POLICY

BODY CAVITY SEARCH

REVIEW/REVISION HISTORY:

Effective: 7/30/99
Revised: 12/3/01
Revised: 6/6/06
Reviewed: 6/6/07
Revised: 6/6/08
Revised: 5/29/09
Revised: 8/2/10
Revised: 10/27/14

SUMMARY OF REVISION/REVIEW:

I.A. & C. - Removed unnecessary language
II.G.2. - Adjusted process for documenting offender refusal to consent
II.J.1. & 2. and III.B. - Adjusted reporting requirements

APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

Date Signed

9/25/14
REFERENCES:

DOC 100.100 is hereby incorporated into this policy; ACA 4-4193; DOC 420.310 Searches of Offenders; DOC 420.311 Dry Cell Search/Watch; DOC 420.375 Contraband and Evidence Handling; Records Retention Schedule

POLICY:

I. In the interest of protecting employees, contract staff, volunteers, and offenders, as well as maintaining orderly and secure facilities, every effort will be made to prevent the introduction of drugs and contraband into Prisons.

II. [4-4193] A body cavity (i.e., rectal or vaginal) search may be authorized to recover contraband which is believed to be carried/secreted internally by an offender when there is imminent danger to the offender’s health or facility safety, and all alternative means have been exhausted or are inappropriate. Body cavity searches will be conducted in a non-abusive manner, outside the presence of other offenders and unnecessary employees/contract staff.

III. [4-4193] Body cavity searches will not be conducted at minimum facilities. Minimum facilities will transfer offenders to a Level III, IV, or V facility if a body cavity search is necessary. If clinical providers at a minimum facility have concerns that a delay in conducting a search would pose a serious risk to the offender, the Chief Medical Officer or Medical Officer on Duty must be notified to determine an alternate plan.

DIRECTIVE:

I. Authorization

A. A body cavity search must be authorized by both the Superintendent and the Chief Medical Officer/designee when they have determined: [4-4193]

1. With reasonable suspicion, that the offender is concealing contraband internally, [4-4193]

2. That the concealment constitutes an imminent threat to life or security, [4-4193]

3. That all other means, including a dry cell search, have been exhausted or are inappropriate, and [4-4193]

4. From a medical perspective, the search can be done safely and in a clinically appropriate manner and setting.
B. To assist in establishing reasonable suspicion, non-invasive and minimally invasive procedures (e.g., blood tests, x-rays) may be ordered by a duly licensed practitioner, without offender consent, to help determine the presence and risk of contraband.

C. The Superintendent will ensure the establishment of reasonable suspicion, reviewing all documentation before authorizing a body cavity search, and will document the review and approval on DOC 21-998 Body Cavity Search Authorization.

D. The Chief Medical Officer/designee will review all relevant clinical and other information to determine that doing a body cavity search is safe from a medical perspective and to specify any clinical requirements for doing such a search.

E. The Chief Medical Officer/designee’s approval can be given verbally and will be documented by signature on DOC 21-998 Body Cavity Search Authorization within one business day after verbal approval.

   1. In an emergency situation, if the Chief Medical Officer cannot be contacted, the Facility Medical Director (FMD)/designee will act in place of the Chief Medical Officer.

II. Body Cavity Search Procedure

   A. A Unit Supervisor, Shift Commander, or Shift Sergeant will monitor the body cavity search procedure to ensure an effective search, procedural compliance, and proper documentation of the event.

   B. All participants in a body cavity search process will be the same gender as the offender.

   C. A strip search of the offender must be conducted before beginning the body cavity search process per DOC 420.310 Searches of Offenders.

   D. The body cavity search process will be video recorded, except for the actual search of the body cavity, starting with all events leading to the search. The video recorder will remain on through the entire search process. The video recording should begin with an opening statement by one of the assigned custody escorts, made out of the presence of the offender, indicating:

   1. Date and time,
   2. Name and DOC number of the offender,
   3. Names of all employees/contract staff involved, and
   4. Special instructions.
E. A custody employee will be assigned to document all elements of the actual search using DOC 21-999 Body Cavity Search - Procedure.

F. A body cavity search may only be performed by a Physician, Physician Assistant, or Nurse Practitioner who has the skills needed to perform the required procedure. [4-4193] The Chief Medical Officer/designee will assign a health care practitioner to do the body cavity search. The FMD will assign a health care practitioner if the Chief Medical Officer/designee is not available.

G. The assigned health care practitioner will:

1. Advise the offender of the procedure that will be used to perform the body cavity search and how to cooperate in order to minimize discomfort.

2. Ask the offender to provide informed consent for the procedure. If the offender does not consent, the practitioner will note the refusal on DOC 13-048 Refusal of Medical, Dental, Mental Health, and/or Surgical Treatment and in the DOC 13-435 Primary Encounter Report. The body cavity search can be done without consent.

3. Make the medical decisions needed to do the search.

H. Decisions about security will remain the function of custody employees. Safety of all employees/contract staff should be a primary consideration if the contraband may be a weapon.

I. During the search, if the health care practitioner believes the offender has a foreign substance/object secreted in a body cavity, s/he will, out of the presence of the offender, advise a custody employee. A custody employee must remain with the offender at all times.

1. The custody employee will:

   a. Advise the offender that the health care practitioner believes the offender has a foreign substance/object in his/her body cavity.

   b. Provide the offender with a bedpan and an opportunity to expel or retrieve the substance/object.

2. If the health care practitioner recommends that retrieval of the foreign substance/object is practical without injury, and the offender is cooperative, retrieval may be attempted.
3. If the health care practitioner does not recommend retrieval and/or the offender is resistive, retrieval will not be attempted. The offender will be returned to or placed on dry cell search per DOC 420.311 Dry Cell Search.

4. If the offender expels any contraband or any contraband is retrieved, the health care practitioner may continue the body cavity search to verify the presence of more/other contraband.

J. Any contraband recovered will be handled per DOC 420.375 Contraband and Evidence Handling, using appropriate standard (universal) precautions.

1. The custody employee will ensure that any contraband recovered is video recorded, specifying the date and time of the recovery.

2. Written documentation of the event, including a report in the Incident Report Management System, is required.

III. Documentation

A. The video recording will be maintained in a secure location per the Records Retention Schedule.

B. Incident documents will be completed and forwarded to the Superintendent through the chain of command.

C. A copy of the completed DOC 21-998 Body Cavity Search Authorization must be sent to the appropriate Deputy Director after the search.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Contraband, Reasonable Suspicion. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

DOC 13-048 Refusal of Medical, Dental, Mental Health, and/or Surgical Treatment
DOC 13-435 Primary Encounter Report
DOC 21-998 Body Cavity Search Authorization
DOC 21-999 Body Cavity Search - Procedure