secure perimeter, i.e., sanitation and waste removal services. All unoccupied/unsupervised vehicles parked within the perimeter shall be locked or otherwise made inoperable/secured.
    - c. Dangerous weapons contained within a vehicle or trailer must be secured in the lockbox located outside the secure perimeter (where available), or otherwise removed and properly secured prior to entering the secure perimeter.
  3. Emergency vehicles (fire trucks, ambulances, law enforcement), will at a minimum, be visually searched prior to entering and departing the secure perimeter. All personnel within the vehicle will be positively identified by staff. Vehicles responding to an emergency within the secure perimeter should not be delayed any longer than necessary.
    - a. Emergency vehicles and emergency personnel entering the secure perimeter will remain under the constant direct supervision of staff while within the secure perimeter.
    - b. Ambulances will be visually searched by staff to ensure only the escorting officer; ambulance staff and any approved offender(s) are inside the vehicle.
  4. DOC staff or others authorized to enter the perimeter will not search their own vehicle, when entering the secure perimeter.
- B. Vehicles entering the secure perimeter will be escorted to and from their destination within the perimeter, unless operated by DOC staff.
- C. Vehicles and accompanying trailers or trash dumpsters that cannot be physically searched by staff will be restricted from exiting the secure perimeter until count has cleared unless this requirement is waived by the Warden or designee.
- D. Staff may require all persons within a privately-owned vehicle entering or departing the secure perimeter to identify themselves by producing a photo ID or other form of identification if the staff member cannot identify the person(s).

## 16. **Contraband:**

- A. Offenders, visitors, contractors, and staff are accountable for contraband found on or within their person, personal property, assigned work area, vehicles, outerwear, bags, etc.
1. Staff will generate an Incident Report when significant contraband is discovered that presents a safety or security risk (Class A Contraband). The report will include the type of search, description of the contraband and when, where, and how the contraband was discovered.

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- B. Staff members identifying an offender in possession of contraband may generate an Incident Report in COMS. An Informational Report will be completed for significant contraband discovered that is not in an offender's possession. Possession of contraband by an offender may be responded to through the offender disciplinary process.
- C. Any item of contraband seized from an offender, visitor, contractor, or staff member that may be part of a criminal investigation will be documented, processed, and retained in an approved, secure storage area designated for storage of contraband/evidence, in accordance with accepted chain of evidence measures. Staff with the Special Investigations Unit or the OIC will be notified when contraband/evidence is discovered and seized.
- D. All handling, documentation and disposal of contraband discovered during a search will be in accordance with DOC policy, best correctional practices, and state law (SDCL § 24-2-26).
- E. Visiting Area Searches: Immediately before and after visiting hours, employees assigned to the visiting area will conduct a thorough search to detect any contraband. Offenders and visitors will not be permitted in the area until the search is completed. Visitors and offender searches will be in accordance with DOC policy.
- F. All persons entering DOC facilities may be required to submit to a metal detector search.
- G. Employee/Contract Worker Volunteer Searches: All employees, contract workers, and volunteers are subject to search as follows:
1. Upon entry into the facility through a walk-through metal detector and a visual search of all packages, briefcases, handbags, lunch boxes, and other items being carried into the facility.
  2. Should a pat search of an employee, contract worker, or volunteer be authorized, it will be conducted by an employee of the same sex in a private location.
- H. Facility Search and Drug Interdiction: At a minimum, correctional facilities will complete one facility search of all areas and one drug interdiction annually. Any facility searches subsequent to major incidents will count as a facility search for that year.
- I. Contraband Storage
1. Each facility will provide a secure area for the storage, preservation, and control of contraband until the contraband is lawfully and properly disposed of.
  2. Proper security resources will be utilized to hold, maintain, and preserve physical evidence until it is properly disposed of. This may include, but not be limited to, an evidence locker with proper locking devices.
  3. The following items will be secured in an IG locked evidence box located in a secure area within the facility until the IG investigator takes custody:
    - a. Dangerous/Illegal drugs.
    - b. Drug paraphernalia.
    - c. Weapons.
    - d. Money or any coin of U.S. or foreign currency or any written instrument of value.
    - e. Any item that may be evidence in a criminal trial.
  4. All other contraband/evidence, except contraband library material, will be secured in a facility evidence/contraband location as defined in the facility's implementation adjustment. Contraband library material will be forwarded to the facility library technician/librarian.
  5. All contraband will be recorded on a *Contraband List* (see Attachment 2). The contraband list will be retained as follows:
    - a. Prior fiscal year on file plus current fiscal year.
    - b. Three (3) years in storage after final disposition.

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- J. When a cell is searched a contraband list will be completed. If items are confiscated, they will be listed; if an item is not confiscated the contraband list will reflect such. A copy will be given to the offender as a receipt and the original goes to the living unit employee in charge so that it can be logged on the living unit search log.
- K. When contraband has been found or confiscated from an offender, an incident report describing when and where the contraband was found and a n evidence report will be completed, contraband list may be utilized in place of the evidence reports when a computer is unavailable. Nuisance contraband may not require an incident report and/or contraband card, at the discretion of the Warden. Any contraband that is wet, contains body fluids, or may require retrieval of a fingerprint will be placed in a paper evidence bag. Narcotics should be sealed in a plastic bag. Contraband that can stick, e.g., razor blades, syringes, needles, etc. should be placed in a sharps container. All physical evidence will be handled in accordance with, Crime Scene Management and Criminal Evidence Handling.
- L. Disposition of Contraband: Upon determination that an item is contraband the item will be confiscated and disposed of as follows:
1. In the event the contraband is to be kept for possible criminal charges, the item(s) will be processed as physical evidence. The Inspector General, in collaboration with DCI, will make final disposition of evidence taken into its possession.
  2. Nuisance contraband will be logged. It may then be disposed of at the discretion of employees, in accordance with the process outlined in the facility's implementation adjustment.
  3. Contraband library material will be considered nuisance contraband and forwarded to the facility library technician/librarian. The library material will be accompanied by a copy of the incident report or other documents describing the reason the facility considers the book or portions of the book to be contraband.
  4. After logging, food items may be delivered to Food Services for determination of restitution value and disposition.
  5. All other items will be logged and stored in accordance with the process outlined in the facility's implementation adjustment.
  6. If it is determined that the contraband will not be used as criminal or institutional evidence, the contraband will be disposed of as follows:
    - a. Clinical Services will be notified of any medical appliances that may belong to DOC rather than the offender, to include durable medical equipment, linens, medical supplies, etc. Clinical Services will determine appropriate disposition.
    - b. Legal Services will be notified of any disability assistive device(s) and will determine appropriate disposition.
    - c. Tokens are not to be destroyed. Any tokens that are confiscated as contraband will be returned to the offender canteen fund at the conclusion of any administrative or investigative proceedings.
    - d. The contraband list will act as written notice that the offender has ten calendar days from that date to provide the property control officer with the desired disposition, with the exception of any materials being forwarded to the facility publications committee for review.
      - 1) If an offender can prove ownership and the item does not in and of itself present a security or safety threat, he/she may be allowed to mail the item(s) to an address outside of DOC at their own expense. If an offender does not have the available funds to mail the item out within ten calendar days of notice, the item(s) will be destroyed in accordance with this policy.
      - 2) Items of contraband that in and of themselves do not present a security or safety threat may be donated. The item may be donated to a charitable organization; donation procedures must be defined in the facility's implementation adjustment. Items not accepted by the designated charity will be destroyed in accordance with this policy.
      - 3) The item may be destroyed. Disposal/destruction must take place outside of the facility where offenders cannot retrieve the item. The date of disposal/destruction

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and item(s) destroyed must be noted on the contraband log. The destruction of contraband must be witnessed by two employees; both must initial or sign the contraband log.

- 4) Offenders will not be required to determine disposition of censorable reading materials until all time frames for appeal have expired.
- e. In the event the offender does not cooperate by designating the method of disposal within the allotted time frame, the property will be disposed of by employees unless it is a contraband library book. Contraband library books will be forwarded to the facility general librarian. Once an item has been sent outside of the DOC, re-entry will not be allowed, unless the item was sent out of the facility for approved repair or written approval was given by the Warden.

#### M. Dangerous or Illegal Drugs

1. An IG investigator or custody/control manager or designee will field test all suspected drugs and report the findings to the employee, contract worker, or volunteer responsible for initiating disciplinary action. Only an amount of the suspected drugs necessary to perform a field test will be used in the test kit. In no case will all of the suspected drugs be consumed by the field test. The suspected drugs, properly marked as evidence, will then be placed in the IG investigator's box for further disposition.
2. The facility contraband custodian or IG investigator will retain all contraband, or evidence, until it is no longer needed for legal action.
3. Dangerous and/or illegal drugs and dangerous contraband confiscated by correctional employees will be properly marked, packaged, and placed in the IG investigator's locked evidence box. The IG investigator will retrieve the deposited items from the locked evidence box in a timely manner. The IG investigator is responsible for dangerous contraband, evidence, accountability, and inventory control of those items turned over to the IG investigator.

#### N. Disciplinary Hearings

1. No dangerous contraband, dangerous drugs, or criminal evidence will be present at a hearing. Photocopies of weapons, field tests results, and laboratory results for drugs may be used as evidence.
2. The facility disciplinary officer will ensure that all evidence that is necessary is present. The disciplinary officer will document the removal of the evidence for the hearing. The contraband will be returned to the secure location until such time as it will be disposed.
3. All disciplinary hearing evidence will be maintained for a minimum of ninety (90) days after the offender is presented with the formal written Disposition of Charges and then disposed of in accordance with DOC policy.
4. In the event the disciplinary hearing divulges that a felony has been committed, the facility contraband custodian will turn over all evidence, as well as all original reports and the chain of custody form, to the IG investigator for appropriate action.

### 17. Standard Search Precautions:

- A. Staff may come into contact with body substances while performing searches. In an effort to reduce the risk of infectious disease contamination/occupational exposure through exposure to blood or potentially infectious bodily fluids, standard precautions will be initiated by all staff conducting searches.
- B. The following precautionary measures will reduce the risk of occupational exposure:
  1. Staff will assume the person, items, or area to be searched contains sharp objects that may be potentially infectious.
  2. A visual inspection of the person, area, or item to be searched will be completed prior to staff conducting a physical search.
  3. Staff will instruct persons to be searched to remove all items from their pockets and to turn their pockets inside out. Staff will also ask the person about the presence of any needles or sharp objects that may cause injury to those conducting the search.

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4. Staff will conduct a light pat-type search of areas where sharp objects may be located before a more aggressive probing-type search is attempted.
5. Staff may instruct the person to empty the contents of bags or purses to be searched in the presence of the staff person.
6. Searches should take place in well-lit areas. Staff shall use flashlights to search hidden areas. Whenever possible, staff should use mirrors to aid in searching areas that may be obstructed from direct visual search.
7. Staff will wear protective gloves during the search process.
8. Staff will use evidence tape instead of metal staples to seal evidence.
9. Open wounds or sores on a staff member's hands which may come into contact with other persons or objects while conducting a search must be covered with clean, dry dressings and protective gloves.

## 18. Declaration of Contraband

- A. The following items are identified as items of contraband and will not be permitted into the South Dakota Department of Corrections' facilities without expressed written consent from the Warden. Individuals who introduce these items into a DOC facility will be held accountable under the appropriate provisions of SDDOC and the Codified Laws of this State.
  1. Any dangerous instrument: A firearm, explosive device or substance (including ammunition), knife or sharpened instrument, poison, acid, bludgeon, or projective device, metal utensil/drinking straw or any other device, instrument, material, or substance which is readily capable of causing or inducing fear of death or bodily injury, the use of which is not specifically authorized.
  2. Alcoholic beverages.
  3. Controlled substances.
  4. Offender possession of any key, key pattern, key replica, or lock pick.
  5. Any tool or instrument that could be used to cut fence or wire, dig, pry, or file.
  6. Any un-canceled postage stamp or implement of the United States postal service.
  7. Any counterfeit or forged identification card.
  8. Any combustible material.
  9. Any drug, other than a controlled substance, in quantities larger than two doses unless otherwise prescribed and authorized by health services.
  10. Any mask, wig, disguise, or other means of altering normal physical appearance which could hinder ready identification.
  11. Any drug paraphernalia: all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of this state.
  12. Any chain, rope or ladder.
  13. Any cigarettes, tobacco products, chewing tobacco, vape pens/devices, vape cartridges.
  14. Any portable electronic communication device including but not limited to cell phones, smart watches, public, private or family style radios, pagers, personal digital assistants, any other device capable of transmitting or intercepting cellular or radio signals, and portable computers; except those devices issued and authorized by the SDDOC.
  15. Any article or thing that poses or may pose a threat to the security of the SDDOC facility/office as determined by the Warden. This shall include but not be limited to: matches, cigarette lighters, any substances used for brewing or making intoxicating beverages, any counterfeit or forged medium of exchange, or paraphernalia used to produce this medium, any batteries, cameras, film, flashbulbs, flashlights, pets (unless authorized through a facility dog program), plant life, or any article or substance that is not specifically allowed by this facility.
  16. Hand sanitizer containing alcohol.

## V. RESPONSIBILITY

The Director of Prisons and Wardens are responsible for the enforcement and annual review of this policy.

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## VI. AUTHORITY

- A. SDCL §§ 24-2-14, 24-2-22, 24-2-26.
- B. “CDC” Guidelines for Isolating Precautions in Hospitals,” U.S. Department of Health and Human Services, Atlanta, 1983. HHS Publication No. 83-8314.
- C. MMWR, “CDC” Recommendations for Prevention of HIV/AIDS Transmission in the Health Care Setting,” August 21, 1987.
- D. MMWR, “Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public Safety workers,” U.S. department of Human Services Center, Atlanta, June 23, 1989. HHS Publication No. (CDC) 89-8017.

## VII. HISTORY

August 2022

November 2019

April 2019

August 2018

May 2017

October 2016

June 2016

June 2015

May 2014

January 2013

## ATTACHMENTS (Published in PolicyTech unless otherwise noted) (\*indicates form opens externally)

1. Dry Cell Observation Log\*
2. Contraband List\*
3. DOC Policy Implementation / Adjustments (*Not published in PolicyTech*)



