

Searches – Pat Searches & Strip Searches

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Title: *Searches – Pat Searches & Strip Searches* Detention Division Version: 10.11.16

1.0 POLICY STATEMENT

The Sheriff's Office may conduct pat searches of inmates, arrestees and some visitors for the purpose of preventing the introduction of weapons and contraband into detention facilities. Inmates in the custody of the Sheriff's Office are also subject to strip searches and visual body cavity searches for the same reason, based on a legitimate penological interest to maintain safety and security. All searches shall be conducted in accordance with applicable state and federal law.

2.0 DEFINITIONS

Body Cavity	The stomach or rectal cavity of a person and the vagina of a female person.
Contraband	Any material, substance, or other item not approved or issued by the Facility Staff to be in possession of inmates; items in excess of the number or amount approved for possession by inmates.
Facility Search	A strip search of inmates conducted pursuant to intelligence gathered by Correctional Staff indicating that one inmate or a group of inmates may be concealing weapons or other contraband while in the facility.
Forcible Strip Search	A strip search performed without an inmate's consent, in which reasonable force may be used for the purpose of locating weapons or other contraband.

Physical Body Cavity Search	The physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity.
Strip Search	A search which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person.
Visual Body Cavity Search	The visual inspection of a body cavity during a strip search.
Pat Search	A thorough manual search of a clothed individual, including but not limited to a search of all pockets, shoes and socks of the inmate.

3.0 MANDATES

Penal Code § 4030

Bull v. City & County of San Francisco, 595 F.3d 964 (9th Cir. 2010)

Florence v. Board of Chosen Freeholders of County of Burlington, 132 S. Ct. 1510 (2012)

Prison Rape Elimination Act of 2003

[Department of Justice National PREA Standards](#)

28 CFR 115.5

4.0 GENERAL INFORMATION

- A. **Strip searches included within policy.** For the purposes of this policy, the term "strip search" refers to strip searches, visual body cavity searches and forcible strip searches, as defined in section 2.0 Definitions, above.
- B. **Scope of policy on strip searches.** While a strip search necessarily involves the removal of some or all of an arrestee/inmate's clothing, not all clothing removals constitute or necessitate a strip search under the terms of this policy. For example, removal of an arrestee/inmate's clothing due to concerns that they may be suicidal is done solely out of concern for the safety of the person (refer to: Safety Cell Use).
- C. **Purpose of pat searches and strip searches.** The purpose of pat searches and strip searches shall be to locate concealed weapons or contraband that could impact the Sheriff Office's ability to maintain safety and security in its detention facilities; searches shall not be conducted for purposes of punishment or retaliation, or for any other purpose inconsistent with this policy.
- D. **Housing population.** Based on the specific security protocols and nature of the Sonoma County detention facilities, all inmates housed in the detention facilities have direct and/or indirect contact with other inmates in the housing modules and common areas, and thus no distinction between different levels of housing or classification is made in this policy with respect to strip searches.

- E. **Violation of 4030 PC.** A person who knowingly and willfully authorizes a strip search in violation of Penal Code § 4030 is guilty of a misdemeanor (see Penal Code 4030(n)).
- F. **Strip searches and religious head coverings:** A strip search may necessitate the removal of a head covering worn for religious purposes to preserve modesty. (Refer to: Religious Accommodations and Diets policy.)
- G. **Transgender or intersex inmates.** Transgender or intersex inmates shall not be searched or examined for the sole purpose of determining the inmate's genital status, If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- H. **Pat Searches.** All correctional staff shall receive training annually how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

5.0 PAT SEARCHES – CONDITIONS AND PROCEDURES

- A. **Conditions to conduct pat searches.** A pat search may be conducted on any arrestee or inmate at any time. Pat searches shall be conducted whenever an inmate leaves or enters a housing module/unit and/or the facility. Visitors who do not clear the metal detector may be pat searched before entering the facility for their visit.
- B. **Pat search protocols.** The following protocols shall apply to all pat searches.
 - 1. Inmates being booked into the facility will remain handcuffed until a pat search has been completed.
 - 2. All inmates being dressed in for housing will be pat searched prior to entering the dress-in booth whether or not the inmate is eligible to be strip searched.
 - 3. Protective gloves shall be provided by the Department and worn by the Deputy anytime a pat search is conducted.
 - 4. Female inmates may only be pat searched by female Deputies, except in exigent circumstances. Female inmates' access to regularly available programming or other out-of-cell opportunities shall not be restricted in order to comply with this provision.
- C. **Pat search procedures.** To conduct a pat search, a deputy shall comply with the following.
 - 1. Barring exigent circumstances, male Correctional Staff are prohibited from pat searching female inmates. All cross gender pat searches of female inmates by male Correctional Staff shall be documented in an incident report.

2. In booking, arrestees/ inmates shall be pat searched prior to entering the secure perimeter. When possible, the Medical/ Mental Health Screening form will be completed prior to the pat search.
3. Visually check the inmate for physical abnormalities and obvious items of contraband.
4. Remove and search any prosthetic device the inmate may have, with the exception of false eyes. The Deputy shall return the device to the inmate unless it is deemed a possible safety and/or security risk. (Refer to: [Disability-Accommodations](#)).
5. Remove and search any wig or hairpiece the inmate may have. The Deputy shall return the wig or hairpiece to the inmate, who may retain possession of the item until they are dressed in for housing.
 - a. Wigs and hairpieces that are removable will be placed in the inmate's property at dress-in.
 - b. Inmates who have hair extensions are not required to remove them during the initial search or when being housed. At any time the extensions grow out and/or are easily removed, they shall be removed and placed in the inmate's property.
6. **Contraband discovered.** Contraband found during a booking pat search shall be turned over to the Arresting Officer. If contraband is found during any other pat search, the procedures in [Contraband and Evidence – Collecting, Storage and Disposition](#) shall apply.

6.0 STRIP SEARCHES – CONDITIONS AND REQUIREMENTS

6.1 CONDITIONS FOR STRIP SEARCHES

- A. **Arrestees/Inmates generally eligible to be strip searched.** All arrestees/inmates are subject to being strip searched immediately before or during their jail housing *unless* they are being held pre-arraignment for misdemeanor/infraction offenses that do not involve weapons, controlled substances, or violence. All inmates held post-arraignment are subject to being strip searched regardless of the nature of their criminal charges or detention. Completion of Authorization for Strip Search Forms is not required to strip search inmates who are generally eligible for such searches.
 1. **Exception for inmates ordered released.** However, inmates who have been ordered released by the Court (and have no holds) but remain in temporary custody pending release shall not be strip searched unless there is reasonable suspicion to believe the inmate is concealing a weapon or contraband, and that a strip search would result in the discovery of the weapon/contraband. Such

reasonable suspicion shall be documented on an [Authorization for Strip Search](#) Form, which must be approved by a Correctional Supervisor prior to the search.

- B. Arrestees/Inmates not generally eligible to be strip searched.** All pre-arraignment arrestees/inmates held for misdemeanor/infraction offenses not involving weapons, controlled substances, or violence shall not be strip searched unless:
1. The arrestees/inmates have had direct contact with outside parties (e.g., inmates have had contact visits with friends, families, or outside professionals; inmates have returned from court without a release order; inmates have returned from an out-of-facility activity such as a medical appointment, temporary release, or transfer between facilities);
 2. A facility search has been authorized; or
 3. An [Authorization for Strip Search](#) Form has been completed and approved by a Correctional Supervisor.
- C. Strip searches immediately prior to housing.** An arrestee/inmate's general eligibility to be strip searched will be documented during the booking process on the Inmate Management Card. All arrestees/inmates eligible for a strip search will be strip searched immediately before being housed in the jail.
1. **Arrestees who will not be housed in jail.** No person arrested and held in custody shall be strip searched if it is reasonably expected that he/she will be released (i.e., through a cite and release, bail, or own recognizance release) before being placed into housing. However, even in such circumstances, a strip search may be conducted if there appears to be a threat to the safety or security of the facilities or persons; in such cases, an [Authorization for Strip Search](#) form must be completed and approved by a Correctional Supervisor prior to the search.
- D. Strip searches based on inmate contact with third parties.** All inmates may be strip searched after they have had direct contact with third parties. Such third party contacts include inmate contact visits with friends, families, or outside professionals; inmates returning from court without a release order; inmates returning from an out-of-facility activity such as a medical appointment, temporary release, or transfer between facilities.

6.2 CONDITIONS FOR ISSUING AUTHORIZATION FOR STRIP SEARCH

- A. Reasonable suspicion required.** If an arrestee/inmate is not subject to being strip searched without an Authorization for Strip Search Form (refer to Section 6.1, above), he/she shall be strip searched only if a Peace Officer reasonably suspects that he/she is concealing a weapon or other contraband, and that a strip search would likely result in the discovery of the weapon/contraband.

1. **Reasonable suspicion factors.** Reasonable suspicion to conduct a strip search must be based on specific and articulable facts, which may include:
 - a. The arrestee's criminal history, arrest history, parole/probation history, and/or in-custody history includes violence, weapons, drugs, serious types or significant numbers of entries, and/or other factors which would indicate the possibility that the arrestee might carry or attempt to conceal weapons or other contraband into the facility.
 - b. The particular appearance of the arrestee/inmate, including conduct prior to, during, or following arrest; conduct at the jail during the booking process; or general actions indicating that the arrestee/inmate is possibly concealing weapons or other contraband.
2. **Information demonstrating reasonable suspicion.** A Peace Officer's reasonable suspicion that an arrestee/inmate is concealing a weapon or contraband, and that a strip search would result in the discovery of the weapon/contraband, may be based on reliable information provided by other persons (who are not Peace Officers).
3. **Authorization for a Strip Search.** Upon a determination that reasonable suspicion exists to conduct a strip search, the Peace Officer must document the specific and articulable facts demonstrating reasonable suspicion on an [Authorization for Strip Search](#) Form to request a strip search, which must be approved by a Correctional Supervisor prior to the search.
 - a. The original Authorization for Strip Search Form shall be placed in the arrestee/inmate's "D-file".
 - b. If an incident report is written the Deputy writing the report shall attach a copy of the Authorization for Strip Search form to the report.

6.3 CONDITIONS FOR FACILITY SEARCHES

- A. **Facility search conditions.** All facility searches involving strip searches shall be based on specific, articulable facts indicating the possible presence of weapons or other contraband in a designated area of the facility. Facility searches shall be approved by a Correctional Supervisor, and documented on an incident report.

7.0 STRIP SEARCHES – PROCEDURES

7.1 CONDUCTING STRIP SEARCHES

- A. **Initiation of strip search and privacy requirements.** To begin a strip search, the Deputy shall escort the arrestee/inmate into an area which shall provide privacy for the search.

1. **Searches to be viewed only by Deputies participating in search.** All strip searches shall be conducted in an area of privacy so that the search cannot be observed by any person not participating in the search. Persons are considered to be participating in the search if their official duties relative to search procedure require them to be present at the time the search is conducted. Deputies in training or conducting training, or Deputies filming the search pursuant to facility protocols, may observe the search as participants.
2. **No group inmate searches.** Inmates shall not be strip searched within the sight of other inmates.

B. **Strip search requirements.** When conducting a strip search, Deputies shall comply with the following:

1. **Same sex requirement.** Any person conducting or otherwise present during a strip search must be of the same sex as the person being searched, except for physicians, licensed medical personnel, or if exigent circumstances require otherwise.
 - a. In the event exigent circumstances require that a person of the opposite sex participate in a strip search, all reasonable actions shall be taken to prevent the person of the opposite sex from viewing the body cavities, breasts, buttocks, or genitalia of the person being searched. All cross gender strip searches shall be documented in an incident report.
 - b. When conducting a strip search of a transgender, the sex of the Deputies chosen to conduct or participate in the search shall be determined based on the predominate sexual characteristics of the genitalia of the transgender being searched.
2. **Touch prohibitions.** Deputies shall not deliberately touch the breasts, buttocks, or genitalia of the person being searched.

C. **Results of search.** Deputies shall document the results of any strip search on the Authorization for Strip Search form and/or incident report, as applicable, and shall comply with the following.

1. **Location of weapons or contraband.** Any weapons or contraband located and seized pursuant to a search should be disposed of according to the requirements of [Contraband and Evidence – Collecting, Storage and Disposition](#).
2. **Weapons or contraband visible.** If any weapons or contraband are visible in a body cavity of an inmate, the Deputy shall handcuff the inmate and refer to the requirements of [Searches - Body Cavity](#).

D. **Conclusion of search.** At the conclusion of a strip search, the inmate shall be issued clothing and allowed to dress in privacy, outside the purview of any staff or inmates. Deputies may be present when the inmate's behavior presents a risk to safety and security.

7.2 CONDUCTING FORCIBLE STRIP SEARCHES

- A. **Arrestee/inmates' refusal to comply with strip search.** Should an arrestee/inmate refuse to comply with a Deputy's request to conduct a strip search, the Deputy shall notify the Correctional Supervisor and request direction.
- B. **Reasonable attempts to gain compliance.** The Correctional Supervisor, or Deputy under his/her supervision, shall use reasonable efforts to attempt to convince the arrestee/inmate to submit to the strip search voluntarily, and shall notify the arrestee/inmate that he/she shall be forcibly strip searched if he/she does not comply.
1. **Additional measures.** If the Correctional Supervisor determines that there is a reasonable possibility of obtaining the arrestee/inmate's compliance through additional measures, then he/she may direct Deputies to take one or more of the following actions in an effort to gain compliance:
 - a. Place the inmate in a holding cell unrestrained.
 - b. Place the inmate alone in a holding cell still restrained, based on legitimate security needs.
 - c. Place the inmate in a restraint chair so he/she cannot remove the item pending further action (refer to: [Restraint Chair Use](#)).
 2. **Failure of additional measures.** If such additional measures intended to gain an arrestee/inmate's compliance to submit to a strip search continue to fail after a period of approximately 1 hour, then the Correctional Supervisor may direct Deputies to conduct a forcible strip search.
- B. **Preparing to conduct a forcible strip search.** Before conducting a forcible strip search, Deputies shall take the following actions:
1. Restrain the arrestee/inmate using handcuffs or waist chains and leg irons, as appropriate.
 2. Utilize a metal detector to identify any metal weapons or contraband that may be concealed.
 3. Conduct a thorough pat search of the arrestee/inmate to determine if there are easily- discovered items of contraband in his/her possession.
- C. **Conducting a forcible strip search.** Deputies shall direct the arrestee/inmate to an appropriate area for a forcible strip search (e.g. a Safety Cell, the handicap shower in Booking, etc.), and shall use only that force which is reasonable for the purpose of locating weapons or contraband. All other strip search requirements set forth in this policy are applicable to forcible strip searches.

D. **Video and written documentation required.** All forcible strip searches shall be video recorded. In addition, the Correctional Supervisor shall designate a Deputy to write an [Incident Report](#) documenting the facts of the forcible strip search as well as actions taken to obtain the inmate's compliance; a copy of the video recording shall be included with the report.

8.0 REVISION HISTORY

Version 5.06.03 - Revised 6/12/2003

Version 6.10.09 - Revised 10/20/2009 (This Version replaces MADF Version 5.06.03) This Policy was completely revised and merged into a Detention Division Policy.)

Version 7.07.10 - Revised 07/21/2010 (Merges and replaces Detention Division policy Searches-Pat Version 03.09.08)

Version 8.09.12 - Revised 9/2012 (Renamed Searches – Pat Searches and Strip Searches)

Version 9.11.14 – Revised 11/2014

Version 10.11.16 – Revised 11/2016