



Program Statement

OPI: CPD
NUMBER: 5521.05
DATE: June 30, 1997
SUBJECT: Searches of Housing Units,
Inmates, and Inmate Work Areas

1. **[PURPOSE AND SCOPE §552.10.** In order to further the safe, secure, and orderly running of its institutions, the Bureau of Prisons conducts searches of inmates and of inmate housing and work areas to locate contraband and to deter its introduction and movement. Staff shall employ the least intrusive method of search practicable, as indicated by the type of contraband and the method of suspected introduction.]

Non-intrusive sensors should be used whenever feasible. When searches are required, staff shall avoid unnecessary force and strive to preserve the dignity of the individual being searched.

2. PROGRAM OBJECTIVES. The expected results of this program are:

- a. Inmates will live and work in a safe and orderly environment.
- b. Contraband will be controlled.
- c. Searches of inmates and housing and work areas will be conducted without unnecessary force and in ways that, insofar as is practical, preserve the dignity of inmates.

3. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 5521.04 Searches of Housing Units, Inmates, and
Inmate Work Areas (05/06/91)

b. Directives Referenced

PS 5270.07 Inmate Discipline and Special Housing Units
(12/29/87)

[Bracketed Bold - Rules]

Regular Type - Implementing Information

[(1) Staff may conduct a visual search where there is reasonable belief that contraband may be concealed on the person, or a good opportunity for concealment has occurred. For example, placement in a special housing unit (see 28 CFR 541, subpart B), leaving the institution, or re-entry into an institution after contact with the public (after a community trip, court transfer, or after a "contact" visit in a visiting room) is sufficient to justify a visual search. The visual search shall be made in a manner designed to assure as much privacy to the inmate as practicable.]

28 CFR 541, subpart B, refers to the Program Statement on Inmate Discipline and Special Housing Units. Except in minimum security institutions, inmates must undergo a visual search when leaving the institution, for whatever reason (even when being released). Examples of other situations requiring visual searches include:

- processing an inmate into an institution through Receiving and Discharge,
- placing an inmate in the Control Unit, and
- conducting periodic visual searches of inmates returning from outside work details.

[(2) Staff of the same sex as the inmate shall make the search, except where circumstances are such that delay would mean the likely loss of contraband. Where staff of the opposite sex makes a visual search, staff shall document the reasons for the opposite sex search in the inmate's central file.]

While post assignments may not be restricted on the basis of sex, a staff member may not perform routine visual searches of inmates of the opposite sex, such as could be required by assignment to such posts as the visiting room and receiving and discharge units.

[c. Digital or Simple Instrument Search. Inspection for contraband or any other foreign item in a body cavity of an inmate by use of fingers or simple instruments, such as an otoscope, tongue blade, short nasal speculum, and simple forceps. A digital or simple instrument search may be conducted only by designated qualified health personnel (for example, physicians, physician assistance, and nurses) upon approval of the Warden or Acting Warden and only if the Warden or Acting Warden has reasonable belief that an inmate is concealing contraband in or on his person. If located, the contraband or foreign item may be removed immediately by medical staff if such removal can easily be effected by use of fingers or the simple instruments referred to above.

Staff shall document all digital and simple instrument searches and the reasons for the searches in the inmate's central file.]

Persons of the opposite sex from the inmate may not observe the digital or simple instrument search.

To document the search staff shall use the Search for Contraband: Digital, Simple Instrument, X-Ray Examination form (BP-313).

[(1) Staff shall solicit the inmate's written consent prior to conducting a digital or simple instrument search. However, the inmate's consent is not required.

(2) Staff may not conduct a digital or simple instrument search if it is likely to result in physical injury to the inmate.]

7. [CLOSE OBSERVATION §552.12] ("DRY CELL" STATUS). [When there is reasonable belief that an inmate has ingested contraband or concealed contraband in a body cavity and the methods of search specified in §552.11 are inappropriate or likely to result in physical injury to the inmate, the Warden or designee may authorize the placement of an inmate in a room or cell for the purpose of staff's closely observing that inmate until the inmate has voided the contraband or until sufficient time has elapsed to preclude the possibility that the inmate is concealing contraband.]

Such placement is commonly referred to as "dry cell" status. Section 552.11 refers to Section 5 of this Program Statement.

- Regular duty hours: The Warden or designee may authorize dry cell status.
- Other times: The Warden's designee, ordinarily the Operations Lieutenant, in consultation with the Duty Officer and Administrative Duty Officer, may authorize dry cell status.

Dry cell status is often appropriate when staff believe an inmate has ingested contraband. Ordinarily, when staff believe that a female inmate has concealed contraband in her vagina, dry cell status is not the appropriate search method, since it is possible for her to thus conceal contraband for an extended period of time.

Ordinarily, an inmate, of either gender, will not be able to conceal contraband in his or her anal cavity for an extended period of time.

[a. The length of close observation status will be determined on an individual basis. Ordinarily, the Captain, in consultation with qualified health personnel, shall determine when termination is appropriate. The status of an inmate under close observation for as long as three days must be reviewed by the Segregation Review Official (SRO) according to the provisions in §541.22(c) of this chapter, and the initial SRO review conducted within three work days shall be a formal hearing. Maintaining an inmate under close observation beyond seven days requires approval of the Warden, who makes this decision in consultation with the Captain and qualified health personnel.]

Section 541.22 (c) refers to Chapter 9 of the Program Statement on Inmate Discipline and Special Housing Units. That section, which applies to review of inmates housed in administrative detention, requires that the SRO conduct a record review within three work days; however, **for an inmate in dry cell status**, a formal in-person hearing is required.

Since it is unlikely that the objective of dry cell status will not be achieved within seven days, prior approval of the Warden, in consultation with the Captain and appropriate medical staff, is required to continue dry cell status beyond seven days.

[b. The supervising staff member shall be the same sex as the inmate and shall maintain complete and constant visual supervision of the inmate.]

The inmate shall never be allowed freedom to move around unsupervised, or be given the opportunity to dispose of any objects he/she may be concealing.

(1) The supervising staff member shall be issued a portable radio and flashlight.

(2) A daily log and Special Housing Unit Record shall be maintained on each inmate in dry cell status.

(3) Watch calls shall be made by radio.

(4) The Lieutenant shall ensure staff have reviewed the Post Orders prior to assuming the post. If it is necessary for the staff member to leave the area, the Operations Lieutenant shall provide a relief person. The Operations Lieutenant shall brief that person of his/her responsibilities. The inmate must not be left unattended during the relief period.

(5) Trash may not be allowed to accumulate and each item shall be thoroughly searched before disposal.

(6) The inmate is to be given a visual search prior to placement in the room and issued a jump suit (or other suitable loose-fitting clothing). The inmate is to be given a visual search and the inmate's living area must be thoroughly searched at least once each shift, being careful not to set a pattern. Prior to each search, the Operations Lieutenant must be notified and a second person provided for inmate supervision.

(7) Staff shall notify the Operations Lieutenant when contraband is found. The staff member shall secure the contraband in a plastic evidence bag, and proper documentation and chain of evidence shall be maintained.

[c. The supervisor responsible for initiating the close observation watch shall advise the inmate of the conditions and of what is expected.]

Documentation of this notification is to be made through the Administrative Detention Order form (BP-308(52)).

[(1) The inmate shall be required to provide a urine sample within two hours of placement under close observation in accordance with the provisions of §550.30 of this chapter on urine surveillance. A second urine sample is required prior to releasing the inmate from close observation.]

§ 550.30 of this chapter refers to the Program Statement on Urine Surveillance to Detect and Deter Illegal Drug Use.

[(2) The light will be kept on at all times.]

(3) No inmate under close observation status may be allowed to come into contact with another inmate.

(4) The inmate ordinarily may not be allowed personal property while under close observation status, except legal and personal mail and a reasonable amount of legal materials when requested. Personal hygiene items will be controlled by staff.

(5) When the inmate is lying on a bed, the inmate shall be required to lie on top of the mattress in full view, weather and room temperature permitting. When necessary for the inmate to use cover, hands must remain visible at all times so that staff can observe any attempt to move contraband.]

An inmate might attempt to remove and/or insert contraband from or into a body cavity, so it is important to constantly observe his or her hands.

[(6) Due to security concerns, the inmate ordinarily may not be permitted recreation outside of the cell.]

(7) The inmate is to be served the same meals as those served to the General Population unless medically contraindicated.]

All meals are to be inspected for contraband prior to delivery to the inmate. Any food remaining after the meal, as well as the utensils and tray, are to be thoroughly inspected before being sent back to Food Service.

[(8) No medications may be given to the inmate except for those prescribed and given by hospital personnel. No laxatives may be given except natural laxatives, i.e., coffee, prune juice, etc.]

(9) When the inmate needs to urinate and/or defecate, the inmate will be furnished an empty hospital bed pan.]

Staff supervising the inmate shall notify the Operations Lieutenant, who shall furnish a second staff member for supervision. Using rubber gloves, and forceps or a tongue depressor, staff shall closely inspect the results to ascertain whether any contraband is present.

[(10) When the inmate requests to shave, to brush teeth, or other such request, a wash pan and container of water is to be provided for use in the cell.]

(11) Institution staff shall be available to the inmate upon request, within reason and within the bounds of security concerns.]

d. Each Captain shall develop Post Orders providing guidance to staff supervising an inmate on dry cell status. Consideration should be given to the use of video camera during the dry cell status.

e. Any questions, emergency, or other situation which arises shall immediately be brought to the attention of the Operations Lieutenant. It is the supervising employee's responsibility to ensure the inmate does not dispose of any concealed item, or to allow an activity which would allow the inmate access to it, thereby jeopardizing the security and good order of the institution, staff, and inmates.

f. It is recommended that one or more rooms or cells be identified as dry cells that meet the following requirements:

(1) The room should be free of hiding places and be equipped with only a bed.

(2) Doors should have proper observation panels to protect staff and to allow unobstructed observation.

(3) Windows in the dry cell shall have a security screen to prevent loss of contraband.

(4) If the designated area is equipped with a toilet and/or sink, the water to the cell should be shut off, and removed prior to the inmate's being allowed into the room. The water shall remain off for the duration of the dry cell process.

(5) Prior to placement of an inmate in dry cell status, the room to be used should be completely searched and determined to be free of contraband. Potential hiding places, if any, for the contraband shall be noted.

8. [X-RAY, MAJOR INSTRUMENT, FLUOROSCOPE, OR SURGICAL INTRUSION
§552.13

a. The institution physician may authorize use of a fluoroscope, major instrument (including anoscope or vaginal speculum), or surgical intrusion for medical reasons only, with the inmate's consent.]

The use of a fluoroscope, major instrument, or surgical intrusion may be authorized only for medical reasons. The inmate's consent is needed prior to this use.

[b. The institution physician may authorize use of an X-ray for medical reasons and only with the consent of the inmate. When there exists no reasonable alternative, and an X-ray examination is determined necessary for the security, good order, or discipline of the institution, the Warden, upon approval of the Regional Director, may authorize the institution physician to order a non-repetitive X-ray examination for the purpose of determining if contraband is concealed in or on the inmate (for example: in a cast or body cavity). The X-ray examination may not be performed if it is determined by the institution physician that it is likely to result in serious or lasting medical injury or harm to the inmate. Staff shall place documentation of the examination and the reasons for the examination in the inmate's central file and medical file.]

For purpose of this rule, theoretical harm which might result from a single X-ray exposure does not constitute a situation likely to result in serious or lasting medical injury or harm to the inmate.

[(1) The Warden and Regional Director or persons officially acting in that capacity may not redelegate the authority to approve an X-ray examination for the purpose of determining if contraband is present. An Acting Warden or Acting Regional Director may, however, perform this function.]

When the case requires the Warden's approval, and the situation occurs when neither the Warden or Acting Warden is available, the Institution Duty Officer or Administrative Duty Officer should be contacted. Upon determining that an X-ray examination appears warranted, the Duty Officer is to contact the Regional Director or Acting Regional Director for an approval to conduct the examination.

A copy of the completed BP-313 shall be forwarded to the Regional Director who authorized the search.

[(2) Staff shall solicit the inmate's consent prior to the X-ray examination. However, the inmate's consent is not required.]

c. The Warden may direct X-rays of inanimate objects where the inmate is not exposed.]

When the case requires Warden's approval and the situation occurs when the Warden is not available, this function may be performed by the Acting Warden, Institution Duty Officer, or Administrative Duty Officer. The authority is not delegated to any other staff member.

Procedures for disposition of contraband found shall be developed locally and in accordance with the FBI and U.S. Attorney requirements for possible prosecution.

9. **SEARCH OF INMATE HOUSING AND WORK AREAS §552.14**

a. Staff may search an inmate's housing and work area, and personal items contained within those areas, without notice to or prior approval from the inmate and without the inmate's presence.]

Searches of housing units and of work areas shall be completed as outlined in the Correctional Services Manual. Each institution shall establish procedures to ensure all housing units and work areas are **searched routinely, but irregularly**, since such inspections are primarily designed to:

- detect contraband,
- prevent escapes,
- maintain sanitary standards, and
- eliminate fire and safety hazards.

When there is a question of legitimacy of some religious article, the Chaplain should be consulted.

Staff shall maintain written documentation of each housing unit search within the individual housing unit. Work areas (including industries) shall be searched each work day by shop supervisors, and these inspections shall be supplemented with periodic searches by regular search teams. Documentation of daily searches is not required, however, these should be informally monitored to ensure compliance. The Captain shall maintain documentation of search team inspections.

[b. Staff conducting the search shall leave the housing or work area as nearly as practicable in its original order.]

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