

<p style="text-align: center;">POLICY OF</p> <p style="text-align: center;">STATE OF DELAWARE</p> <p style="text-align: center;">DEPARTMENT OF CORRECTION</p>	<p style="text-align: center;">POLICY NUMBER</p> <p style="text-align: center;">8.32</p>	<p style="text-align: center;">PAGE NUMBER</p> <p style="text-align: center;">1 of 6</p>
	<p>RELATED ACA STANDARDS:</p> <p>2-CO-3A-01; 4-4192, 4-4193, 4-4194, 4-4207, 4-4282</p>	
<p>CHAPTER: 8 ADMINISTRATION</p>	<p>SUBJECT:</p> <p>CONTRABAND: SEARCH, SEIZURE AND DISPOSITION</p>	
<p>APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:</p> <p style="text-align: right;"> 12/22/2014</p>		
<p>APPROVED FOR PUBLIC RELEASE</p>		

I. **AUTHORITY:** 11 *Del. C* §1258, §6517, 6562A, 6562B; 16 *Del. C. Ch.* 47; 29 *Del. C.* §8903

II. **PURPOSE:** To outline the general procedures for the searches of areas and persons to be used to control and detect the flow of contraband entering correctional institutions. This policy is instructional only and should be used as a tool for Correctional employees. Nothing herein shall, or is intended to, create any right or entitlement to privacy or freedom from search or seizure beyond that already required by the Federal and State Constitutions.

III. **APPLICABILITY:** All Department employees, volunteers, persons or organizations conducting business with the Department, and all offenders under the supervision of the Department.

IV. **DEFINITIONS:**

Contraband: Under Section 1258 shall be any intoxicating liquor or drug prohibited under Chapter 47 of Title 16, except as prescribes by a physician for medical treatment, tobacco, nicotine products, any money, without the knowledge or consent of the Department of Health and Social Services or the Department of Correction, any deadly weapon or part thereof or any instrument or article which may be used to effect an escape. Items include, but not limited to:

- A. Items not authorized by law or DOC policy to be in a facility, the grounds of a facility, a vehicle, a contract program area or in an inmate's possession;
- B. Items that are authorized by law or DOC policy, but used in an unauthorized or prohibited manner;
- C. Items that are authorized by law or DOC policy, but altered;
- D. Items that ownership cannot be established; or
- E. Any mobile phones, cellular telephone or other prohibited electronic device of any kind.

Strip Search: A search during which an individual is required to remove his or her clothing. All clothing is searched and then a visual inspection of his/her body cavity is performed to include anus, vagina, mouth, ears, nose, etc.

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Body Cavity Search: A manual or instrument inspection of an individual's body cavities including anus, vagina, mouth, ears, nose, etc. performed by medically trained professionals.

Dry Cell: A room that is not equipped with running water or facilities in which bodily waste can be disposed.

Reasonable Suspicion: Judgment based on past or present information and/or observation deemed credible based on experience, training, and education.

Correctional Facility: Any institution or office owned or operated under the jurisdiction of the Department.

Possession: On the person or under their control.

Trafficking: Illegal trade or exchange.

V. POLICY: The control of weapons and contraband in correctional institutions is essential to the safety of all persons in a facility and the general public; therefore, it is the policy of the Department of Correction that the following procedures will be used in the detection and control of contraband.

VI. PROCEDURES:

A. Strip Searches

1. Strip searches will be conducted for security purposes only. The search shall never be done for punitive purposes or as a form of harassment.
2. Strip searches will not be conducted for the sole purpose of determining an offender's genital status.
3. All offenders are subject to strip search when:
 - a. Upon intake to the facility.
 - b. The individual had contact with the public after initial commitment, i.e. offsite court appearance, contact visit, etc.
 - c. Leaving to or returning from any activity outside of the secure confines of the facility.
 - d. Placed on Psychiatric Close Observation (PCO) status.
 - e. In conjunction with random cell searches and scheduled facility shakedowns.
 - f. When returning from areas that have controlled tool inventories such as Motor Pool, Kitchen and Maintenance.
 - g. Being placed in disciplinary detention.
 - h. There is reasonable suspicion that contraband is present.

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4. Strip searches of offenders will be conducted by a sworn officer.
5. Strip searches of employees, volunteers, visitors or persons conducting business within Department, shall be conducted only upon authorization from the Security Superintendent or higher authority.
6. When staffing permits, two (2) Correctional Officers will be present to conduct a strip search. Staff members should not have physical contact with offenders when conducting strip searches except in self-defense, response to physical resistance to a lawful order or to render health care assistance.
7. Strip searches shall be conducted by officers of the same gender as the offenders being searched, except during emergencies or exigent circumstances.
8. Female offenders will be required to remove all feminine hygiene products.
9. Offenders will be required to squat, cough, bend over and spread buttocks for inspection.
10. All medical bandages will be removed and inspected.
11. Offenders will open their mouths, lift their tongues, run the finger along the upper and lower gum line and roll each lip for inspection.
12. Male offenders will lift their penises and testicles to provide a clear view of the groin area.
13. Offenders will lift and separate the breasts for inspection.
14. The following search plan shall be followed when conducting a strip search. After the individual removes his/her clothing, the officer will examine:
 - a. Pockets;
 - b. Linings, seams, collars, cuffs, waistbands and fly;
 - c. Socks, shoes, including soles and heels;
 - d. False teeth, artificial limbs, soft and plaster casts;
 - e. Hair, wigs and hairpieces;
 - f. Ears, nose, mouth, under arms, skin folds, hands, fingers, feet and toes; and
 - g. All genitalia including: penis, testicles, anus, groin and breast areas and vagina – free of any feminine hygiene products.

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B. Frisk Searches

1. Frisk searches may be conducted at random on any individual for the purposes of controlling contraband. Frisk searches should be conducted by a Correctional Officer of the same gender as the individual, whenever possible.
2. The following search plan shall be used when conducting a frisk search:
 - a. Officer will require that all items will be removed from pockets and placed in an area away from the search.
 - b. Officer requires the individual to stand still, with feet apart, arms outward and facing away from the officer.
 - c. Officer begins the search by running his/her fingers carefully over the collar of the individual's shirt and/or jacket, feeling for contraband.
 - d. The officer will move his/her hands downward over the shoulders and under the armpits using both hands, and then move down each arm.
 - e. The officer will run hands over offender's chest, back and sides of the torso, stopping at the waistline.
 - f. The officer will check the waistline by running fingers around the inside of the waistband and belt, checking for any hidden articles.
 - g. The officer will start at the top of the thigh in the groin area, move down all sides of each leg and check pants' cuffs, and then inspect shoes and remove if appropriate.
 - h. The officer will run his/her hands over the offender's abdomen and groin area carefully, feeling for articles which might be concealed in this area.
 - i. Officer will inspect all items taken from the offender, being conscious of baggy clothing.

C. Area Searches

1. Area searches may be performed unannounced on an irregular basis or scheduled as part of a planned shakedown.
2. Searches areas may include:
 - a. Cells/Rooms/Dorms
 - b. Work areas
 - c. Common areas
 - d. Visiting rooms
 - e. Vehicles

D. Searches for Ingested Drugs or Contraband

1. This section of policy will be added to the post orders of all posts that include or could include observation of offenders suspected of ingesting drugs or contraband.

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2. If there is reasonable suspicion that an offender has ingested drugs or other contraband, the offender will be separately housed in a dry cell. The Warden or designee verbally communicates to the offender the reason for being placed. No formal hearing on the matter is required. Documentation will be completed and placed in the unit log book.
3. Offender will be held for a period of time to allow passage of the drugs/contraband out of the body by natural functions. Usually this period is not more than 72 hours. During this period, the offender will only have contact with staff and medical personnel.
4. The medical condition of the offender will be checked by authorized medical personnel at the beginning of the isolation period and at least every two (2) hours (or as frequently as deemed medically necessary by the medical care provider) until the time period is complete. The results of each medical check will be noted in the unit log. The offender will be prevented during this period from disposing of the suspected drugs or contraband by flushing away body waste. All body waste produced by the offender will be collected by medical staff.
5. The method of search of all body waste collected will be as follows:
 - a. Body waste will be placed on a flat surface protected from drainage or spillage.
 - b. Body waste will be searched for drug balloons or contraband packages with a flat stick, tongue depressor, or other suitable instrument.
 - c. Personnel searching body waste will wear gloves, masks and aprons or other suitable protective gear so that no contact is made with any body waste.
 - d. If any suspicious item is found in the body waste, it will be separated from the waste and retained.
 - e. At the completion of the search, after all suspicious items have been removed from the body waste, the remainder will be flushed into a toilet and any materials used in the search that cannot be cleaned and recycled will be disposed of as medical waste.

E. Confiscated Contraband

1. For the purpose of handling confiscated contraband:
 - a. Whenever contraband is found, the officer shall place the contraband in an evidence bag or tagged with the following information:
 - i. Name of individual possessing the contraband;
 - ii. Location where the contraband was found;
 - iii. Time and date the contraband was found; and
 - iv. Officer(s) who found the contraband.

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- b. All contraband found and confiscated shall be documented by staff. The officer will submit the contraband to the area supervisor.
- c. In all cases that might involve arrest, the number of staff members handling the evidence shall be kept to a minimum. Each officer receiving the contraband shall document the date and time of receipt and the date and time the contraband is released to an officer in charge of the area.
- d. Evidence shall be immediately secured in the evidence locker until it can be retrieved by Internal Affairs (IA) or other designated official for possible referral to the proper authorities.
- e. Strict accountability of physical evidence collected in connection with a violation of law and/or institutional regulation must be established at each facility/location to preserve the integrity of the disciplinary and/or legal process.
- f. In cases that do not involve prosecution, the contraband should be properly tagged and held for evidence for disciplinary review.
- g. Contraband currency will be confiscated and logged. Following a disciplinary hearing and a guilty finding by the Disciplinary Board, the currency will be handled in accordance with Delaware Code. Should the Disciplinary Board find the offender not guilty, the currency will be deposited into the offender's account.

F. Storage and Disposal of Personal Property/Confiscated Items

Each facility Administrator shall adopt procedures providing for the appropriate storage and disposal of personal property including procedures for sending the property out to non-incarcerated individuals.

G. Items Entering the Institution from Outside

In order to control and effectively prosecute those who convey contraband into the institutions, each facility Administrator shall adopt procedures to control items that may be delivered into the possession of the intended recipient.

H. Protection from Unreasonable Searches

Searches directed at solving new crimes should account for the preservation of evidence as well as the legal protection of individual rights.