	<b>DEPARTMENT OF CORRECTIONS AND REHABILITATION</b> <b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> January 1, 2024	<b>POLICY NO.:</b> COR.08.31
		<b>SUPERSEDES (Policy No. &amp; Date):</b> COR.08.31 & JULY 1, 2010	
<b>SUBJECT:</b> <b>SEARCHES OF INMATES</b>		<b>Page 1 of 8</b>	

## 1.0 PURPOSE

To provide direction for staff in the types of searches of inmates, when and how they should be performed for the control of weapons and contraband, and to ensure the legal protection of all parties involved.

## 2.0 SCOPE

This policy shall apply to all correctional facilities within the Department.

## 3.0 REFERENCES, DEFINITIONS AND FORMS

### .1 References

- a. Hawaii Revised Statutes (HRS), Section 710-1022, Promoting prison contraband in the first degree, and Section 710-1023, Promoting prison contraband in the second degree.
- b. Departmental Policies and Procedures (P&P), COR.08.02, Searches of Visitors and Staff; COR.08.03, Seizure of Evidence; COR.08.04, Notice of Laws Relating to Contraband, COR.08.13, Duty Assignments of a Corrections Officers, COR.17.01, Personal Property, Confiscation and Disposition of.
- c. ACA, Standards for Adult Correctional Institutions, 4<sup>th</sup> Ed., January 2003, 4-4192, 4-4193, 4-4282.
- d. ACA, Performance-Based Standards for Adult Local Detention Facilities, 4<sup>th</sup> Ed., June 2004, 4-ALDF-2C-01, 4-ALDF-2C-04, 4-ALDF-2C-05.
- e. ACA, Guidelines for the Development of a Security Program, 3<sup>rd</sup> Ed., 2007.

### .2 Definitions

- a. Reasonable Suspicion: A subjective suspicion supported by objective facts that would lead an experienced and prudent person to have a reasonable belief that an individual is carrying contraband.

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- b. Criminal Contraband: Anything appropriate for criminal sanctions, which inmates are prohibited from obtaining or possessing by statute, rule, regulation, or order.
- c. Contraband: Any item in the possession of an inmate, which is not authorized by the Warden, or is in excess of the maximum quantity permitted, or which is received from an unauthorized source, and is of a nature not appropriate for criminal prosecution.
- d. Personal Search: A thorough visual, physical, electronic, and/or canine inspection of a person and his/her clothing, personal effects, and/or equipment, in order to examine for concealed items or contraband.
- e. Pat Search: A pat search that includes the loosening of clothes; loosening of the belt; removing shoes, opening mouth and wagging the tongue, removing wig, visual inspection of the mouth, nose, and ears without probing; and a search of items such as hat and gloves.
- f. Strip Search: Removal and inspection of clothes and a visual inspection of all body surfaces including body areas immediately adjacent to the opening of body cavities. A strip search shall not include a search of a body cavity other than the mouth, nose, and ears, and shall not include any probe or intrusion search nor the removal of blood, hair, or any other substance.
- g. Body Cavity Search: A visual, manual, or instrument inspection of a person's body openings.

#### 4.0 POLICY

The Supreme Court has held that all persons have a basic right to be free of unreasonable searches and seizures. An unreasonable search is one that invades a person's reasonable expectation of privacy. Where one does not have a reasonable expectation, a search is lawful. Searches in correctional institutions do not invade the reasonable expectation of privacy on the part of inmates.

- .1 Searches are an important and integral part of a facility security and control system. Frequent unannounced searches of inmates, their belongings including anything they wear and carry, their quarters and other areas of the facility shall be conducted as often as necessary to ensure the safety, security, and good government of the facility.

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- .2 Proper causes are not required to justify a search. Random, unannounced and searches without warrants may be conducted at any time to detect and prevent the introduction of contraband, to recover missing or stolen property, to prevent escapes and other disturbances, or to discover any other improper activity.
  
- .3 Searches shall be conducted in a professional manner, which will attempt to avoid all unnecessary use of force, harassment, humiliation, embarrassment, or indignity to the inmate to the extent possible without compromising the effectiveness of the search.
  - a. Personal, property, and area searches shall be carried out in a manner, which will protect the rights to property given to inmates by law, rule, policy, or other order.
  
  - b. The degree and intensity of the search shall be the least required to bring the search to a conclusion. As the search progresses, with each new piece of evidence to support the presence of contraband, the inmate shall be given the opportunity to voluntarily remove and surrender the contraband.
  
  - c. Strip searches shall be conducted in privacy by employees who are trained in search procedures and are of the same sex as the inmate. See 4.4 below.
  
  - d. Manual or instrument searches of body cavities shall be conducted only with just cause, and only by trained medical personnel in accordance with established procedures.

**5.0 PROCEDURES**

- .1 Searches are especially valuable for the following purposes:
  - a. To prevent and detect the introduction of alcohol, drugs, weapons, or other dangerous or harmful contraband into a facility;
  
  - b. To detect the manufacture of alcohol, weapons, escape devices, etc., within the facility;
  
  - c. To discover and suppress “trafficking” between inmates, and between employees and inmates;

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- d. To check malicious waste, destruction, or personal appropriation of facility property, equipment, or structure;
  - e. To discover hazards to health, safety, or security that may go unnoticed during a more routine investigation.
- .2 The search of inmates requires expertise and a proper attitude on the part of an employee.
- a. The inmate should be informed, quietly and simply, of what is to take place at each stage of the search.
  - b. The inmate should be touched no more than is necessary in order to conduct a comprehensive search of the person.
- .3 Pat searches are most often used in the daily regimen of a facility. Therefore, it is important that it be performed properly and carefully.
- a. It may be conducted prior to inmates leaving the housing area, in transit, prior to entering any area of the facility and in particular, the industrial area or the visiting area, and upon return to the housing unit; even when escorted, if there is probable cause to believe the inmate possesses contraband or concealed item(s) upon his/her person.
  - b. A thorough pat search includes at least the following:
    - 1. Have inmate empty all pockets; check all items, place items to one side.
    - 2. Have inmate extend both arms toward you; have him/her open hands and show both palms and both backs of hands.
    - 3. Have inmate bend head forward so that visual inspection may be made of top of head, hair, and ears; fluff, or run fingers through hair, or have inmate do so under careful observation.
    - 4. Have inmate turn head to one side and then to the other to offer full view of the ear cavities.
    - 5. Have inmate return head to upright position, open mouth as wide as possible, lift and roll the tongue, and move the upper and lower lip up or down as instructed, to offer full view of the oral cavity. (If inmate is

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wearing dentures and if there is probable cause, have him/her remove them for a better view of the oral cavity.)

6. Have inmate turn away from you.
  7. Check clothing and body for concealed items,
    - a) Run hands around the shirt collar, across the shoulders, down the arms if wearing long sleeves, up the inside of the arms to the armpits, down the sides to the waist;
    - b) Check shirt pockets, front of shirt and body, run hands around the waistband, down the outsides of the legs, up the insides to the groin, check front of pants or shorts, check behind the ears, the back of the head, the back of the clothing and the body.
    - c) Pay particular attention to collar, waistband, pockets, hems, seams, and any unusual or suspicious features of or on the clothing or body, and to the crease areas of the body.
    - d) For more safety, inmate may be required to lean against a wall, and one of the searchers thighs may be snugged up into the groin area during the upper body and clothing search. (This procedure should only be performed in same sex searches.)
  8. Have the inmate lift one foot at a time for visual inspection of each foot bottom and slipper. Take each slipper into your hand and inspect it for cuts, etc., for use as a hiding place.
  9. If inmate is wearing shoes and socks, have him/her remove one item at a time and hand it to you. Check inside of shoe, insole, sides, and bottom of shoes for possible hiding places.
  10. If inspection causes suspicion there is a concealed item in the front of the clothing or body, have inmate turn to face you and carry out a further inspection; do this alone if it is deemed safe, or call for another employee to observe and provide backup.
- .4 The body can serve as a hiding place for contraband. For that reason, it may be necessary to strip an inmate of his/her clothing and to search the clothing and body.

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- a. Times when this may be advisable are such as:
  1. Return from a trip outside the facility;
  2. Unescorted return from other areas of the facility, especially from the visiting area;
  3. Upon entrance into or release from Administrative or Disciplinary Segregation;
  4. When suspected of possessing contraband;
  5. When apprehended from an escape or escape attempt;
  6. After participation in any kind of internal disturbance.
- b. A strip search shall be made by an employee of the same sex as the inmate whenever possible. Another staff person of the same sex should act as witness and as a recorder in the event contraband is discovered.
- c. Inform the inmate quietly and simply of what is about to take place.
- d. Take the inmate to a location where privacy and safety can be afforded.
- e. The employee shall at no time physically touch the inmate during the strip search but may order the exposure of all body cavities.
- f. Proceed as in 4.3b. 1), 2), 3), 4), 5), and 8) or 9) above.
- g. Then have inmate remove each item of clothing one by one and hand it to you, moving from the upper and outermost items down the body (e.g., jacket, shirt, undershirt, pants, briefs), as appropriate.
- h. Check each item of clothing carefully, paying particular attention to pockets, waistband, seams, hems, and any unusual or suspicious features.
- i. Re-check palms and backs of both hands.
- j. Have inmate raise both hands above the head; inspect armpits, sides, and shoulders.

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- k. Continue visual inspection down the chest to the groin area; have inmate take a wide stance, lift and/or move genitalia as directed.
- l. Continue visual inspection down the fronts and sides of the legs, and between the toes, directing inmate to spread or wiggle the toes as needed.
- m. After front body search is completed, instruct the inmate to turn around; inspect behind the ears and down the body to the feet.
- n. Instruct the inmate to maintain the wide stance and squat into a deep knee bend, and, upon instructions, to cough several times.
- o. Be sure to inspect all bandages for concealed items.
- p. Upon completion of the body and clothing search, instruct the inmate to dress.
- q. If no discrepancies are discovered, allow inmate to proceed to his/her intended destination, or give instructions on what to do.

**.5 Oral Cavity Searches**

- a. When an inmate is suspected of having secreted contraband in the mouth or attempts to swallow the evidence, no attempt shall be made to retrieve the contraband by force.
  - 1. A chokehold or any other physical restraint, which prevents the person from swallowing or breathing, shall not be used.
  - 2. Ask the inmate to place the item(s) on a table.
  - 3. When there is reasonable belief that contraband has been swallowed, the medical unit shall be notified immediately.
- b. Whenever it is suspected that an inmate is concealing contraband in any body cavity, including the mouth, maintain a close watch over the inmate, and notify the area supervisor and medical unit.

**.6 Disposition of Discovered Contraband**

- a. If the contraband is non-criminal in nature, it shall be handled in accordance with COR.17.01, Section 4.1 and COR.17.02, Sections 4.1.c.,


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d., and e.

- b. Criminal contraband shall be handled in accordance with COR.08.03.
- c. In handling contraband, be careful to inventory/list all items processed, and to maintain a tight chain of custody for all criminal contraband items.

APPROVAL RECOMMENDED:

  
\_\_\_\_\_  
Deputy Director for Corrections                      **JAN 0 1 2024**  
Date

APPROVED:

  
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DIRECTOR    **JAN 0 1 2024**  
Date

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