

WEBER COUNTY CORRECTIONAL FACILITY

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Chapter

JF 03 - SEARCHES

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JF 03/01.00 **GENERAL**

JF 03/01.01 **Purpose**

The purpose of this chapter is to provide the Weber County Correctional Facility's policy, procedure, rationale, and other requirements for conducting personal searches of inmates.

JF 03/01.02 **Cross Reference**

Title VII 1964 Civil Rights Act

JF 03/01.03 **Definitions**

BFOQ Bona Fide Occupational Qualifications

DBC Digital Body Cavity

digital body cavity search (DBC) a search which includes not only a visual inspection of the orifices of the anus and/or vagina, but also a probing of the rectum and/or vagina for contraband

exigence a situation requiring immediate action, assistance, or resolution; something arising suddenly out of current events; pressing need or demand

frisk search a search in which an officer rubs or pats the subject's body over his clothing to attempt to detect contraband

hermaphrodite a person born with both male and female sex organs

incidental contact for purposes of this chapter, refers to inadvertent or minor contact with the genitals, anus, or other area during a frisk search in an effort to detect contraband

lateral for purposes of this chapter, refers to the outside surface of the part being searched

medial for purposes of this chapter, refers to the inside surface of the part being searched

rub search essentially the same as a frisk or pat search, but involving a more thorough, or intensive search

strip search a search which involves the visual inspection of a disrobed subject

subject	person being searched or to be searched
Title VII	for purposes of this chapter, refers to Title VII of the 1964 Civil Rights Act
transsexual	a person who has undergone surgery and hormone injections to effect a change of gender
transvestite	a person (generally a male) who derives pleasure from dressing in the clothing of the opposite sex; a person who uses dress, make-up and/or other devices to appear to be of the opposite gender
VBC	Visual Body Cavity
venue	location
visual body cavity search (VBC)	a search which involves the visual inspection of the anus and/or vaginal area, generally requiring the subject to bend over and spread the cheeks of the buttocks, to squat, and/or to otherwise expose body cavity orifices
WCCF	Weber County Correctional Facility

JF 03/02.00 **PERSONAL SEARCHES – SCOPE, MANNER, AND JUSTIFICATION**

JF 03/02.01 **Policy**

It is the policy of the Weber County Correctional Facility:

- A. that all searches shall be completed in a professional manner;
- B. that individuals being searched shall be afforded the privacy and sanitation requirements appropriate for the type of search being employed;
- C. that all searches shall be conducted by properly trained and/or certified persons;
- D. to conduct personal searches of inmates in a manner consistent with the requirements to the constitutions and laws of the United States and the State of Utah;
- E. to ensure that the scope of intrusion of searches is consistent with the justification required for such searches;
- F. to document the justification for intrusive searches under certain circumstances;
- G. that rub and frisk searches shall be used in those circumstances:
 - 1. when random and routine searches are required; and
 - 2. when more intrusive searches are not justified or are otherwise impractical.

JF 03/02.02 **Rationale**

- A. Because the Fourth Amendment to the U. S. Constitution forbids unreasonable searches and seizures, this section will provide a general overview of the requirements of proper searches.
- B. Restrictions on searches are necessary to protect against violations of the constitutional rights of inmates.
- C. The scope of the search, however, must not be unnecessarily restricted. Intrusive searches may be necessary to ensure the:
 - 1. safety of staff, inmates, and the community;
 - 2. security of the facility; and

3. orderly management of the facility.
- D. Searches shall be conducted in a professional and proper manner:
1. to minimize unnecessary discomfort experienced by the subject; and
 2. to ensure that the lack of professionalism does not invalidate an otherwise constitutional search.
- E. Conducting searches in a manner intended to reduce the humiliation and embarrassment which may be experienced by some search subjects, may reduce the tendency to refuse to cooperate or even to actively resist legitimate staff functions.
- F. Ensuring that properly trained and/or certified staff conduct searches will increase the likelihood that searches will be successful and constitutional.

JF 03/02.03 **Procedure: Scope of Intrusion**

- A. The types of personal searches utilized in WCCF vary in their level of intrusiveness. The more intrusive the search, the greater the potential for feelings of discomfort experienced by the prisoner being searched.
- B. For purposes of this chapter, the level of intrusiveness is listed below. The list begins with the least intrusive search and continues through the most intrusive.
1. Frisk search
 2. Rub search
 3. Strip search
 4. Visual body cavity search
 5. Digital (or probing) body cavity search.

JF 03/02.04 **Procedure: Justification for Search**

- A. A search warrant based on oath or affirmation of probable cause is the ordinary Fourth Amendment standard to justify a search. However, for inmates in jails and prisons the standard is **reasonableness**.
- B. Level of intrusiveness must be reasonable when the legitimate safety, security, and management needs of the WCCF are balanced against the invasion of the limited privacy interests of the prisoner being searched.

JF 03/02.05 **Procedure: Types of Searches**

The types of personal searches used by WCCF staff vary according to purpose, intrusiveness, benefits, and drawbacks.

A. **Frisk Searches**

Frisk searches, or pat searches, are those searches in which an officer rubs or pats the subject's body over the clothing to attempt to detect contraband. Such searches are cursory, and are less likely to discover small or well-hidden contraband.

B. **Rub Searches**

Rub searches are essentially the same as a frisk or pat search, but involving a more thorough, or intensive search. In a rub search the genital, buttocks, and breast (of females) areas are carefully rubbed in the search-areas which are missed or not carefully searched in a frisk search.

C. **Strip Searches**

Strip searches are those searches which involve the visual inspection of a disrobed subject.

D. **Visual Body Cavity Searches**

Visual body cavity searches (VBC) are strip searches which include the visual inspection of the anus and/or vaginal area, generally requiring the subject:

1. to bend over and spread the cheeks of the buttocks;
2. to squat; and/or
3. to otherwise expose body cavity orifices.

E. **Digital Body Cavity Searches**

Digital body cavity searches include not only a visual inspection of the orifices of the anus and/or vagina, but also a probing of the rectum and/or vagina for contraband.

JF 03/02.06 **Procedure: Professionalism**

- A. All searches shall be conducted in a professional manner.

- B. The more intrusive the search, the more discomfort and embarrassment may be experienced by the subject of the search.
 - 1. Staff members shall not belittle, degrade, or humiliate persons being searched.
 - 2. Verbal abuse, harassment, taunting comments, offensive or indecent words or gestures, and other teasing or humiliating comments may lead to an otherwise constitutional search being declared unconstitutional.
 - 3. Searches which are conducted in a professional manner are more likely to be upheld if challenged in court.
- C. Professional, business-like searches:
 - 1. may reduce the subject's tension and anxiety, ensuring a greater likelihood of cooperation; and
 - 2. are more likely to be thorough.
- D. Strip and visual body cavity searches result in examination of naked subjects under potentially stressful and embarrassing circumstances.
 - 1. Visual body cavity searches require close examination of the anal and genital areas with the subject in a very exposed, vulnerable posture.
 - 2. Approaching the search in a professional, business like manner should reduce the stress for both participants.

JF 03/02.07 **Procedure: Privacy**

- A. The more intrusive the search, the more likely some degree of privacy will be required.
- B. Privacy is not ordinarily a serious concern for frisk or rub searches.
 - 1. An exception may be required in the case of female prisoners being thoroughly rub searched, particularly during the pre-admission/ admission process in view of male inmates. Under such circumstances, male inmates may be inclined to make obscene comments/gestures.
 - 2. Privacy may also be required for a rub search to facilitate the needs of an investigation, or to serve some other legitimate interest of the WCCF or law enforcement officers.
 - 3. Privacy is an obvious concern for strip and visual body cavity searches.

- a. Strip and VBC searches should be done in a manner which reasonably ensures that the inmates being searched are observed only by:
 - 1) staff members conducting or assisting with the search;
 - 2) staff members working in the area; and
 - 3) other prisoners being searched at the same time.
 - b. As a matter of practical reality, strip and VBC searches may, on an infrequent basis, be observed by persons—even of the opposite gender—who are not involved in the search as they carry out assigned duties or move from one location to another in the facility. Such unplanned, infrequent, casual viewing, or viewing at a distance, shall not be considered a violation of this chapter.
- C. For strip searches, prisoners should be provided a greater degree of privacy; although that does not preclude strip searching more than one prisoner of the same gender at the same location at the same time.
- D. Visual body cavity searches should be treated in a manner similar to strip searches; however, the more embarrassing nature of the VBC search may justify greater privacy especially for arrestees during admission.
- E. Digital body cavity searches require the greatest privacy. Only those persons who are conducting the search and those persons necessary to provide security for the persons doing the search should be present.

JF 03/02.08 **Procedure: Sanitation**

- A. Sanitation is not ordinarily an issue for inmates during rub or frisk searches.
- B. Sanitation is of concern:
- 1. to inmates when intrusive searches are involved—especially, digital body cavity searches; and
 - 2. to staff for all types of searches.
- C. Sanitation may be a concern for staff members, however. Staff may be at risk of contamination as a result of:
- 1. syringe needle punctures incurred while searching the pockets, purses, bags, or other property of prisoners;

2. body lice or other vermin from infested prisoners;
 3. contact with viruses or bacteria from infected prisoners; and/or
 4. prisoners with open sores, cuts, or abrasions.
- D. Searches should be conducted in a manner which reduces the risk of contamination/infection. Extra caution should be used with persons whose appearance indicates a higher risk for exposure to infection/contamination.

JF 03/02.09 **Procedure: Qualifications to Search**

- A. To ensure that searches are conducted properly, they should be done by certified corrections officers or peace officers. When required by exigent or other circumstances, persons who are not certified may be used.
1. Non-certified persons may be used if no female officer is available for the search of a female prisoner.
 2. Before permitting a non-certified person to conduct any type of search, that person:
 - a. shall be given specific instructions as to the scope and manner of the search; and/or
 - b. shall have been previously trained in conducting searches.
- B. Searches should ordinarily be conducted by persons as the same gender as the person being searched. Exceptions to that general provision are set forth JF 03/07.00, Cross Gender Searches.
- C. Frisk searches, are limited in scope, excluding all but incidental contact with genital areas and female breasts. Thus cross-gender searches should not present a difficult problem if done properly.
- D. Digital body cavity searches shall be conducted by qualified medical professionals.

JF 03/03.00 **FRISK/RUB SEARCHES**

JF 03/03.01 **Rationale**

- A. Searches must be conducted frequently and without warning to substantially limit the willingness of inmates to risk carrying and using contraband.
- B. If only the more intrusive and thorough but time-intensive searches are used, the result will be that inmate searches do not occur with sufficient frequency.
- C. Searches are one of the critical methods employed to further the facility's legitimate safety and security interests. The levels of security and safety are directly related to the quality of the searches conducted.
- D. A systematic, uniform search procedure should result in more effective searches.

JF 03/03.02 **Procedure: Use of Frisk Searches**

A. **Purpose**

Frisk searches shall be used:

- 1. as quick, random searches which demonstrate to inmates the unpredictable and inevitable nature of searches in the facility;
- 2. in those circumstances where time is limited the more thorough rub search is impractical; and
- 3. when a more intrusive search would not be appropriate.

B. **Benefit of Frisk Searches**

- 1. Routine and random frisk searches provide the quickest means of conducting personal searches.
- 2. Frisk searches can be done in virtually any setting and without concern for privacy issues.
- 3. Frisk searches can be utilized immediately to do a cursory search for weapons and other large contraband items prior to conducting a more complete search.

C. **Drawbacks of Frisk Searches**

- 1. The primary drawbacks to frisk searches include:

- a. the limited scope of the search, and, thus, its reduced likelihood of success in locating contraband; and
 - b. omission of the genital and breast areas—places where inmates frequently hide contraband.
2. Frisk searches are the least effective of the search methods, and may tend to give staff a false sense of security.

JF 03/03.03 **Procedures: Use of Rub Searches**

A. **Purpose**

Rub searches shall be used:

1. for all arrestees being admitted to the WCCF;
2. for all inmates being moved within the facility;
3. as the initial search for all inmates going to, or returning, from transportation outside the facility; and
4. as a standard means of conducting routine and/or random searches of prisoners in situations for which:
 - a. a more intrusive search would not be justified or otherwise appropriate; and
 - b. a less-thorough frisk search would be inadequate.

B. **Benefit of Rub Searches**

1. Routine and random rub searches:
 - a. provide a means of detecting contraband and deterring inmates from freely carrying weapons and other contraband in the facility;
 - b. can be conducted in a time-efficient manner; and
 - c. offer a search mode which may be used in virtually any setting with limited concern for justification, privacy, or qualifications to conduct the search.
2. If searches are conducted only when there is adequate time, privacy, and justification for more intrusive searches:

- a. searches will not be conducted with sufficient frequency to maintain required safety and security levels;
- b. inmates will feel less apprehensive in their transporting and use of contraband; and
- c. the safety of staff, inmates, and others and the security of the facility will be adversely affected.

C. Drawbacks to Rub Searches

The primary drawbacks to rub searches include:

- 1. the difficulty of detecting some types of contraband by only rubbing through clothing;
- 2. inadequately searching the genital/buttocks area as a result of staff embarrassment or uneasiness;
- 3. possible punctures from syringes or other such items hidden in clothing, purses, etc.; and
- 4. the limited ability to discover hidden needle tracks, injuries, or other medical problems.

JF 03/03.04 **Procedure: Frisk Searches**

- A. The frisk search shall be approached in the same manner as the rub search, except that the frisk search:
 - 1. shall involve, at most, incidental contact with the genital/anal area, and for female prisoners, the breast area; and
 - 2. will, because of its limited scope, be a quicker, less thorough search.
- B. To compensate for the limited scope of the search, the searching officer shall be as thorough as circumstances permit, and should be especially alert and observant.

JF 03/03.05 **Procedure: Rub Searches**

A. Preparation For Search

- 1. Before starting search, make a visual inspection of the prisoner (or other person to be searched).

- a. If anything is observed which may indicate that the inmate has a hidden weapon, or if other suspicion exists, an immediate frisk search should be made prior to initiating the more complete rub search.
 - b. If the subject has open sores, cuts, abrasions, or bandage wounds, extra caution should be exercised in conducting the search.
 - c. If there is any reason to believe that the subject has a contagious disease, has a filthy appearance, or otherwise presents an obvious risk of contamination, appropriate precautions should be taken.
- 2. Protective gear including, rubber gloves and surgical masks, should be available for use when the potential for contamination or infection requires extra caution.
 - 3. The officer should empty the subject's pockets, using caution to avoid punctures from syringes or cuts from other implements which may be hidden in the subject's clothing.
 - 4. Searches of purses should be conducted with caution for the reasons listed under 3, above, emptying contents onto a search surface, rather than reaching into the purse.
 - 5. The subject should be required to assume the appropriate search position. The position may vary according to circumstances; however, basic requirements should include:
 - a. subject's legs and arms spread; and
 - b. subject placed at a disadvantage by:
 - 1) altering his center of gravity/balance; and
 - 2) positioning the subject:
 - a) in a leaning position against a wall;
 - b) on his knees;
 - c) standing with legs spread wide apart and arms straight ahead;
 - d) in a face-down position; or

e) other method appropriate for the circumstances.

6. The search should begin at the top of the body, working down.
7. The search is intended to discover weapons, other contraband, needle "tracks," injuries, lice, and anything else out of the ordinary.

B. Head and Neck

1. Fingers should be combed through the hair.
2. Wigs and hats should be removed.
 - a. No wig may be worn by a prisoner in the facility without the permission of the Jail Commander/designee.
 - b. No hats may be worn by a prisoner unless authorized or required by policy.
 - c. If the subject is going to remain in booking pending bail, rather than being processed on to housing, the wig may be returned, at the discretion of the officer, after being thoroughly searched.
3. A flashlight should be used to look in mouth, ears, and nostrils. During the visual inspection of the mouth, the prisoner should be required to raise tongue and alternately pull the front and sides of the lips/cheeks away from the teeth for better inspection.
4. The inmate's collar should be searched by kneading the seams, and if the subject is wearing collar stays, they should be examined to ensure they are what they appear to be.

C. Arms and Hands

1. Each sleeve should be thoroughly rubbed from the shoulder to the wrist cuffs, and while searching the shoulder, the armpit area should be carefully.
2. The cuffs and seams should be kneaded and examined.
3. If sleeves are rolled up, the arms should be visually examined, then the sleeves should be rolled down to facilitate a more effective search.
4. If sleeves are rolled down, the sleeves should be pushed up after first searching in the manner required above, and the arms should be visually examined.

D. Trunk

1. The entire surface of the back, sides, chest, and abdomen should be carefully rubbed.
2. All seams, hems, and folds should be kneaded and examined.
3. Shirt pockets should be searched.

E. Hips, Buttocks, and Groin

1. Hips, including pockets, seams, and waist bands should be searched.
2. Lower abdomen, including pockets, and seams of zipper should be searched.
3. Buttocks should be searched, rubbing the cheeks of buttocks, and using the edge of the hand, searching the area between the cheeks, starting underneath the crotch, and, pressing firmly, search upward to the area above the buttocks.
4. The groin should be searched. With the front of the hand and fingers, the genital area should be firmly searched, starting from the area behind the scrotum and searching forward to the area above the genital area.
5. Searches of the genital/anal area involve discomfort and embarrassment for both the subject and the searcher. The officer conducting the search shall not permit embarrassment/discomfort to compromise the effectiveness of the search.
6. If the subject is wearing a skirt or dress, the subject should be required to raise the skirt/dress above the waist for visual inspection. Appropriate privacy should be provided.

F. Legs and Feet

1. The subject should be instructed to remove shoes/boots and socks, turning socks inside out.
2. Each leg should be alternately searched a hand on each side, starting at the top and working down.
 - a. The hand on the medial surface of the leg should start with firm pressure against the crotch, while the hand on the lateral side starts at the top of the hip.

- b. Each leg should be systematically rubbed to ensure that no part of the leg is missed as the hands work down to the ankle.
- 3. Feet should be searched, requiring the subject to display his feet in a manner which maximizes the officer's safety and his observation of all surfaces of each foot.

JF 03/04.00 **STRIP AND VISUAL BODY CAVITY SEARCHES (VBC)**

JF 03/04.01 **Rationale**

- A. Prisoners are capable of hiding weapons, drugs, and other contraband on their bodies in ways that substantially reduce the likelihood that the hidden items will be found in a frisk or rub search.
- B. Strip and visual body cavity searches add a dimension to the search which permits visual examination of the subject in a manner which, if done competently, ensures that contraband hidden on the body will be found, and in many instances may discover contraband evidence hidden in body cavities.
- C. WCCF policies and procedures must ensure compliance with constitutional limitations on strip and VBC searches.

JF 03/04.02 **Procedure: Use of Strip Searches**

A. **Purpose**

Strip searches:

- 1. shall be used for the same general purposes as visual body cavity searches, but under circumstances not justifying or appropriate for a full body cavity search;
- 2. should be used as a matter of routine of inmates into the facility; and
- 3. may be used during routine clothing exchange for inmates.

B. **Benefits of Strip Searches**

- 1. Strip searches provide a quick means of conducting visual searches when a complete VBC is impractical.
- 2. Strip searches can be done in more types of situations than VBC's, and, in some cases, without the prisoner being fully cognizant that a formal search is being conducted (e.g., during clothing exchange).

C. **Drawbacks of Strip Searches**

The primary drawbacks to strip searches include:

- 1. the more limited scope of the search (compared to the VBC), and, thus, its reduced likelihood of success in locating contraband; and

2. the lack of full exposure of the anal/genital areas, and thus the greater possibility that well hidden contraband in the groin or cleavage of the buttocks will be missed.

JF 03/04.03 **Procedure: Use of Visual Body Cavity Searches**

A. Purpose

Visual body cavity searches:

1. shall be used:
 - a. for arrestees booked into the facility for drug-related, violent, or weapons related offenses, or when there is reasonable suspicion that the arrestee has a weapon, drugs, or other contraband;
 - b. for prisoners received at the facility on commitment;
 - c. for inmates returning to the facility from court (unless the inmate returns from court with a release order) or other venues outside the facility;
 - d. following contact visits or other contact with persons from the free world; and
2. should be used:
 - a. prior to transporting a prisoner from the facility to an outside location; and
 - b. when conducting routine searches of housing units; and
3. may be used:
 - a. when higher-security inmates are returned from non-contact visiting, the dispensary, or other areas within the facility, but outside the inmate's housing area; and
 - b. as otherwise set forth in this directive.

B. Benefits of Visual Body Cavity Searches

1. Visual body cavity searches:
 - a. provide a means of detecting contraband hidden on the body in

a manner, or of a size, difficult to detect utilizing less intrusive types of searches; and

- b. deter inmates from freely carrying weapons and other contraband which can be easily concealed and is difficult to detect using only rub or frisk searches.

- 2. If only frisk or rub searches are conducted, inmates soon learn how to introduce, hide, and move contraband without serious fear of detection. The random and routine use of visual body cavity searches increases the risk to prisoners who violate contraband regulations.

C. Drawbacks to Visual Body Cavity Searches

The primary drawbacks to visual body cavity searches include:

- 1. Constitutional limitations on the use of such searches;
- 2. the added problems presented for cross-gender searches;
- 3. the need for a search location which provides greater levels of privacy; and
- 4. ineffectiveness in detecting contraband hidden in the rectum or vagina.

JF 03/04.04 **Procedure: Strip Search**

- A. The strip search shall be approached in the same manner as the visual body cavity search, except that the strip search shall not require the subject:
 - 1. to bend over and spread the cheeks of the buttocks; or
 - 2. to assume the deep squat position.
- B. To compensate for the more limited scope of the strip search (as compared to the VBC), the searching officer shall observe the anal/genital area as carefully as circumstances permit, and should be especially alert and observant.

JF 03/04.05 **Procedure: Visual Body Cavity Searches**

A. Preparation For Search

- 1. Before starting the VBC search, make a visual inspection of the subject. This is even more important if a rub search has not already been done.

- a. If anything is observed, or other suspicion exists which may indicate that the inmate has a hidden weapon, an immediate frisk or rub search should be made prior to initiating the VBC search.
 - b. If the subject has a filthy appearance, or otherwise presents an obvious risk of contamination, or, there is reason to believe he has a contagious disease, appropriate precautions should be taken.
2. Protective gear (including rubber gloves and surgical masks) should be available for officers conducting searches when the potential for contamination or infection requires extra caution.
3. If not already done, the subject should be required to empty his own pockets and, when possible, turn the pockets inside out. If circumstances dictate that the officer empty the pockets, and also during the search of clothing taken from inmates, caution shall be used to avoid punctures from syringes or cuts from other implements which may be hidden in the subject's clothing.
4. Searches of purses should be conducted with caution for the reasons listed under 3, above, emptying contents onto a search surface, rather than reaching into the purse.
5. The subject should be required to remove all clothing prior to the search.
6. The search shall include two distinct elements:
 - a. a visual examination of the nude subject; and
 - b. a search of the subject's clothing.
7. The search is intended to discover weapons, other contraband, needle "tracks", injuries, lice, and anything else out of the ordinary.

B. Head and Neck

1. The subject's head and neck should be visually inspected in a manner which ensures that all areas are visually observed.
2. Although a previous frisk/rub search may have already searched the hair, it should be searched again.

3. A flashlight should be used to look in mouth, ears, and nostrils. During the visual inspection of the mouth, the prisoner should be required to raise tongue, and alternately pull the front and sides of the lips/cheeks away from the teeth for better inspection.

C. Arms and Hands

1. The subjected should be required to:
 - a. extend arms fully to the sides parallel to the floor, and rotate arms with hands open and fingers fully extended and spread;
 - b. extend arms forward parallel to the floor repeating the openhand, rotating action; and
 - c. fully extend the arms over the head, to permit examination of armpit area.
2. While the subject completes the required arm movements, he should be examined not only for contraband, but for evidence of:
 - a. needle "tracks";
 - b. lice or other vermin;
 - c. injuries;
 - d. scarring which might indicate previous suicide attempts; and
 - e. anything else out of the ordinary that might implicate the legitimate interests of the facility.

D. Trunk

The entire surface of the back, sides, chest, and abdomen should be carefully examined.

E. Hips, Buttocks, and Groin

1. Observing from the front of the subject:
 - a. the subject should be required to stand with legs spread, then the hip and groin area should be examined; and
 - b. if the subject is male, the genital area should be examined while requiring the subject to:

- 1) lift his penis to allow inspection of the area between the penis and scrotum; and
 - 2) lift the scrotum to allow inspection of the rest of the crotch area.
2. Observing from behind the subject:
 - a. the subject should be required to:
 - 1) bend at the hips to at least a 90 degree angle; and
 - 2) spread the cheeks of the buttocks; and
 - b. while the subject is in the fully exposed position the anal/ genital area should be fully examined, using a flashlight for additional illumination, if necessary.
3. An alternate or additional posture, particularly for female subjects, is to require the subject to spread legs to about shoulder width and bend knees to a deep squatting position. The subject may then be observed from front and back to inspect the anal/genital area.
4. In addition to contraband, the subject should be examined for:
 - a. injury;
 - b. vermin; and
 - c. strings, balloon ends, condom ends, or other such items protruding from the anus or vagina which might be an indication of contraband smuggling.
5. If anything is observed to be protruding from the anus or vagina:
 - a. the subject should be requested to remove the item; or
 - b. if the subject refuses, the item should be removed by medical staff or by an outside medical professional.
6. Although not the preferred option, if the subject refuses to remove the contraband and there is no medical staff available to remove the item, a dry cell may be used.
 - a. The inmate may be placed in an isolated cell with the water shut off.

- b. When the contraband is expelled as a result of the defecation process it can be recovered.
- 7. Any sanitary napkins and tampons worn by subjects should be replaced.
 - a. The subject should be required to remove and discard in an appropriate receptacle.
 - b. Napkins and tampons may be used to hide contraband.

F. Legs and Feet

- 1. With the subject in a standing position with legs spread, the legs and feet should be inspected.
- 2. The subject should be required to lift feet for inspection of the underside of the feet.
- 3. The subject should be required to spread toes for inspection.

JF 03/04.06 **Procedure: Clothing Searches**

- A. When clothing is received as a part of the strip or visual body cavity search, it shall be carefully searched before it is placed in storage or returned to the subject.
- B. Clothing should be placed on one side of a clear, empty surface in preparation to begin the search of each item.
- C. Each clothing item should be carefully searched:
 - 1. checking pockets; and
 - 2. kneading all seams, fold, hems, and padding.
- D. As each item of clothing is searched, it should be placed on the opposite side of the search surface from the clothing which has not yet been searched.

JF 03/05.00 **DIGITAL BODY CAVITY SEARCHES (DBC)**

JF 03/05.01 **Rationale**

- A. Prisoners are capable of hiding weapons, drugs, and other contraband inside body cavities, substantially reducing the likelihood that the hidden items can be found using ordinary search methods.
- B. Although visual body cavity searches may on occasion detect indications that contraband is hidden in a body cavity, in most instances the detection of contraband in a body cavity will only be possible with a digital search.

JF 03/05.02 **Procedure: Scope of Digital Body Cavity Searches**

A. **Purpose**

- 1. Digital body cavity searches shall be used when there is reasonable suspicion to believe that a prisoner has contraband hidden in the rectum or vagina.
- 2. For purposes of this chapter, reasonable suspicion is that quantum of knowledge sufficient to induce an ordinary prudent and cautious person to believe that the subject has contraband hidden on or in his body.
- 3. Information from reliable informants is ordinarily sufficient to constitute reasonable belief.

B. **Benefit of Digital Body Cavity Searches**

- 1. Digital body cavity searches:
 - a. provide a means of detecting contraband hidden inside body cavities; and
 - b. deter inmates from freely carrying weapons and other contraband which can be easily hidden and are difficult to detect using only rub or frisk searches.
- 2. If digital body cavity searches are not conducted, inmates soon learn they can introduce, hide, and move contraband without serious fear of detection. The appropriate use of digital body cavity searches increases the risk to prisoners who violate contraband regulations.

C. **Drawbacks to Digital Body Cavity Searches**

The primary drawbacks to digital body cavity searches include:

1. constitutional limitations on the use of such searches;
2. the need for a search location which provides greater levels of privacy;
and
3. the limits on who can conduct such searches.

JF 03/05.03 **Procedure: Digital Body Cavity Search**

Preparation for Search

A. Before starting search:

1. the medical personnel conducting the search:
 - a. shall be briefed as to the justification and objective of the search;
 - b. should review the subject's medical file;
 - c. shall wear rubber gloves; and
 - d. should take any other precautions prudent based on existing circumstances;
2. the subject should be taken to the dispensary or other suitable venue for the search which meets requirements for hygiene and privacy;
3. the subject shall be instructed as to which clothing must be removed and the position to be assumed for the search;
4. the corrections officer:
 - a. should obtain evidence bags and other implements needed to process any evidence taken in the search;
 - b. should stand near the subject's hips, thus:
 - 1) being positioned in the best place to control the subject, if necessary; and
 - 2) permitting the security officer to testify that he observed extraction of the contraband, eliminating the medical

person from the chain of custody of the evidence; and

- 3) should be of the same gender as the person being searched;
5. all persons whose involvement in the search is not necessary shall be required to exit the examination area.

JF 03/05.04 **Procedure: Documentation of Searches**

- A. The justification for the search shall be documented in writing, listing:
 1. all information relied upon to establish reasonable suspicion that the subject was hiding contraband in a body cavity, as DBC searches are the most intrusive of the searches, requiring the greatest justification;
 2. what legitimate interests of the WCCF are being furthered by the DBC search;
 3. what if anything was found in the search; and
 4. in addition to the name of the subject, the names of those persons who:
 - a. conducted the search;
 - b. assisted with the search;
 - c. approved the search; and
 - d. were otherwise involved in some aspect of the search.
- B. Copies of the DBC documentation shall be distributed to:
 1. the Weber County Sheriff;
 2. the WCCF Chief Deputy;
 3. the Jail Commander; and
 3. the inmate's file.

JF 03/06.00 **ARRESTEES AT ADMISSION**

JF 03/06.01 **Policy**

It is the policy of the WCCF:

- A. that arrestees during the admission process:
 - 1. shall be rub searched;
 - 2. should be frisk searched as an additional precaution prior to the rub or other search if any officer has any reason to believe that the individual as a weapon, or has other contraband which maybe abandoned or discarded prior to a more thorough search;
 - 3. shall be given a strip or visual body cavity search if there is reasonable suspicion that the arrestee is hiding contraband in his body; and
 - 4. shall be searched consistent with constitutional requirements for justifying and conducting such searches;
- B. that all property in the possession of the arrestees, when taken into official custody, be searched and inventoried during the pre-admission and admission processes;
- C. that purses, packages, suitcases, briefcases, and other containers in the possession of the arrestee shall be opened and the contents inventoried;
- D. that arrestees' clothing:
 - 1. shall be searched and inventoried if the arrestee is to be processed beyond the admission area; and
 - 2. if the arrestee is to be released without being moved beyond admission, the clothing shall be searched, but only those items taken into official custody shall be inventoried;
- E. that searches and inventories of arrestees' clothing and property shall be conducted without regard to probable cause or any other level of individualized suspicion.

JF 03/06.02 **Rationale**

- A. Weapons, drugs, and other contraband create substantial hazards to the staff and other inmates in the facility. It is very much a legitimate interest of the Weber County Correctional Facility to prevent the introduction of such items into the facility.
- B. Prisoners are capable of hiding weapons, drugs, and other contraband on or inside their bodies. Thus, searches—often very intrusive searches—are required to prevent the introduction of contraband at admission.
- C. Though many jails and prisons have experienced contraband introduction by arrestees, even in the absence of documented incidents, the obvious potential for such breaches of security justifies the search of all arrestees and more intrusive searches for those for whom appropriate levels of suspicion exist.
- D. The risk to facility security resulting from the special search considerations afforded arrestees can be minimized by keeping arrestees in the admissions area where they cannot intermingle with inmates in the housing areas.
- E. Avoiding intermingling of arrestees and inmates decreases the risk of contraband being passed from prisoners who have been less thoroughly searched (arrestees) to the general population.
- F. Once it becomes apparent that an arrestee is not likely to make bail in a reasonably timely manner and it becomes necessary to provide a housing assignment, more-intrusive search procedures are necessary to reduce the risk of introduction of contraband.
- G. Searching and inventorying inmates' property and clothing furthers legitimate interests of the Weber County Correctional Facility, including:
 - 1. disarming arrestees;
 - 2. preventing contraband from being brought into the facility;
 - 3. protecting staff from false claims of theft of inmate property/clothing;
 - 4. protecting inmates' property from theft;
 - 5. ensuring the safety of staff and inmates; and
 - 6. assisting in verifying the arrestee's identify.

JF 03/06.03 **Procedure: Scope of Searches of Arrestee**

A. **Scope of Rub/Frisk Search**

The degree of intrusiveness of rub and frisk searches is minimal, and thus, requires little justification.

B. **Justification for Rub/Frisk Search**

1. The mere fact that the arrestee is in custody and undergoing admission to the facility is sufficient justification to conduct frisk and rub searches.
 - a. It is unnecessary to articulate any other justification or level of suspicion.
 - b. An arrestee may be lawfully searched by officers upon arrest. The lawful arrest establishes the authority to search the arrestee.
2. The WCCF will often have greater interests in searching the arrestee during admission than will the law enforcement officer following arrest.

C. **Scope of Strip/Visual Body Cavity Search**

The degree of intrusiveness of strip and visual body cavity searches is greater than for clothed searches, and thus they require greater justification than clothed searches.

D. **Justification for Strip/Visual Body Cavity Search**

1. **General**

- a. The mere fact that the arrestee is in custody and undergoing admission to the facility is not sufficient justification to conduct strip and body cavity searches.
- b. It is not the policy of the WCCF to employ a blanket strip/VBC search policy for arrestees admitted to the facility.

2. **Search Standard**

- a. The standard for justifying strip/VBC searches of arrestees at admission is reasonable suspicion to believe that the arrestee is carrying or concealing weapons, drugs, or other contraband.
- b. Reasonable suspicion as used in this directive refers to that

quantum of knowledge sufficient to induce a prudent and judicious officer to believe the subject is carrying or concealing contraband.

- c. Reasonable suspicion should be individualized suspicion established on a case-by-case basis.

3. Reasonable Suspicion Criteria

- a. Reasonable suspicion may be based on:
 - 1) the nature of the offense, including crimes related to:
 - a) violence;
 - b) weapons;
 - c) drugs; and/or
 - d) other serious offenses.
 - 2) the arrestee's criminal history, including:
 - a) violence;
 - b) weapons;
 - c) drugs; and/or
 - d) other factors which would indicate the possibility that the arrestee might carry or attempt to conceal contraband; and
 - 3) the particular characteristics of the arrestee, including:
 - a) conduct prior to, during, or following arrest;
 - b) conduct at the WCCF during pre-admission or admission process; and
 - c) appearance, with the ability to articulate how and why the arrestee's appearance creates a reasonable suspicion.
- b. Officers must be able to articulate not only which factors were

relied upon, but should also be able to indicate why that factor creates the requisite level of suspicion.

c. Reasonable suspicion shall not be based on:

- 1) race;
- 2) ethnic origin; or
- 3) other subjective factors which indicate prejudice or an irrational predisposition to suspect persons solely as a result of their being a part of an otherwise legitimate organization or group.

4. Probationers, Parolees, and Inmates

Reasonable suspicion may be routinely inferred if the arrestee is:

a. a state prison inmate who was arrested:

- 1) while on escape status;
- 2) while on release or furlough status;
- 3) while on work assignment status; or
- 4) under any other circumstances resulting in the need to incarcerate the inmate in the WCCF;

b. a state probationer or parolee; or

c. a resident of a state community corrections center.

F. Scope of Digital Body Cavity Search

The degree of intrusiveness of digital body cavity searches is the most intrusive of the searches, thus requires greater justification.

G. Justification for Digital Body Cavity Search

1. General

- a. The mere fact that the arrestee is in custody and undergoing admission to the facility is not sufficient justification to conduct digital body cavity searches.

- b. It is not the policy of the WCCF to employ a blanket digital body cavity search policy for arrestees admitted to the facility.

2. Digital Body Cavity Search Standard

- a. The standard for justifying digital body cavity searches of arrestees at admission is reasonable suspicion to believe that the arrestee is carrying or concealing weapons, drugs, or other contraband in the rectum or vagina.
- b. Reasonable suspicion as used in this directive refers to that quantum of knowledge sufficient to induce a prudent and judicious officer to believe the subject is carrying or concealing contraband in the rectum or vagina.
- c. Reasonable suspicion should be individualized suspicion, established on a case-by-case basis.

JF 03/06.04 **Procedure: Transition From Arrestee to Inmate**

A. General

- 1. Arrestees are afforded constitutional protection against strip and body cavity searches which are greater than those available to inmates in jails, generally.
- 2. The line between arrestee and inmate status is not always clear and distinct. The status is dependent on factors related to the probability of pre-arraignment release and the timing of the probable release.

B. Criteria

- 1. If it appears likely that an arrestee will make bail or otherwise secure release within a reasonable period of time, he should remain on arrestee status until released, or until it becomes obvious that the anticipated release will not likely occur in a reasonably timely manner.
- 2. Determining what is "reasonably timely" will require the exercise of discretion by staff.
 - a. The probability of release within four hours should ordinarily be considered "timely."
 - b. A longer period of time would be justified if there is a high probability of release, and there is available space in the admissions holding cells.

- c. A shorter period of time would be justified if the likelihood of imminent release is remote, and the admissions cells are crowded.
 - d. In most cases the arrestee should not be searched prior to a bail or other release determination.
- 3. If it becomes necessary to transfer the arrestee to a general housing area where he will intermingle with other inmates, the move may be considered with other factors in determining if a strip/VBC search as warranted. However, the move shall not be made as a pretext to justify a search.
- 4. If the arrestee requests to be moved from an admissions holding cell to better accommodations in the housing area and it is convenient for the WCCF, the arrestee may be permitted to sign a waiver and submit to a strip/VBC search.

JF 03/06.05 **Procedure: Justification for Searching Arrestees' Property**

- A. No individualized suspicion is required before searching/inventorying arrestees' clothing or other property.
- B. With or without probable cause, arrestees' property and clothing shall be searched, and may be taken from the arrestee for safekeeping or as evidence.
- C. No warrant shall be required prior to the search of an arrestee's property, even if there is adequate opportunity to obtain one. It is the lawful arrest that establishes the authority to search.

JF 03/07.00 **CROSS-GENDER SEARCHES**

JF 03/07.01 **Policy**

It is the policy of the WCCF that:

- A. as a general rule, searches of female prisoners should be conducted by female staff;
- B. searches of female prisoners by male staff shall generally require greater justification and will be permitted on a more restrictive basis than for female officer searches of male prisoners;
- C. male officers may frisk search female inmates when there is no female officer immediately available; and
- D. male officers may participate in other searches of female inmates only when:
 - 1. compelled by exigent circumstances; or
 - 2. there is a voluntary waiver; and
 - 3. that if it becomes necessary for a male officer to search a female prisoner, the search should be witnessed by another staff member and the justification, scope, and manner of the search be fully documented.

JF 03/07.02 **Rationale**

- A. **Balancing Interests**
 - 1. Failure to properly implement and enforce essential safety and security functions such as searches may jeopardize the safety of the staff, inmates, and even the community.
 - 2. Title VII prohibits gender-based discrimination in hiring, assignment, and promotion unless there is a BFOQ which justifies gender-specific job requirements.
 - 3. Only about five percent of the inmates in jails and prisons in the U.S. are females; thus, strict protection of inmate sexual privacy interests would drastically limit female employment and promotion opportunities.

- a. Staff searches and surveillance of inmates are two of the most critical security functions in corrections facilities, and if females are barred from performing those security functions with respect to the 95 percent of inmates who are males, employment discrimination is inevitable.
- b. If allowing female officers to work in virtually all of the posts in a facility necessitates reducing the scope of searches to protect against prisoner privacy intrusions, then safety and security will be compromised.

B. Procedure: Title VII Compliance

1. The Weber County Correctional Facility shall not unlawfully discriminate against persons in hiring, assignment, or promotion on the basis of gender.
2. No post in the Weber County Correctional Facility shall be gender-specific.
3. Female officers may conduct searches and supervision, including cross-gender searches and supervision, according to the reasonable limitations set forth in this directive.

C. Procedure: WCCF Safety and Security Interests

1. All prisoners in the custody of the Weber County Correctional Facility shall be subjected to required search and other security procedures.
2. The safety and security interests of the WCCF shall not be sacrificed in the interest of prisoners' sexual privacy.

D. Procedure: Inmate Sexual Privacy Interests

1. Although prisoners' sexual privacy interests must yield to the facility's need to maintain safety and security, they do not vanish altogether.
2. A reasonable accommodation of inmate sexual privacy interests should be made when conducting searches, so long as such accommodation will not compromise security or violate the requirements of Title VII.

JF 03/07.03 **Procedure: General**

- A. The competing interest of the facility, female employees/applicants, and prisoners require that cross-gender searches be conducted in a manner consistent with the established policy and procedures of the WCCF.

- B. In addition to those cross-gender searches specifically authorized by policy and procedure, there are other factors which may justify cross-gender searches on a case-by-case basis. Two of those factors include:
1. exigent circumstances; and
 2. voluntary waivers.
- C. Although the desire of some inmates for sexual privacy while incarcerated must be subordinate to the facility's need to maintain staff safety and facility security, reasonable accommodation of those privacy interests should be provided where such consideration may be afforded without jeopardizing WCCF interests.
- D. Exigent Circumstances
1. Exigent circumstances may justify cross-gender searches not routinely permitted.
 2. Exigent circumstances are situations which:
 - a. arise suddenly or without warning out of current events;
 - b. require immediate or pressing action, assistance, or resolution; and
 - c. affect the legitimate interests of the facility.
 3. For purposes of this directive, exigent circumstances are those circumstances which make it imperative that a cross-gender search be conducted, even if the search would amount to an exception to the ordinary policy of the facility.
 4. Exigent circumstances may include, but are not limited to, situations in which a staff member or other qualified person of the same gender is not immediately available, and:
 - a. there is reasonable suspicion that the prisoner is in possession of a weapon or other contraband which constitutes an immediate or persistent threat to safety, security, or other legitimate facility interests;
 - b. the prisoner to be searched is combative or resisting the search and the involvement of the opposite-gender staff member is required to effect the search; or
 - c. delaying the search could potentially:

- 1) endanger the safety of the staff, prisoner, or other prisoners; or
- 2) otherwise jeopardize the security or other legitimate interests of the facility.

E. Voluntary Waivers

1. Voluntary waivers result from the words or actions of the subjects of searches which explicitly or implicitly waive any interest in, or right of, sexual privacy.
2. Voluntary waivers may be conveyed:
 - a. in the form of a specific declaration, verbal or written;
 - b. as a result of an action implying such waiver, including, but not limited to:
 - 1) undressing in the presence of a member of the opposite gender;
 - 2) failing to utilize available means for providing sexual privacy, even if the degree of sexual privacy afforded is limited; or
 - 3) continuing to resist a search by a same-gender officer after being warned that such resistance would compel the assistance of an opposite-gender officer.

JF 03/07.04 **Procedure: Cross-Gender Searches of Male Prisoners**

A. General

1. When circumstances are such that male officers are immediately available to search male prisoners, common sense dictates a reasonable accommodation can be made by having males conduct the search, particularly, searches beyond the level of frisk searches.
2. Title VII does not stand for the proposition that female officers may intrude on male inmates' sexual privacy in a totally unrestricted manner.
3. If there are exigent circumstances, however, attempting to locate, or waiting for the arrival of a male officer, may compromise the safety and security of the facility, staff, public, or prisoners.

4. If prisoners concede their limited privacy interests (i.e., by disrobing in view of female staff, or by failing to take advantage of whatever modesty arrangements are available), such action amounts to a waiver of future claim that their privacy should have been protected.
5. The role of female officers in searching male prisoners becomes more problematic as searches become more intrusive; thus, justification and documentation requirements are more exacting.

B. Frisk Search

1. Female officers may conduct frisk searches of male inmates on a routine and random basis.
2. Frisk searches by definition are not overly intrusive and involve, at most, incidental contact with the genital and anal areas. Such incidental contact during the search is consistent with WCCF policy.

C. Rub Search

1. Rub searches by definition involve rubbing of the genital and anal areas. The deliberate rubbing of the genital and anal areas is, thus, more intrusive than the incidental contact of a frisk search.
2. Because of the greater level of intrusion, rub searches of male prisoners should be conducted by male staff members when male officers are immediately available to conduct such searches.
3. Female officers may conduct rub searches of male inmates:
 - a. when required by exigent circumstances;
 - b. when there is a voluntary waiver; or
 - c. when there is no male officer immediately available and it would not be reasonable or consistent with the legitimate safety and security interests of the facility to delay the search.

D. Strip/Visual Body Cavity Searches

1. The potential for female staff to observe male inmates nude is a fact-of-life in jail facilities as a result of the limited privacy which can

rationally be permitted.

2. Female staff members may be given assignments which would permit them to view male prisoners; however, such viewing should ordinarily be infrequent, casual, indirect, or at a distance.
3. Female officers shall not be denied assignment to posts which might involve such viewing of nude male prisoners on a limited, unplanned basis.
4. Female officers may participate directly in strip/visual body cavity searches of male prisoners by assisting with such searches when there are no male officers or an inadequate number of male officers immediately available and:
 - a. there are exigent circumstances and it would not be reasonable or consistent with the legitimate safety and security interests of the facility to delay the search; or
 - b. there is a voluntary waiver.
5. In conducting cross-gender strip searches, officers should be especially cognizant of the manner in which the search is conducted to minimize the difficulties and discomfort which may be experienced by the subject and the officers conducting the search.
6. Cross-gender visual body cavity searches are more intrusive than strip searches, and thus requiring greater justification.
 - a. In assisting a male officer in conducting the search, the female officer should position herself in a manner which permits her to provide the required assistance while minimizing the privacy intrusion.
 - b. In the unlikely event that a female officer or officers were compelled by exigent circumstances to conduct a visual body cavity search without the assistance of a male officer, the circumstances requiring the search would dictate the process and manner of the search.

JF 03/07.05 **Procedure: Cross-Gender Searches of Female Prisoners**

A. **General**

1. Greater restrictions shall apply to cross-gender searches of females than are required for cross-gender searches of male inmates because:
 - a. the Title VII considerations in balancing employment rights against prisoner privacy interests apply differently to male officers in the WCCF where a very strong majority of staff, supervisors, and prisoners are male;
 - b. cultural values and public attitudes are at odds with the concept of allowing male staff to routinely conduct searches which involve the rubbing of the genital, anal, and breast areas of female inmates;
 - c. there is sufficient availability of female staff to cover the limited number of searches of female prisoners that occur in the facility without compromising security and safety; and
 - d. it is the intent of the WCCF to encourage a more cautious approach to cross-gender searches of females.
2. Frisk searches involve limited intrusion and may detect weapons or larger contraband items, thus should be permitted when no female staff is immediately available.
3. If exigent circumstances are sufficiently compelling, female prisoners' sexual privacy interests must yield to protect the safety and security of staff, other prisoners, the public, and/or facility.
4. If female prisoners' actions amount to a waiver of sexual privacy, then those limited rights are diminished accordingly.
5. Cross-gender searches of female inmates should be witnessed to protect against:
 - a. misconduct during the search; and
 - b. false allegations of misconduct made by female prisoners.
6. Documentation is necessary to preserve a record to support the justification, scope, and manner of searches.

B. Frisk Search

1. Male officers may conduct frisk searches of female inmates when there is no female officer immediately available.

2. Care should be exercised to avoid incidental contact with genital, anal, and breast areas.

C. Rub Search

1. Rub searches by definition involve rubbing of the genital and anal areas. The deliberate rubbing of the genital and anal areas is, thus, more intrusive than the incidental contact of frisk searches.
2. Because of the greater level of intrusion, rub searches of female prisoners should be conducted by male staff members only when female officers are not immediately available to conduct such searches, and:
 - a. when compelled by exigent circumstances;
 - b. when there is a voluntary waiver; or
 - c. when failure to search, or delay of the search would threaten the legitimate safety and security interests of the facility.

D. Strip/Visual Body Cavity Searches

1. The viewing of female inmates by male staff in the nude may occur on occasion due to the limited privacy which can rationally be permitted in a jail facility.
2. Male staff members may be given assignments which might result in inadvertent observation; however, care should be taken to prevent such occurrences. Such observations should be infrequent, casual, indirect, or at a distance.
3. Strip/visual body cavity searches of female prisoners should be conducted in a location that prevents inadvertent observation by male officers.
4. Male officer may participate directly in strip/visual body cavity searches of female prisoners by assisting with such searches when there are no female officers or an inadequate number of female officers immediately available and:
 - a. there are exigent circumstances which compel the search to be conducted immediately with available personnel; or
 - b. there is a voluntary waiver.
5. In conducting cross-gender strip searches, officer should be especially

cognizant of the manner in which the search is conducted to minimize the difficulties and discomfort which may be experienced by the subject and the officers conducting the search.

6. Cross-gender visual body cavity searches are more intrusive than strip searches, and thus require greater justification.
 - a. In assisting a female officer in conducting the search, the male officer should position himself in a manner which permits him to provide the required assistance while minimizing the privacy intrusion.
 - b. In the unlikely event that a male officer or officers were compelled by exigent circumstances to conduct a visual body cavity search without the participation by a female officer, the circumstances requiring the search would dictate the process and manner of the search.