

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Prisoner Searches		CHAPTER/SECTION NO.: 47.1,47.2	
EFFECTIVE DATE: 07/13/09		REVIEW DATE:07/13/09	
AMENDS/SUPERSEDES:		APPROVED: <u>**See Master File</u> Sheriff	
STANDARD NUMBER: 70.1.1, 1.2.8			

47.1 Purpose

- 47.1.1 To ensure the safety of deputies who are called on to transport in-custody prisoners and establish guidelines for prisoner searches.

47.2 Policy

- 47.2.1 Anytime a deputy arrests, or otherwise receives a prisoner who is in custody, it shall be the responsibility of the transporting deputy to ensure that the prisoner is searched for weapons or contraband prior to transportation. The search shall include determination of the contents of all pockets and clothing articles as well as purses and baggage. Purses and baggage shall not be left in the prisoner compartment with the prisoner, but should be kept in the driver's compartment or trunk of the vehicle.
- 47.2.2 When conducting searches of prisoners of the opposite sex, deputies are encouraged to obtain the assistance of a deputy of the same sex as the prisoner, to conduct the search. This does not relieve deputies of the responsibility of ensuring that prisoners are unarmed, and not in possession of contraband prior to transportation.
- 47.2.3 Searches prior to transportation of a prisoner shall be a pat-down or frisk type search, but shall include inspection of the contents of pockets, shoes, socks, hats,

baggage, and other items of clothing or luggage, where weapons or contraband might be secreted.

47.2.4 All searches shall be done in a courteous and professional manner.

47.2.5 Strip searches, if authorized by a supervisor, shall only be conducted following a thorough pat-down or electronic metal detector search, and a thorough clothing search.

A. Strip searches will generally be conducted by Corrections Division Personnel following established Corrections Division procedures for the handling of prisoners during processing. Deputies of the Law Enforcement Division will not normally conduct such searches unless necessary and authorized by a supervisor, such as during undercover assignments involving the search and control of informants.

47.2.6 Strip searches shall be defined as having a person remove or arrange some or all of his/her clothing, so as to permit an inspection of the genitals, buttocks, anus, breasts of a female, and/or undergarments of the person.

47.2.7 Strip searches shall only be conducted when there is a reasonable suspicion to believe that:

A. A prisoner is concealing weapons or instruments of escape.

B. Evidence which could otherwise be concealed or destroyed such as narcotics.

C. The search is necessary to discover or confirm a health condition requiring immediate medical attention.

47.2.8 Strip searches and body cavity searches should occur only with the prior knowledge and authorization of the shift supervisor.

- 47.2.9 Any strip search conducted shall be done only in a private area not exposed to observations by any persons not conducting the search. No person unnecessary for the search shall be present unless the prisoner requests his/her presence. This other person cannot, however, be another prisoner or subject held in custody on criminal charges. The strip search shall be conducted or observed only by a person of the same sex as the person to be searched, and the deputy conducting the strip search shall not touch the person being searched, except as necessary to effect the search.
- 47.2.10 Body cavity searches are not customary and must only be based on probable cause to believe that:
- A. A prisoner is concealing weapons.
 - B. A prisoner is concealing evidence which could otherwise be concealed or destroyed, such as narcotics.
- 47.2.11 Body cavity searches will be completed only when authorized by a valid search warrant issued by a court of jurisdiction, and with the knowledge and authorization of the supervisor in charge of the personnel involved in the investigation.
- 47.2.12 A body cavity search shall be defined as the touching or probing of a person's body cavity whether or not there is actual penetration of the body cavity.
- 47.2.13 Body cavity shall mean the stomach or rectum of a person, and the vagina of a female person.
- 47.2.14 Body cavity searches must be performed under sanitary conditions and conducted by a physician, registered nurse, or physician's assistant, licensed to practice in this state, and who is trained in the proper medical process and the potential health problems associated with a body cavity

search. As necessary, police deputies of the same sex as the person to be searched may be present but will not participate in the actual search itself beyond an evidence collecting and advisory capacity. The person to be searched may request that a second party be present during such a search, so long as that person is not in custody or does not pose a security risk.

- 47.2.15 Body cavity searches, as well as, pre-search undressing and post-search dressing shall occur at a location made private from the observation of persons not physically conducting the search.
- 47.2.16 When a strip search or body cavity search occurs, the Operations Bureau Commander or his designee will be notified and a report will be prepared and forwarded by the next regular working day indicating the following:
 - A. Name of the supervisor authorizing the search or the court issuing the search warrant for the body cavity search.
 - B. The specific facts constituting the reasonable suspicion or probable cause for the search.
 - C. The name of the deputy conducting the search as well as all others present.
 - D. The date, time and location of the search.
 - E. A list of weapons, evidence, or contraband discovered during the search.
- 47.2.17 This information must also be forwarded to the incident case file.
- 47.2.18 A deputy who delivers prisoners to the booking area of the Weber County Corrections facility shall:
 - A. Prior to removing the prisoner from the vehicle, secure his/her weapon in one of the locking gun boxes provided just outside the

booking area or leave the weapon in the locked trunk of the transport vehicle. The prisoner will be patted down before entering the booking area.

- B. Place the prisoner(s) into the booking area.
- C. Stand by while jail personnel search and remove, from the prisoner(s), any and all property for the purpose of inventory, as well as, contraband or evidence located during the search.
- D. Complete a property receipt for those items removed and contraband or evidence shall be booked into evidence.

47.2.19 Anytime civilians are transported in a Sheriff's Office vehicle, for the purpose of providing a citizen assist, or other non-criminal matters, the transporting deputy may, at is discretion, ask for permission to search the subject solely for the purpose of maintaining deputy safety.

47.2.20 Such persons should be asked for permission to conduct a frisk or pat-down search for weapons. The transporting deputy should inform the citizen that this is for safety purposes only, and refusal to submit to such a search may allow the deputy to refuse transportation.