



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Searches of Inmates and Cells		Policy Number: DC-ADM 203
Date of Issue: May 25, 2004	Authority: Signature on File Jeffrey A. Beard, Ph.D.	Effective Date: June 15, 2004

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

It is the policy of the Department to prohibit the introduction and presence of unauthorized weapons, drugs, and other contraband that presents serious threats to the security and proper management of a correctional facility by providing for searches of facilities and inmates to control contraband and provide for its disposition.¹

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

¹ 4-4192

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

- a. DC-ADM 203, Searches of Inmates and Cells, issued June 9, 2000, by former Secretary Martin F. Horn;
- b. DC-ADM 203-1, Searches of Inmates and Cells, issued April 10, 2001, by former Secretary Jeffrey A. Beard, Ph.D.
- c. 6.3.1, Facility Security Procedures Manual, Section 8, Searches, issued June 20, 2003, by Secretary Jeffrey A. Beard, Ph.D.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

- a. DC-ADM 801, Inmate Discipline
- b. DC-ADM 802, Administrative Custody Procedures
- c. DC-ADM 803, Inmate Mail and Incoming Publications
- d. DC-ADM 815, Personal Property, Basic/State Issued Items and Commissary/Outside Purchases
- e. DC-ADM 610, Food Service
- f. 4.1.1, Human Resources and Labor Relations
- g. 6.3.12, Drug Interdiction Manual

2. ACA Standards

- a. Administration of Correctional Agencies: None
- b. Adult Correctional Institutions: 4-4192, 4-4194, 4-4281, 4-4282
- c. Adult Community Residential Services: 4-ACRS-2C-02
- d. Correctional Training Academies: None



PROCEDURES MANUAL
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Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

DC-ADM 203, Searches of Inmates and Cells Procedures Manual
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Section 1 – Cell Searches

A. General

The Facility Manager/designee may order a general search of any/all areas of the facility after any unusual incident or as part of the annual search plan.¹ A cell search conducted under these conditions is subject to the provisions of **Subsection B.1.-2. below**.

B. Searches of Inmates' Cells

1. General Procedures

- a. A cell search may be conducted as part of a general search, randomly selected or as needed as part of an investigation.
- b. During a cell search, all precautions will be taken to avoid damage to any items.²
- c. Any item, which is contraband or evidence of a crime or misconduct, shall be handled in accordance with Department policy **6.3.1, "Facility Security," Section 14, Contraband**.
- d. When there is excessive personal property in a cell, the inmate owner may designate to whom such items are to be shipped. The inmate will pay the shipping cost. If this is not possible, such items shall be removed and the inmate provided a copy of a written list of the items and their disposition. Confiscated money shall be deposited in the Inmate General Welfare Fund (IGWF). Excessive state issued items shall be confiscated by the facility for appropriate disposition. Disposition may include returning the items to the facility's inventory for issue to another inmate, or the submittal of a misconduct report if the items have been altered or otherwise deemed unusable. A **DC-154A, Confiscated Items Receipt (Inmate)** will only be used to record all confiscated non-state issued items and for those which are the subject of a misconduct.
- e. To minimize the possibility of an inmate's radio, television, or typewriter being lost or stolen, the facility provides a means to engrave the items with the inmate's committed name and DC number. Due to the variations in design of these items, the engraving shall be placed at a readily visible location on the back of the items. Every radio, television, and typewriter must be so engraved. When any of these items are not so engraved, the item may be confiscated until true ownership can be determined.
- f. Confiscated property shall be handled in accordance with Department policy **6.3.1, Section 20, Inmate Property**.
- g. ***If staff identifies any cases of suspected federal tax fraud, such as multiple tax forms or other indication that an inmate is running a "tax preparation"***

¹ 4-4192

² 4-4282

operation, the Intelligence Captain or Security Lieutenant will notify the appropriate Internal Revenue Service (IRS) Special Agent.

2. Presence of Inmate During a Cell Search

The inmate is permitted to be present whenever his/her cell is searched UNLESS the ranking officer conducting the search determines:

- a. the presence of the inmate would present an immediate threat to staff, other inmates, or the security of the facility;
- b. the search is being conducted under emergency conditions; or
- c. the inmate's presence will impair an ongoing investigation of criminal activity or violation of facility regulations. Such determination by the ranking officer will be in writing, setting forth the factual basis for this determination.

C. Random Cell Search

1. The Intelligence Captain/designee is responsible for coordinating random cell search efforts and maintaining the centralized documentation/logs for each cell search.
2. A random cell search shall generally be performed by Search Team members assigned to the Security Office, but may be performed by other staff as directed by the Intelligence Captain/designee.
3. A random search may be conducted at any time but no later than one hour after the facility is locked up for the evening.
4. Before the search, the unit officer shall notify the inmate whose cell has been randomly chosen and the inmate shall be given the option of remaining during the search.
 - a. An inmate whose cell has been randomly chosen shall be asked to sign a record to show that he/she was present during the search or, if he/she chooses not to be present, to show that he/she wishes not to be present.
 - b. If an inmate refuses to sign the record, the officer shall note his/her refusal on the record.

D. Investigative Cell Search

An investigative cell search requires a reasonable suspicion the inmate is concealing contraband or involved in other activity, which potentially threatens the security of the facility. An investigative search requires the prior approval of the Shift Commander, Security Office Supervisor, or higher-ranking authority. The inmate may be present during an investigative search except as provided in **Subsection B.2.**

E. K-9 Inspection

The use of a narcotics detection K-9 to scan a cell for narcotics may be done without the presence of the assigned inmate. The K-9 scans the air to detect the possible presence of narcotics (this is not an actual search). If contraband is suspected, the proper procedure for a cell search will be followed.

F. Security Cell Inspection

A security inspection is to be conducted by facility personnel for health, safety, and security reasons. A security inspection is for the observation and physical testing of the structural components of the cell, such as doors, windows, bars, electrical fixtures, and plumbing. Inmate personal property shall not be searched or disturbed during a security inspection except to the extent necessary to gain access to the structural components of the cell. Presence of the inmate occupant(s) is not required during a security inspection.

Section 2 – Searches of Inmate’s Person

Every inmate is subject to search at any time. Staff personnel of either gender may conduct pat searches in any area of the facility. They will be conducted in a professional manner with tact and proper attitude displayed.

A. Pat Searches

Every inmate is required to comply with the following procedures when being pat searched:

1. remove all items from pockets and place them in a hat, on a shelf, desk, or other suitable place;
2. stand still with his/her feet apart and arms extended outward, palms upward; and
3. follow the verbal direction given by the staff member conducting the search.

B. Strip Search

1. A strip search shall be conducted when necessary for the security and good order of the facility, including the following situations:
 - a. before and after every contact visit;
 - b. upon an inmate’s return from outside activities, supervised outside leave, and furloughs;
 - c. upon reception, return from court, and return after the inmate has left the facility reservation for any reason;
 - d. following an activity where an inmate has had the opportunity to mingle with outside groups, particularly where there are large numbers of people under minimal supervision;
 - e. periodically for an inmate who is permitted to move in and out of the gate areas;
 - f. when there is reason to believe that an inmate is in an escape plot or possession of contraband;
 - g. when an inmate enters or leaves any restricted area;
 - h. when an inmate is admitted/discharged from a Security Level 5 Housing Unit or Mental Health Unit; and
 - i. prior to being transported outside the secure perimeter.

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Section 2 – Searches of Inmate’s Person

2. A strip search should be conducted in an area separate from other inmates and to assure privacy and minimum embarrassment. Absent exigent circumstances, same gender correctional personnel shall search inmates.¹
3. Every inmate is required to comply with the following procedures when being strip searched:
 - a. remove all items from pockets and place them in a hat, on a shelf, desk, or other suitable place;
 - b. remove all articles of clothing;
 - c. stand still with feet apart and arms extended outward, palms up; and
 - d. follow the verbal direction given by searching staff member.

C. Body Cavity Search

A body cavity search may be authorized by the Facility Manager/designee, when there is reasonable belief that the inmate is in possession of contraband² and it has been determined that there is imminent danger to an inmate’s health or facility safety and then only as a means of last resort. A Physician will conduct all ordered body cavity searches of inmates. X-ray technology may also be used when there is reasonable belief that the inmate is in possession of contraband.

¹ 4-4194

² 4-4194

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Glossary of Terms

Annual Search Plan – A plan developed to ensure that all areas other than inmate living quarters are searched a minimum of two times per year.

Body Cavity Search – A body cavity search is a physical examination of an inmate’s anal and/or genital cavity. Only a physician conducts this procedure.

Cell Search – The search of areas, and their contents, identified as inmate living quarters includes secure cells, dormitory cubes, and infirmary quarters.

Contraband – 18 P.S. §5123 and the Department’s Inmate Handbook define contraband. Various types of contraband include but are not limited to: money, implements of escape, non-prescription drugs, drugs which are prescribed, but the inmate is not authorized to possess, drug paraphernalia, poisons, intoxicants, materials used for fermentation, property of another, weapons or other items which in the hands of an inmate present a threat to self, others or to the security of the facility.

Department – The Pennsylvania Department of Corrections.

Excessive Property – Any item(s) in the possession of an inmate or in an inmate’s cell that is in excess of the limits established by Department policy **DC-ADM 801, “Inmate Discipline,” DC-ADM 802, “Administrative Custody Procedures,” DC-ADM 803, “Inmate Mail and Incoming Publications,” DC-ADM 815, “Personal Property, Basic/State Issued Items, and Commissary/Outside Purchases,” DC-ADM 610I “Food Service”** and any other applicable Department policy.

General Search – The search of part or all of any area within a facility after an unusual incident or as part of the annual search plan.

Investigative Cell Search – A search conducted as part of an investigation.

K-9 Search – A K-9 search is a search conducted by a trained narcotics detection K-9 and it’s handler. The K-9 scans the air for suspected narcotics. In accordance with this manual, the inmate may or may not be present for the search.

Random Search – A search of a randomly selected cell or cells.

Security Inspection of Cells – A security inspection is for the observation and physical testing of the structural components of the cell. Security inspections of inmate cells are not searches and are exempt from **Section 1** of this directive.