

 <p>KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	9.8	9
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	March 14, 2018	June 1, 2018
Authority/References KRS 196.035, 197.020, 520.050, 520.060 CPP 14.8 Bell v. Wolfish, 441 US 520 (1979); Spear v. Sowders, 71 F.3d 626 (6th Cir. 1995), Hunter v. Auger, 672 F.2d. 668 (8th Cir. 1982) ACA 4-4192, 4-4193, 4-4194, 4-4282, 2-CO-3C-01, 28 CFR § 115.15	Subject <p style="text-align: center;">SEARCH POLICY</p>	

I. DEFINITIONS

“Body cavity search” means a manual or instrument inspection of a person’s anal, vaginal or other body cavity by a trained medical professional.

“Contraband” is defined by KRS 520.010 and includes items described in CPP 9.6 II.B.

“Cross-gender search” means searching a person of the opposite gender.

“Exigent circumstances” means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of an institution.

“Frisk” or “pat-down search” means a search during which a person is not required to remove his clothing and includes a visual inspection of the open mouth.

“Inventory search” means the search of an inmate’s property and personal belongings.

“Strip search” means a body search during which a person is required to remove his clothing, and during which a person is subject to visual inspection of the genital and anal area, as well as other body cavities.

II. POLICY and PROCEDURE

A. Search Policy for Inmates

1. General Policy

- a. All inmate areas and property shall be subject to a search at any time.

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- b. All inmates shall be subject to a search at any time.
- c. All inmates shall be subject to a strip search if
 - (1) Entering or exiting an institution,
 - (2) Entering or exiting the visiting area, or
 - (3) Entering or exiting a controlled area, the Prison Industries area, boiler room area, or other area to which inmate access is limited.
- d. Inmates, who do not fall into one of the strip search categories above, may be strip searched if reasonable suspicion exists that the inmate is carrying contraband.
- e. A transgender or intersex inmate shall not be searched or physically examined for the sole purpose of determining the inmate's genital status. However, a medical exam may be performed as permitted by 28 CFR § 115.15.
 - (1) Operationally, four options may be used for searches of transgender or intersex inmates:
 - (a) Pat search of adult inmate conducted by the female staff only, especially given there is no prohibition on the pat searches female staff can perform;
 - (b) Ask inmate to identify the gender of staff with whom he or she would feel most comfortable conducting the search;
 - (c) Search conducted in accordance with the inmate's gender identity;
 - (d) Body cavity search conducted only by medical staff. See CPP 14.8
- f. Body cavity searches in conjunction with strip searches shall only be made if a reasonable suspicion exists that the inmate is carrying contraband in a cavity. All body cavity searches shall require the approval of the Warden or his designee.
- g. All strip searches, other than those authorized in subsection c. (1), (2) and (3) above, shall be logged and documented in the institutional strip search logbook, which shall include:

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- (1) Date and time of the search,
 - (2) Person authorizing the search,
 - (3) Person or persons conducting the search,
 - (4) Whether the genital area or the anal area was inspected,
 - (5) Whether any body cavity was searched,
 - (6) The reason for the search, and
 - (7) The results of the search.
- h. Except in exigent circumstances, a strip search shall be conducted by a staff member of the same gender as the inmate. All cross-gender strip searches, to include those authorized in subsection c. (1), (2), and (3) above shall be logged and documented in the institutional strip search logbook.
- (1) The search shall be carried out in a dignified manner and under sanitary conditions.
 - (2) Officers or others conducting the search shall not make threatening, insulting, or suggestive remarks while conducting the search.
 - (3) If requiring an inmate to expose body cavities, the person conducting the search shall not touch the body of the inmate except as authorized in subsection (h) of this section.
 - (4) Once a search is complete, clothing that is not in violation of policy shall be returned to the inmate in order to redress.
- i. Any search of an inmate which requires probing of a body cavity, x-rays, or any medical procedure shall be conducted in private by an institutional medical professional.
2. An inmate shall not be subject to repeated searches of his person or living area as a method of harassing the particular inmate. Cell or inventory searches shall be done with the affected inmate present unless his presence poses a threat to staff, security, or institutional order.

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3. When conducting cell or inventory searches in the inmate's assigned living area, the affected inmate, if present during the search, may be handcuffed behind his back and may be required to remain seated in a chair during the search.
4. All cross-gender pat down or frisk searches of female inmates shall only be conducted under exigent circumstances and shall be documented. Other pat down or frisk searches, or area searches of inmates may be conducted as deemed necessary by correctional staff. Reasons for these searches may include the following:
 - a. If suspicious or unusual activity is observed or suspected;
 - b. If a rule violation is committed;
 - c. For the protection of staff, inmate, or institution;
 - d. On an unannounced basis;
 - e. If entering or exiting an activity within the main institutional compound;
 - f. If ordered by any Correctional employee; and
 - g. If an employee is not sure of an inmate's possessions.
5. Inmates may be placed in restraints during pat down, or frisk searches for safety and security reasons.

B. Search Policy for Non-inmates and Non-employees

1. This section shall apply to all individuals who are not employees or inmates, including visitors, contractors, volunteers, and training participants.
2. All entrances to institutional property shall have a large sign that informs an individual in language comparable to the following that:
 - a. The introduction of controlled substances, intoxicating substances, tobacco, weapons or any other instrument that may be used to do bodily harm or facilitate escape shall be strictly forbidden.
 - b. All electronic devices to include cameras, recorders, and cell phones shall remain secured in a locked vehicle.
 - c. For security reasons, individuals and their vehicles may be subject to search.
 - d. Any individual who knowingly introduces contraband or dangerous contraband into an institution operated by Corrections or a private correctional institution may be prosecuted as provided in KRS 520.050 and 520.060.

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3. Briefcases or containers in the possession of attorneys, ministers, public officials, and other professionals entering the prison may be searched for contraband. Documents may be inspected, but shall not be read.
4. All individuals shall be subject to pat down or frisk searches by officers of the same gender as the individual.
5. Pat down or frisk searches shall be conducted in a dignified manner with as much privacy as can be reasonably afforded. Prior to any strip search of individuals by Corrections personnel, the individual shall be requested to consent to the search.
6. Any individual who refuses to be searched prior to entry shall be denied entry to the institution.
7. Strip searches or body cavity searches of individuals shall be conducted only after approval of the Warden or his designee.
8. The Warden or his designee may approve strip searches or body cavity searches of individuals only with reasonable suspicion that a felony is being committed.
9. Strip searches shall be conducted by members of the same sex as the person being searched and in a professional, non-abusive manner under sanitary conditions.
10. Probing and physical examination of body cavities during a body cavity search shall be done by an institutional medical professional in private. Physical examination of body cavities shall only take place after a thorough frisk or pat down search has been conducted.
11. Juveniles shall be afforded the same consideration as adults if being searched. In addition, a parent or a legal guardian of a juvenile shall be present, consent to the search, and encouraged to observe the search.
12. If probable cause exists that a felony has been or is in the process of being committed, only the Warden or his designee may order the temporary detention of an individual until local law enforcement officials arrive.
 - a. Upon arrival of law enforcement officials, the individual shall be released to their custody.
 - b. The detention shall be in a manner that the individual cannot dispose of the evidence.

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13. Exit searches of individuals shall be prohibited unless the officer has probable cause to suspect that the individual leaving is carrying some document or item related to an escape, escape attempt, contraband, dangerous contraband, or stolen property.
14. Individuals' vehicles may be searched if permission has been granted by the individual and a consent form signed. The consent form shall also authorize a search of all areas and items in the vehicle including luggage, containers, or other articles.
15. If the individual does not grant permission for a vehicle search, only the Warden or his designee may authorize asking local law enforcement officials to search the vehicle if there is probable cause that a felony has been or is in the process of being committed involving the vehicle.
16. If the individual refuses to permit a strip search and there is probable cause to believe that he is committing or has committed a felony, staff shall obtain the approval of the Warden or his designee and may detain the individual for a reasonable time and seek a search warrant. The institution shall contact the local authorities to request that a warrant be obtained, unless there is an agreement with the authorities that the institution seek a warrant directly from the appropriate district or circuit court judge. If the search reveals that a felony has been committed, local or state law enforcement shall be notified for the arrest and detention of the individual.

C. Search Policy for Employees

1. Any individual who knowingly introduces contraband or dangerous contraband into an institution operated by Corrections or a private correctional institution may be prosecuted as provided in KRS 520.050 and 520.060.
2. Employees shall be subject to pat down or frisk searches at any time if authorized by the shift supervisor.
3. If approved by the Warden or his designee, random pat down or strip searches of employees may occur:
 - a. in order to control contraband from being introduced, or
 - b. if a reason exists to believe staff are introducing contraband.
4. If approved by the Warden or his designee, an employee may be strip searched if reasonable suspicion exists to believe an employee is introducing or removing contraband.

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5. Searches of employees shall follow the same guidelines as given for searches of individuals:
 - a. Searches of employees shall be made by members of the same gender as the person being searched.
 - b. Strip searches shall be made in a professional, non-abusive manner under sanitary conditions.
 - c. Probing and physical examination of body cavities or any touching shall be done by an institutional medical professional in private.
 - d. A physical examination of body cavities shall only take place after a thorough frisk or pat down search has been conducted.
6. Search of an employee's vehicle may be conducted only if:
 - a. reasonable suspicion exists to believe a felony has been or is being committed;
 - b. the vehicle is on institutional property; and
 - c. authorized by the Warden or his designee.

D. Search Policy for Vehicles Entering the Institutions

1. Efforts shall be made to reduce vehicle traffic entering institutional compounds to the minimum essential to meet the needs of the institution.
2. Vehicles that may afford an escape opportunity and that may be difficult to search, such as large delivery vans, and trucks, shall be kept under visual observation by staff at all times while on institutional grounds.
3. All vehicles entering or exiting a secured area of an institution shall be thoroughly searched to prevent the introduction of contraband or dangerous contraband, and to prevent escape attempts by inmates.

E. Searches with Trained Dogs

Dogs trained in detection, if handled by trained handlers, may be used in searches of inmates, visitors, staff, and vehicles. Without reasonable suspicion, dogs to detect drugs shall only be used in a random search of inmates, visitors, staff members, or vehicles passing a given point or within a given area.

F. Policy for Seizure of Property

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1. General Property

If property, except contraband or dangerous contraband, is taken from an inmate or from his cell or living area, the inmate shall be issued a receipt for the property.

- a. The receipt shall include:
 - (1) the inmate's name and number,
 - (2) the date,
 - (3) a description of the property, and
 - (4) a description of its general condition.
- b. The receipt shall be signed by the staff member taking the property and countersigned by the inmate concerned.
- c. A copy of the receipt shall be sent along with the property to the Property Officer who shall hold the property until its proper disposition has been determined.

2. Contraband or Dangerous Contraband

- a. Items considered contraband or dangerous contraband shall not require a receipt. However, receipts may be offered if there is a question as to whether or not the item is contraband, since a determination in favor of the inmate may result in a requirement that the property be returned to the inmate.
- b. Items considered contraband or dangerous contraband shall be hand delivered by the employee confiscating the property to the appropriate authority for preservation and safe-keeping as evidence.
 - (1) A chain of custody document shall be completed.
 - (2) The property shall be kept in an evidence locker, safe, or other secure place until its final disposition has been determined.
 - (3) The determination regarding final disposition shall be made by the Warden or his designee, and may include turning the property over to the State or other police authority, for destruction. If an item is determined to not be contraband

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or dangerous contraband, it shall be returned to the inmate for use, storage, or to be sent out of the institution.

- G. A search shall be conducted in accordance with this CPP unless an emergency or exigent circumstance warrants deviation. In an emergency, the circumstances of the emergency and the deviation from the policy shall be fully documented and justified by the appropriate personnel.

KENTUCKY DEPARTMENT OF CORRECTIONS
ADULT SEARCH CONSENT FORM

My name is _____ . I am over 18 years of age.

I understand that I have been asked to allow a search of my person which shall involve the removal of my clothing and a search of certain body cavities by medical personnel. I understand that this is a purely voluntary procedure and that I may refuse and leave the institution unless you have probable cause to temporarily detain me. If a body cavity search is conducted, I understand this cavity search shall be conducted by trained, medical personnel and that in no case shall I be touched during the cavity search by anyone except medical personnel.

Understanding all these facts, I give my permission for the search as evidenced by my signature this _____ day of _____, 2____.

Signature

Witness

KENTUCKY DEPARTMENT OF CORRECTIONS
CHILDREN SEARCH CONSENT FORM

My name is _____ . I am the parent or guardian for _____, who is a minor under the age of 18. I understand that I have been asked to allow a search of his or her person that shall involve the removal of his or her clothing and a search of certain body cavities by medical personnel. I understand that this is purely a voluntary procedure and that I may refuse permission and leave the institution unless you have probable cause to temporarily detain us. If a body cavity search is conducted, I understand this cavity search shall be conducted by trained, medical personnel and that in no case shall he or she be touched during the cavity search by anyone except medical personnel.

Understanding all these facts, I give my permission for the search as evidenced by my signature this _____ day of _____, 2____.

Signature

Witness

CONSENT TO SEARCH

I, _____, knowing that I have a right to refuse a search of my motor vehicle, do hereby voluntarily authorize and permit staff at the _____
_____ to make a complete search of my vehicle including luggage, containers or any other articles inside the vehicle and to take possession of any item that constitutes contraband on prison grounds.

I am giving this written permission to these officers freely and voluntarily without any threats or promises having been made, and after having been informed that I have the right to refuse this search and leave the institution.

Dated this _____ day of _____, 2____.

(Signature of Person Consenting to Search)

WITNESSES: _____

Date: _____ Time: _____