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ADMINISTRATIVE REGULATION
NUMBER 336

OPR: OPERATIONS

SEARCHES

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures to conduct searches.

II. POLICY

Searches shall be conducted to prevent the introduction of contraband and/or to provide for the safe, secure operation of ADOC institutions.

III. DEFINITION(S) AND ACRONYM(S)

- A. Body Cavity: Internal part of the body, i.e., anus, vagina, ears, nose or mouth. When necessary, body cavity searches shall be performed by medical personnel with the Warden's permission.
- B. Contraband: Any item not permitted by law or not authorized by ADOC or institutional policy.
- C. Drug Search by Canine: Periodic searches of persons and property for contraband drugs by utilizing specially trained dogs to detect controlled substances.
- D. Dry Cell: A designated area equipped with bed, lighting and proper ventilation, which will prevent the disposal of waste material or contraband.
- E. Employee: An individual with the ADOC in a full-time, part-time, or temporary position in the state's classified or unclassified service. All other persons such as contractors, vendors, and volunteers are also subject to the ADOC's Standards of Conduct and this regulation and failure to adhere to these regulations may result in being removed and/or barred from an ADOC facility.
- F. Frisk (Pat) Search: A manual, systematic, and thorough search of a person with or without a detection device.

- G. Probable Cause: Where specific observable facts or trustworthy information from a reliable source leads a reasonably prudent and cautious person to conclude that a crime has been or is being committed.
- H. Random Selection: A sample taken from the total population so that each member has an equal chance of being selected.
- I. Reasonable Suspicion: Knowledge, based on specific objective facts and rational inferences drawn from those facts considering the totality of the circumstances, which would cause a prudent and cautious person to believe a particular individual at a particular time in concealing contraband in the particular place to be searched.
- J. Room, Cell or Area Search: A thorough systematic inspection of a housing unit, cell(s), room(s), or any other area, and its contents.
- K. Strip (Visual) Search: A visual inspection of an unclothed body, including the outer portions of all orifices and cavities.
- L. Visitors: Persons other than ADOC employees or inmates, who seek to enter the gates or grounds of the institution.
- M. Cavity Search:
 - 1. Manual – the physical inspection of anus, vagina, ears, nose and mouth by authorized medical staff.
 - 2. Visual – inspection of body cavities that excludes touching the recipient, either personally or with instruments.
- N. Instrument Search: The use of x-ray, sonogram, fluoroscopic equipment, or surgical examination by medical personnel to detect contraband.

IV. RESPONSIBILITIES

- A. The Warden is responsible for developing his/her standard operating procedures as necessary for the implementation of AR 336, Searches.
- B. Correctional Officers are responsible for conducting searches as trained and in accordance with policy.
- C. Medical personnel are responsible for conducting searches as trained and in accordance with policy.

V. PROCEDURES

- A. Notification:

1. Each Warden shall have signs posted conspicuously at all entrance roads to institutional grounds and at all checkpoint and vehicular entrances to advise visitors to the institution that:
 - a. All persons and property are subject to search.
 - b. Drugs, alcohol, firearms, ammunition, explosives, and weapons are prohibited.
 2. Each Warden shall have signs posted conspicuously at all visitor search points advising visitors to the institution that refusal of a search may result in a permanent restriction from visiting at any ADOC institution.
 3. Inmates shall be advised during orientation of the institutional policy on searches.
 4. An incident report will be completed for situations if:
 - a. Individuals refuse to submit to a search
 - b. Contraband is found
 - c. Reasonable suspicion
 - d. Probable cause
 - e. Non-routine strip (visual) searches
 - f. Instrument searches
 - g. Directed by supervisor
- B. Trained staff, in a designated area that affords a degree of privacy, shall conduct frisk (pat) searches of visitors, volunteers, contractors, employees, and the inmates. Emergency strip searches are conducted in an area that affords privacy if conditions allow.
- C. Frequent unannounced searches of inmates, inmate quarters, and all other areas of the institution shall be conducted as often as necessary in order to ensure the safety of the inmate population and security of the institution. Times and patterns of the searches shall vary.
- D. Searching Visitors:
1. There shall be no cross-gender searches of visitors.
 2. Forcible searches shall **not** be conducted. Searches of children may only be conducted in the presence of the child's parent or guardian. Any visitor

who refuses to submit to a search shall be denied admittance and ordered to leave state property.

3. Any visitor who refuses to submit to an authorized search shall not be forcibly detained. However, if probable cause exists that the individual has illegal item(s), the automobile make and model, description, and license plate number and state of issue should be obtained, recorded, and passed on to the officer in charge, who in turn should notify local law enforcement authorities.
4. Visitors who refuse to be searched may be permanently restricted from visiting at any ADOC institution.
5. A frisk search shall be conducted on all visitors entering the perimeter of an institution.
6. An unclothed visual search of visitors requires the consent of the visitor and the prior approval of the Warden/designee.

E. Searching Employees:

1. There shall be no cross-gender searches of employees.
2. Forcible searches shall **not** be conducted.
3. Any employee who refuses to submit to an authorized search, the employee may not be forcibly detained; however, he/she may be terminated.
4. Any staff member who refuses to be searched will be restricted from entering the institution without authorization of the Warden.
5. A frisk (pat) search shall be conducted on staff entering the secure perimeter of an institution as directed by the Warden.
6. An unclothed visual search of employees requires the consent of the employee and the prior approval of the Warden/designee.

F. Searching Inmates:

1. All inmates are subject to search at any time by institutional staff.
2. All inmates shall be thoroughly searched whenever they enter or leave a more secure area of the institution.
3. Inmates refusing to submit to a search shall be subject to a disciplinary action and removed from general population. Force may be used to conduct the search.

4. Strip searches and visual body cavity searches may be authorized by the Warden on a routine basis for all inmates participating in certain activities, including but not limited to: returning from pass or furlough, transfers, visiting, work details, and institutional lockdowns.
5. Inmates suspected of hiding contraband in a body cavity may be temporarily housed in a “dry cell” subject to the following conditions:
 - a. Confinement, ordered by the Warden based upon reasonable suspicion.
 - b. The cell is thoroughly searched prior to placement of the inmate.
 - c. Inmate is provided with toilet articles, clothing, and bedding.
 - d. Inmate is provided with a means of collecting body excretion.
 - e. Inmate remains under constant observation by staff.
 - f. Confinement to be continued longer than 72 hours must be reviewed and authorized by the Warden/designee.

G. Searches of Visitor, Employee, or Inmate Personal Property:

1. Any item in the inmate, visitor, or employee’s possession is subject to be searched.
 - a. Documents should be searched to detect contraband.
 - b. A visitor or employee’s wallet, purse, or briefcase should not be handled by the searcher, but shall be opened completely, and its contents displayed by the owner/bearer. Inmate visitors’ purses and wallets shall be secured in their personal vehicles.
2. All vehicles are subject to be searched. If the driver refuses to have the vehicle searched, they may be permanently restricted from visiting at any ADOC institution.
3. Searches of housing units and cells/rooms will be conducted at least monthly. The inmate is not required to be present at the time the search is conducted.
 - a. After a search, an area should be left as it was found. Care should be taken to ensure authorized property is not damaged or disposed of.
 - b. There shall be a complete search and inspection of every vacant

room/cell, before a new inmate occupies it.

4. Property, supplies, goods, and food stocks delivered to the institution shall be searched for contraband prior to entering the confines of the institution.

H. Records:

The Warden/designee shall maintain incident reports, shift logs, statements, submitted by the searching employee, regarding the patterns, frequency, and types of searches conducted of housing units, grounds, and buildings.

VI. DISPOSITION

There are no forms used in this regulation therefore no disposition instructions are needed.

VII. FORMS

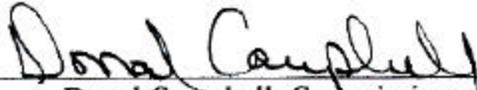
There are no forms prescribed in this regulation.

VIII. SUPERCEDES

This regulation is a new regulation and does not supercede any other regulation at this time.

IX. PERFORMANCE

Code of Alabama, 1975, Section 14-1-1 and 14-1-2



Donal Campbell, Commissioner