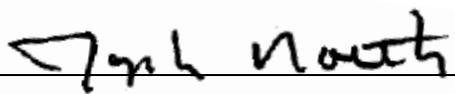


 <b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Control of &amp; Search for Contraband</b>		NO. 4910
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REFERENCES (Include but are not limited to) See Section III	APPROVING AUTHORITY  		

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- I. SCOPE:** This directive sets forth the rationale for and the procedures to be followed in the search for and control of contraband. It also standardizes procedures for the inspection and search of an incarcerated individual's person, living quarters, or any other area in or around a correctional facility to aid in the control of contraband.
- II. POLICY:** The presence of contraband within a facility and its subsequent possession and/or use by incarcerated individuals threatens the security of the facility, endangers the safety of incarcerated individuals, employees, visitors, and the community, and impairs rehabilitation programs.

Search for and seizure of contraband is a responsibility of facility management. The experience of correctional authorities in the operation of facilities has demonstrated that special unannounced, as well as routine periodic searches of facility areas, incarcerated individual living quarters, and the incarcerated individual's person are essential to the discovery and elimination of contraband.

Introducing or possessing contraband in a facility may be a violation of law and violators are to be prosecuted. Visitors attempting to introduce contraband or in possession of contraband will be denied permission to visit (see Directive #4403, "Incarcerated Individual Visitor Program"). Contraband found in the possession of incarcerated individuals will be confiscated promptly by facility personnel within the guidelines outlined in this directive, Directive #4910A, "Contraband/Evidence – Handling, Storage, and Disposition," and in Departmental disciplinary procedures (see Directive #4932, "Chapter V, Standards Behavior & Allowances").

It is important that inspections and searches be properly carried out by designated personnel. It is equally important that they be well supervised and accomplished in a timely and orderly fashion.

### III. REFERENCES

- NYS Penal Law Part 3, Title L, Section 210.45, "Making a Punishable False Written Statement"
- 7 NYCRR, Chapter IV, Part 200, "Entrance to a Correctional Facility"
- ACA Expected Practices
  - 5-ACI-3A-12, 5-ACI-3A-19, 5-ACI-3A-20, 5-ACI-3A-21, 5-ACI-3D-08, 5-ACI-3D-17, 5-ACI-5A-01
  - 2-CO-3A-01, 2-CO-3C-01
  - 2-CI-2B-1, 2-CI-2B-2
  - 1-ABC-3A-12, 1-ABC-3A-17, 1-ABC-3A-18, 1-ABC-3A-19
- Directives #4004, #4006, #4027B, #4091, #4403, #4910A, #4913, #4932, #4938, #4944
- Health Services Policy #1.31A, #1.37

**IV. PERSONAL SEARCHES:** Searching an incarcerated individual's person is sound correctional practice and a necessary element of contraband control. The employee conducting a personal search must assure its thoroughness and not offend the dignity of the incarcerated individual being searched. Staff must refrain from demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, and obscene language or gestures during these searches as well as during other encounters with incarcerated individuals.

#### A. Metal Detector Search

1. Definition: A metal detector search means a search in which an incarcerated individual is passed through a metal detector, or in which a handheld metal detector is passed over an incarcerated individual's person, or an incarcerated individual is required to sit in a Body Orifice Scanning System (BOSS) chair, or required to pass through a Cellsense unit to determine whether there are metal objects in their clothing, or attached to or concealed within their body.
2. Application
  - a. An incarcerated individual, even under escort, will be subjected to a metal detector search:
    - (1) Upon reception into the Department of Corrections and Community Supervision (DOCCS) or return to DOCCS custody from outside agencies, return from temporary release, or as a returned absconder, etc.
    - (2) Prior to transfer from one facility to another, and at the receiving facility following transfer.
    - (3) Prior to a visit in a maximum or a medium correctional facility.
    - (4) After a contact visit or attending any facility affair where family and visitors are present.
    - (5) Upon admission to a special housing unit, work release restriction unit, or psychiatric housing unit.
    - (6) Prior to an outside trip (e.g., medical, court, funeral/sickbed) and upon return to the facility.
    - (7) All incarcerated individuals will pass through a walk-through metal detector prior to leaving an industry area even if under escort.

- (8) All incarcerated individuals will undergo a metal detector search (handheld, walk-through, Cellsense, BOSS chair, etc.) prior to leaving a vocational area even if under escort.
  - (9) Entering and leaving the facility on outside work details.
- b. An incarcerated individual, even under escort, may be subjected to a metal detector search:
- (1) Going to and from work, housing, medical, and program areas.
  - (2) In conjunction with a pat frisk (as described in subsection IV-B).
  - (3) Meeting with or in the presence of Departmental officials or visitors.
  - (4) As directed or authorized by supervisory staff.
- c. Procedure for an incarcerated individual with a “specific implanted medical electronic device”:
- (1) Should an incarcerated individual inform staff that they have a specific implanted medical electronic device and choose not to pass through the walk-through metal detector, the Officer in charge shall verify their medical permit. If the incarcerated individual is not in possession of the medical permit, the facility Health Services Unit will be contacted to verify the incarcerated individual’s claim. Any discrepancies shall be reported to the Area Supervisor.
  - (2) Once frisking staff are satisfied that the incarcerated individual has such an implanted device, the incarcerated individual, if necessary, should be directed to stand to the side or in an area designated to wait for further processing so as not to hold up the process of others being searched.
  - (3) The incarcerated individual shall be pat frisked and subjected to a handheld metal detector search, BOSS chair search, or pass through a Cellsense unit as appropriate. Staff shall not conduct the search in close proximity to the implanted medical electronic device, with the exception of the Cellsense unit.
  - (4) Should frisking staff be unable to clear the incarcerated individual at the conclusion of the above search/frisk methods, a visual inspection of the area in question or further processing may be warranted in accordance with Section IV-F of this directive, as authorized by a Sergeant or higher-ranking Officer.
  - (5) The Area Supervisor shall be notified when an incarcerated individual claiming to have a specific implanted medical electronic device is not in possession of a medical permit or is unable to provide it and confirmation cannot be obtained through the facility Health Services Unit. The incarcerated individual shall **not** be required to pass through a walk-through metal detector and will be processed as indicated above. All attempts shall be made to ascertain the legitimacy of the incarcerated individual’s claim.
- d. Whenever a metal detector search is conducted in conjunction with a strip frisk/strip search, the lower abdomen, groin, and anal areas will be scanned with the incarcerated individual wearing at least their undergarments.

- e. Whenever the BOSS chair is used in conjunction with a strip search or a strip frisk, the incarcerated individual will be required to sit in the device fully clothed (i.e., wearing standard undergarments, pants, and shirt - no coat).

## B. Pat Frisk

1. Definition: A pat frisk means a search by hand of an incarcerated individual's person and their clothes, while the incarcerated individual is clothed, except that the incarcerated individual shall be required to remove their coat, hat, and shoes. The incarcerated individual will be required to run their fingers through their hair and spread their fingers for visual inspection. If the incarcerated individual's hairstyle is of a style which makes a visual inspection virtually impossible, a hand scanner or any other appropriate tool (e.g., plastic comb, pick, etc.) will be utilized to probe the hair for the purpose of detecting contraband. The search shall include searching into the incarcerated individual's clothing. Contact through the clothing with the genitalia, groin, breast, inner thigh, and buttocks is a necessary component of a thorough pat frisk. However, staff must avoid any penetration of the anal or genital opening through the clothing during a pat frisk.

Staff must not lift or otherwise manipulate the genitalia during a pat frisk. Requiring an incarcerated individual to open their mouth is not part of a pat frisk (see subsection IV-C).

### 2. Application

- a. A pat frisk shall be made of incarcerated individuals:
  - (1) To be interviewed by Departmental officials, the Board of Parole, or official visitors.
  - (2) Entering the visiting room (except at community-based facilities).
  - (3) When the entire or an individual area of the facility or living quarters are searched.
  - (4) Going to and returning from outside work detail.
  - (5) When there is an articulable basis to suspect that an incarcerated individual may be in possession of contraband.
  - (6) As directed or authorized by supervisory staff.
- b. A pat frisk may be made of incarcerated individuals:
  - (1) Going to and returning from housing areas.
  - (2) En route to and from program and recreation areas.

NOTE: Use of a handheld metal detector is always appropriate to supplement the pat frisk.

### 3. Cross-Gender Pat Frisks

- a. Male Incarcerated Individuals: Pat frisks will be performed by Officers regardless of gender. However, a female Officer shall not perform a non-emergency pat frisk of any male Muslim incarcerated individual over the objection of the incarcerated individual if a male Officer is present at the location where the pat frisk is to be conducted and is available to perform the pat frisk. This in no way restricts the ability of a female Officer to perform a pat frisk on a male Muslim incarcerated individual when there is an articulable basis to suspect that the incarcerated individual may possess contraband, or in emergency situations.

b. Female Incarcerated Individuals

- (1) Facilities shall not permit cross-gender pat frisks of female incarcerated individuals, absent exigent circumstances. Facilities shall not restrict female incarcerated individuals' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

Exigent circumstances mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility. When exigent circumstances require the cross-gender pat frisk of female incarcerated individuals, the provisions of subsection IV-B-3-b-2 will be followed.

- (2) A male Officer may perform emergency pat frisks of female incarcerated individuals when exigent circumstances exist and a female Officer is not present at the location where the frisk is to be conducted or, if present, is not available to perform the pat frisk. When a male Officer performs emergency pat frisks of female incarcerated individuals when exigent circumstances exist and no female Officers are available, then the pat frisk shall be conducted in a location where there is regular access and traffic by staff, incarcerated individuals, or both rather than in a more remote or less traveled area. In facilities with CCTV capabilities, pat frisks should also be conducted in the area where a camera is present.

NOTE: When a male Officer is to conduct a pat frisk of a female incarcerated individual, the male Officer shall record the date, time, place, and the reason for the pat frisk on [Form #1140CGPF](#), "Report of Cross Gender Pat Frisk – Female Incarcerated Individual."

- (3) When a male Officer pat frisks a female incarcerated individual, the Officer shall not use the palm of the hand when frisking the clothed breast area of the female incarcerated individual. Instead, the Officer shall use the back and side of the hand only and shall use care not to pat the clothed nipples of the incarcerated individual. When frisking the clothed upper thigh of a female incarcerated individual, a male Officer shall use care not to pat the clothed genital area of the incarcerated individual. The Officer shall conduct himself professionally, alert to the perceived sensitive nature of the cross-gender pat frisk.

c. Transgender Incarcerated Individuals

- (1) Any incarcerated individual who is to be pat frisked, who has Gender Dysphoria, is intersex, or who is transgender and has a permit to possess and wear gender affirming/transgender clothing, may request that a Correction Officer of the incarcerated individual's preferred gender conduct the pat frisk. It is the policy of the Department to honor that request whenever possible, as determined by the Area Supervisor.
- (2) Except as provided in subparagraph (3) below, an Officer shall not perform a non-emergency pat frisk of an incarcerated individual who has been issued a permit to possess and wear gender affirming/transgender clothing over their objection when:
  - (a) The incarcerated individual presents their permit to possess and wear gender affirming/transgender clothing and requests to be pat frisked by an Officer of a specified gender.

- (b) An Officer of the specified gender is present at the location where the pat frisk is to be conducted and is available to perform the pat frisk.
- (3) Notwithstanding the provisions of subparagraph (2) above, an Officer may pat frisk an incarcerated individual who has been issued a permit to possess and wear gender affirming/transgender clothing over their objection where exigent circumstances exist and an Officer of the specified gender is not present at the location where the pat frisk is to be conducted or, if present, is not available to perform the pat frisk.
- (4) When a male Officer pat frisks an incarcerated individual who has been issued a permit to possess and wear gender affirming/transgender clothing, the male Officer shall not use the palm of his hand when frisking the clothed breast area of the incarcerated individual. Instead, a male Officer shall use the back and side of his hand only and shall use care not to pat the clothed nipples of the incarcerated individual. This limitation is not applicable to a female Officer conducting a pat frisk on the incarcerated individual.
- (5) When frisking the clothed inner thigh, groin, or buttocks, an Officer shall use care not to penetrate any genital opening of the incarcerated individual. All Officers shall conduct themselves professionally, alert to the perceived sensitive nature of the frisk.
- (6) When an Officer conducts a frisk of an incarcerated individual who has been issued a permit to possess and wear gender affirming/transgender clothing over their objection, the Officer shall record the date, time, place, and the reason for the pat frisk on [Form #1140CGPF-T](#), "Report of Cross Gender Pat Frisk – Transgender Incarcerated individual."

#### C. Mouth Search

1. Definition: A mouth search means a visual inspection of an incarcerated individual's mouth. An incarcerated individual will be required to open their mouth, remove any dentures, move the tongue up and down and from side to side; using a weak hand, pull down the lower lip, and then pull up the upper lip, exposing the gums.
2. Application: Except as conducted pursuant to an authorized strip frisk (see subsection IV-E below), an Officer may conduct a mouth search only upon reasonable suspicion that the incarcerated individual may have contraband concealed in their mouth.

Reasonable suspicion may be drawn from an unnatural facial appearance or unnatural sound when talking; or from refusal to talk; or by observing the incarcerated individual putting their hand or fingers in their mouth; or by receipt of information from a reliable informant that the incarcerated individual may be concealing contraband in their mouth.

#### D. Strip Search

1. Definition: A strip search means a search of an incarcerated individual's clothes once they are removed and a visual inspection of the incarcerated individual's naked body.

Except as noted, the incarcerated individual is not required to display body cavities or perform any other physical acts as described under "Strip Frisk" in subsection IV-E. However, the incarcerated individual may be subjected to an inspection of their mouth, ears, hair, hands, armpits, and feet as part of a routine block search (see subsection VI-B).

2. If the incarcerated individual's hairstyle is of a style which makes a visual inspection virtually impossible, a hand scanner or any other appropriate tool (e.g., plastic comb, pick, etc.) will be utilized to probe the hair for the purpose of detecting contraband. Application: A strip search may be made of incarcerated individuals:
  - a. When specifically authorized (see Sections V and VI) or upon a finding of probable cause (see subsection IV-F).
  - b. Only in accordance with the strip search/strip frisk guidelines (see subsection IV-G).

NOTE: When conducting a visual inspection/body check of an incarcerated individual assigned to a male correctional facility who has been issued a permit to possess and wear a bra (such as an incarcerated individual diagnosed with Gender Dysphoria/GID or who has breast development), or an incarcerated individual assigned to a female correctional facility who has been diagnosed with Gender Dysphoria/GID, and the Area Supervisor determines further inspection is necessary (e.g., looking for injuries), such visual inspection shall be performed outside the presence of other incarcerated individuals. Absent probable cause, the incarcerated individual will not be required to remove the bra or undershorts/underwear. A supervisor of the rank of Sergeant or above shall be present when the removal of the bra is required.

#### E. Strip Frisk

1. Definition: A strip frisk means a search of an incarcerated individual's clothes and body, including a visual inspection of body cavities. For a male, this involves one or more of the following procedures: a mouth search\*, running his hands through his hair, allowing his ears to be visually examined\*\*, lifting his arms to expose his armpits, lifting his testicles to expose the area behind his testicles, and bending over and spreading his buttocks to expose his anus to the frisking Officer\*\*\*. For females, the procedures are similar except that females must also squat to expose the vagina.

\*Mouth Search: Before removing his shorts (for men) or her bra and panties (for women and those incarcerated individuals in a male correctional facility who have been issued a permit to possess and wear a bra), an incarcerated individual will be required to open their mouth, remove any dentures, and move the tongue up and down and from side to side; using a weak hand, pull down the lower lip, and then pull up the upper lip, exposing the gums.

\*\*If the incarcerated individual's hairstyle is of a style which makes a visual inspection virtually impossible, a hand scanner or any other appropriate tool (e.g., plastic comb, pick, etc.) will be utilized to probe the hair for the purpose of detecting contraband.

\*\*\*An uncircumcised male incarcerated individual will not be required to pull the foreskin of the penis back unless there is reasonable suspicion that contraband is concealed underneath the skin. Staff will provide written documentation articulating the basis of the suspicion and outcome of the frisk. This memorandum will be submitted to the Captain or equivalent Security Supervisor for review.

NOTE: A strip frisk of an incarcerated individual who has been diagnosed with Gender Dysphoria shall presumptively be conducted by staff of the same gender as the gender classification of the facility.

This presumption is subject to review by Central Office on a case-by-case basis following an incarcerated individual's transfer to a facility consistent with their gender identification or identification of other factors that may warrant a different determination. Staff shall apply procedures as appropriate based upon the anatomy of the incarcerated individual. The facility (administration/security) shall not search or physically examine a transgender or intersex incarcerated individual for the sole purpose of determining the incarcerated individual's genital status.

If the incarcerated individual's genital status is unknown, a medical provider may determine the incarcerated individual's genital status during conversations with the incarcerated individual, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

2. Application: A strip frisk may be made of incarcerated individuals:
  - a. When specifically authorized (see Sections V and VI) or upon a finding of probable cause (see subsection IV-F).
  - b. Only in accordance with the strip search/strip frisk guidelines (see subsection IV-G).

F. "Probable Cause" for Strip Search or Strip Frisk

1. Where an Officer believes an incarcerated individual is hiding contraband on their body or in anal, genital, or other body cavities, the Officer must report this to a Sergeant or higher-ranking Officer to secure permission to conduct a strip frisk.
2. A Sergeant or higher-ranking Officer has "probable cause" when they have information that would lead a reasonable person who possesses the same expertise as the official to believe under the circumstances that the incarcerated individual is hiding contraband on their body or in the anal, genital, or other body cavity area. Mere suspicion or belief, unsupported by articulable fact, is insufficient.
3. If the Sergeant or higher-ranking Officer finds probable cause and directs the Officer to proceed with a strip search or strip frisk, they must record the reason for finding probable cause on [Form #1140](#), "Report of Strip Search or Strip Frisk." This report also documents the incarcerated individual's name and number, the time, place, and type (strip search or strip frisk) of search, whether force was used, the name and rank(s) of person(s) conducting and present at the search, and the results of the search. **The Sergeant or higher-ranking Officer must sign this report.**

G. Guidelines for Strip Searches/Strip Frisks

1. Staff Demeanor
  - a. Only a Correction Officer who is conducting the frisk and a supervisor of the rank of Sergeant or above may be present and able to see the incarcerated individual during a strip search or strip frisk unless:

- (1) An incarcerated individual has a record of resistance to strip searches, strip frisks, or a record of assaults or attempted assaults on Correction Officers, or the incarcerated individual indicates they will actively resist the search.
- (2) A major disturbance of the facility requires that incarcerated individuals be held and searched in groups.
- (3) The incarcerated individual is a possible victim of sexual abuse and is being strip frisked\* prior to transportation to an outside hospital (in this particular case, a Health Services provider shall be present, if available).

\*NOTE: Directive #4027B, "Sexual Abuse Reporting & Investigation – Incarcerated Individual-on-Incarcerated Individual," provides additional guidance for strip frisks of sexual abuse victims.

- b. Strip searches or strip frisks shall be conducted by an Officer or employee of the same sex as the incarcerated individual being searched.
- c. In performing a strip search or strip frisk, Officers shall conduct themselves professionally. Officers shall be alert to the sensitive nature of the strip search or strip frisk and conduct such searches in a manner least degrading to all involved.

## 2. Location/Privacy

- a. Every precaution shall be taken to conduct strip searches and strip frisks in an area or location which provides privacy.  

In locations normally used for conducting strip searches or strip frisks, access and traffic by incarcerated individuals other than those being strip searched or strip frisked shall be limited to the extent possible.

When it is necessary to conduct a strip search or strip frisk outside the facility, the search or frisk shall be conducted in private.
- b. Strip searches or strip frisks shall be conducted in locations heated to a level of human comfort for disrobed persons.
- c. In locations normally used for strip searches or strip frisks, the floor shall have a covering sufficient to protect bare feet from the chill of the floor.
- d. In locations normally used for strip searches or strip frisks, provision shall be made for the placement of the incarcerated individual's clothing off the floor. If conducted elsewhere, provision shall be made for placement of the incarcerated individual's clothing off the floor.
- e. Locations normally used for strip searches or strip frisks shall be kept clean and free from dust and accumulations of dirt and grime. Such areas shall be cleaned at least once daily, either before commencing the day's strip searches or strip frisks, or at the conclusion of the day.

## 3. Incarcerated Individual-Staff Contact

- a. When incarcerated individuals cooperate in the conduct of the strip search or strip frisk, the incarcerated individual's body shall not be touched except to run fingers through the incarcerated individual's hair if necessary.

- b. When conducting a strip frisk, visual inspection of the anal cavity shall be accomplished by having the incarcerated individual bend over and spread the buttocks. For purposes of visual inspection of the vagina, female incarcerated individuals shall squat and spread their legs.
  4. Use of Force in the Conduct of a Strip Search or a Strip Frisk
    - a. When a strip search has been authorized by a supervisor of the rank of Sergeant or higher and the incarcerated individual refuses to submit to the search, a supervisor will be notified and the incarcerated individual's refusal will be considered to constitute probable cause to conduct a strip frisk.
    - b. If force is used to complete the strip frisk, the force used shall be in accordance with Directive #4944, "Use of Physical Force."
    - c. The incarcerated individual's clothing will be removed with the exception of undershorts for males, and bra and panties for females and those incarcerated individuals in a male correctional facility who have been issued a permit to possess and wear a bra. The incarcerated individual's mouth shall be forced open by an employee wearing disposable single-use plastic or rubber gloves for each incarcerated individual. Once the mouth inspection is complete, the undergarments will be removed and the remainder of the strip frisk completed.
    - d. The employee who spreads the incarcerated individual's buttocks for a visual examination of their anal cavity shall wear disposable single-use plastic or rubber gloves for each incarcerated individual.
    - e. Where force is used to perform a strip frisk, the incident shall be reported as set forth in Directive #4004, "Unusual Incident Report."
  5. Documentation
    - a. [Form #2063](#), "Certificate of Search," is to be completed for all incarcerated individuals who, when leaving the facility, receive a strip frisk or strip search.
    - b. [Form #1140](#) is to be completed for all incarcerated individuals who receive a strip frisk or strip search after a finding of probable cause.
    - c. A facility Captain or highest-ranking Security Supervisor shall be responsible for completing a monthly report of monitoring activities and submitting it to the Deputy Superintendent for Security (DSS) (or Superintendent in those facilities without a Deputy Superintendent for Security) for review, approval, and filing. These reports will be made available for review by visiting Central Office staff and submitted to Central Office upon request of the Director of CERT Operations.
- H. Body Cavity Search: (see Division of Health Services Policy 1.37, "Body Cavity Search")
  1. Definition: A body cavity search means a physical examination of an incarcerated individual's oral and/or genital cavities by a Primary Care Provider (PCP) (e.g., physician, nurse practitioner, physician assistant, dentist, etc.).

2. Authorization
  - a. Single incarcerated individual: The Superintendent, Acting Superintendent, or facility Officer of the Day shall not authorize a body cavity search without having first been advised of all circumstances and will base the decision upon evaluation of those circumstances, with particular consideration of the intrusiveness of a body cavity search and only after obtaining approval from the Deputy Commissioner for Correctional Facilities and the Deputy Commissioner/Chief Medical Officer or designee.
  - b. More than one incarcerated individual: In instances when a body cavity search is requested or suggested for more than one incarcerated individual in a single incident, the Superintendent, Acting Superintendent, or the facility Officer of the Day must gain authorization from the Deputy Commissioner for Correctional Facilities and the Deputy Commissioner/Chief Medical Officer or, during non-business hours, the Departmental Officer of the Day.
  - c. The Deputy Commissioner for Correctional Facilities and the Deputy Commissioner/Chief Medical Officer, or the Departmental Officer of the Day, shall not authorize a body cavity search without having first been advised of all circumstances and will base the decision on evaluation of those circumstances, with particular consideration of:
    - (1) The intrusiveness of a body cavity search.
    - (2) The number of incarcerated individuals to be searched.
    - (3) The imminence and seriousness of the danger of the contraband.
    - (4) The likelihood that the contraband was secreted in the body cavities and has not been disposed of.
    - (5) The possible use of less intrusive searches, to either discover the contraband or a narrowing of the group to be searched.
3. Application: A body cavity search may be authorized only in circumstances where there are compelling reasons to believe that the incarcerated individual or incarcerated individuals to be searched have secreted contraband in an oral and/or genital cavity (rectal cavity searches will not be authorized), the nature of which constitutes a clear threat to the safety and security of the facility and/or a threat to the safety and well-being of any person. Compelling reasons are limited to:
  - a. A foreign object's presence is indicated by a metal detector but is not visible during a strip frisk.
  - b. A foreign object is observed to be present during a strip frisk.
  - c. Intelligence information possessed by facility administration and/or staff indicates the probability of the presence of contraband in the oral or genital cavities of the incarcerated individual or incarcerated individuals to be searched.
  - d. Probable presence of contraband in the body cavities of the incarcerated individual or incarcerated individuals to be searched is indicated by other observations such as unusual gait, indications of discomfort, particularly while walking or sitting, unusual posture, etc.

#### 4. Procedure

- a. This search shall be conducted in accordance with professional standards and in compliance with the Health Services protocol regarding body cavity searches which provides, in pertinent part: this procedure shall be conducted by a PCP after approval by the Deputy Commissioner/Chief Medical Officer or designee. The examination must be accomplished in an appropriate examining room using acceptable aseptic techniques for such an exam (e.g., draping, positioning, explanation of the procedure to be performed, etc.). One Correction Officer of the same sex as the incarcerated individual must be present as a witness.
- b. Prior to conducting a body cavity search, the PCP must explain the process to the incarcerated individual and the incarcerated individual must be given the opportunity to yield the contraband voluntarily. If the search is for a specific item which is voluntarily yielded, the search shall not continue. Force should not be used to complete a body cavity search.
- c. Every precaution shall be taken to ensure as much privacy as is possible under the circumstances.
- d. On all occasions that a body cavity search is conducted, the incident must be reported, through the unusual incident process under incident type #22, by specifying body cavity search, to the Department's Communication Control Center with the follow-up submission of the required Unusual Incident Report (see Directive #4004).

#### I. Radiological Detection Search

1. Definition: A radiological detection search means an internal search of the incarcerated individual's person via the use of equipment such as X-rays.
2. Authorization: A radiological detection search will be performed only with the express authorization of the Superintendent, Acting Superintendent, or facility Officer of the Day, and only after consultation with the facility's Health Services Director or designee to ensure that such a search will not be injurious to the incarcerated individual's health.

The Superintendent, Acting Superintendent, or facility Officer of the Day shall not authorize a radiological detection search without having first been advised of all circumstances and will base the decision upon evaluation of those circumstances, with particular consideration given to the sensitivity of a radiological detection search.
3. Application: A radiological detection search may be authorized only in circumstances where there are compelling reasons to believe that the incarcerated individual or incarcerated individuals to be searched have secreted contraband in their bodies, the nature of which constitutes a clear threat to the safety and security of the facility and/or a threat to the safety and well-being of any person.

**J. Native American Medicine Bag Search**

1. A Native American shall hold their medicine bag open for visual inspection by the Correction Officer. If the incarcerated individual is not present or if special security concerns exist (e.g., the Native American incarcerated individual refuses to open the medicine bag or threatens, assaults, or attempts to assault staff or other incarcerated individuals, or the incarcerated individual or the medicine bag pose a threat to the safety and security of the facility), then the medicine bag may be held open by the Chaplain. If the Chaplain is not available, the bag shall be secured by the Correction Officer in an area designated by the DSS until the Chaplain is present. If exigent circumstances exist, however, the Superintendent may authorize the search of a bag without a Chaplain, provided a Lieutenant or higher-ranking Officer is present when the bag is opened for visual inspection.
2. A medicine bag may be scanned at any time with a metal or other electronic detector.
3. The contents of a medicine bag may be tested for illegal substances if contraband is suspected, pursuant to the provisions of Directive #4938, "Contraband Drug Testing."

**V. SITUATION SEARCHES**

- A. Transfer: When an incarcerated individual is transferred from one DOCCS facility to another, they will be strip frisked and subjected to a metal detector search at the facility from which they are being transferred. The Officer conducting the search shall file [Form #2063](#). In the absence of probable cause, the incarcerated individual will not be strip searched or strip frisked at the receiving facility. A metal detector search will be conducted by the receiving facility. If it becomes necessary to conduct a clothing exchange, the incarcerated individual will not be required to remove their underwear (undershorts-males/bra and panties-females/gender appropriate undergarments).
- B. Contact Visits: All incarcerated individuals in medium and maximum facilities shall be strip frisked and subjected to a metal detector search after a contact visit. They may not be strip frisked after non-contact visits (see also subsection V-I).
- C. Attorney Visits: Incarcerated individuals have the option of having non-contact visits with attorneys. In the absence of probable cause, no strip searches or strip frisks may be conducted after non-contact attorney visits.
- D. Special Housing Units (Disciplinary and/or Protective Custody) Frisks
  1. An incarcerated individual is to be strip frisked and subjected to a metal detector search on reception in the Special Housing Unit (SHU), disciplinary and/or protective custody, and, in accordance with subsection V-I, after visits. [Form #1140SHU](#), "Report of Strip Frisk on Admission to SHU or MHU Cell/Room," must be completed.
  2. An incarcerated individual will be pat frisked and hand scanned with a metal detector before leaving the SHU or upon returning to the SHU from any activity within the facility.

3. When an incarcerated individual is transferred from one facility SHU to another facility SHU, they will be strip frisked on exiting the facility, but may not be strip searched or strip frisked upon entry to the receiving facility and/or its SHU in the absence of probable cause. If it becomes necessary to conduct a clothing exchange, the incarcerated individual will not be required to remove their underwear (undershorts-males/bra and panties-females and those incarcerated individuals in a male correctional facility who have been issued a permit to possess and wear a bra).
4. No other strip search or strip frisk of an incarcerated individual in a SHU may be conducted unless in accordance with other provisions of this directive.

E. Restriction/Secure Units

1. Incarcerated individuals admitted to restriction or secure units, who may be used at work release facilities or at other facilities for incarcerated individuals awaiting transfer, will be strip frisked and undergo a metal detector search. [Form #1140WRF](#), "Report of Strip Frisk on Admission Restriction/Secure Unit," will be completed for each event.
2. Incarcerated individuals at work release facilities on restriction, who are placed off the unit because of an overflow, will be strip frisked and undergo a metal detector search upon their return to the restriction unit since they would have stayed in open housing overnight.

F. Psychiatric Housing

1. Each incarcerated individual admitted to an individual cell shall be subjected to a strip frisk (use [Form #1140SHU](#)).
2. An incarcerated individual placed on a Suicide Watch shall be subjected to a strip frisk regardless of the physical location of the Watch (use [Form #1140SHU](#)).  
NOTE: The Psychiatric Housing cell/room shall be thoroughly searched prior to and at the conclusion of the OMH admission. The Officer performing the search shall record the date, time, and findings in the logbook.
3. An incarcerated individual admitted to a dormitory or multiple occupancy housing unit may only be subjected to a strip frisk/strip search upon probable cause (use [Form #1140](#)).

- G. Release Without Correctional Supervision: An incarcerated individual may be strip frisked and subjected to a metal detector search upon return to a correctional facility from a period of temporary release, furlough, work release, etc. When leaving the facility, the incarcerated individual will not be strip searched or strip frisked.

H. Escorted Trip

1. Departure: Each incarcerated individual scheduled for an escorted trip shall be subjected to a strip frisk prior to departure.
2. En route: While outside the facility, a Correction Officer may authorize or conduct a strip search or strip frisk upon a finding of probable cause only if a supervisor of the rank of Sergeant or higher is not present and a reasonable attempt has been made to contact a supervisor of the rank of Sergeant or higher. The Officer shall prepare [Form #1140](#).
3. Return: Upon return, the escorting Officer shall contact a Sergeant or higher-ranking Officer to request authorization for a strip frisk or strip search if, during the outside trip, the escorting Officer has:

- a. Lost sight of the incarcerated individual or their hand movements.
- b. Believes the incarcerated individual has contraband.

If the Sergeant or higher-ranking Officer directs a strip search or strip frisk for reasons a. and b., they shall prepare [Form #1140](#) to document their authorization and the reason(s) for the search or frisk of the specified incarcerated individual.

- I. Visits: For the purpose of this Section, a visit is defined as a meeting between an incarcerated individual and their family, friends, legal counsel, and any other authorized persons in an area designated for this purpose. Search procedures for visitors are set forth in Directive #4403 and Title 7 NYCRR Part 200.

NOTE: The visiting area is to be searched for contraband prior to visiting hours and after visiting hours before porters clean same. This search will be documented in the area logbook. Trash must be removed immediately after visitation to a secure area under direct supervision or by security staff.

NOTE: In female facilities where babies are in residence and, along with the mother, visit a third party, the infant will be searched in the same manner as the mother.

1. Maximum and Medium Security Facilities

- a. Prior to a visit, an incarcerated individual is to receive a pat frisk. The incarcerated individual shall then either be passed through a walk-through detector or scanned thoroughly with a handheld metal detector. In addition, the BOSS chair may be utilized.
- b. After a contact visit, an incarcerated individual shall be strip frisked. The incarcerated individual may not be strip frisked after a non-contact visit.

2. Minimum Security Facilities

- a. An incarcerated individual shall receive a pat frisk and metal detector search before and after a visit in a minimum security facility.
- b. An incarcerated individual may receive a strip frisk after a visit in a minimum security facility per authorization by a supervisor, rank of Sergeant or above.

3. Community-Based Facilities

- a. An incarcerated individual shall not receive a pat frisk before a visit in a community-based facility unless so ordered by the Superintendent or designee.
- b. An incarcerated individual shall receive a pat frisk and metal detector search after a visit in a community-based facility.
- c. An incarcerated individual shall not receive a strip frisk after a visit in a community-based facility unless so ordered by the Superintendent or designee.

- J. Drug & Special Watches - Temporary Isolation: This Section applies to those circumstances requiring the temporary isolation of an incarcerated individual when there is "probable cause" to believe that the incarcerated individual has either ingested a contraband item or inserted a contraband item into the rectal cavity.

1. Authorization: Admission to temporary isolation shall only be authorized by the Superintendent, Acting Superintendent, DSS, or Officer of the Day.

2. **Medical Notification/Evaluation:** Prior to the start of a “Drug” or “Special Watch,” the incarcerated individual shall be evaluated by a nurse. After evaluation, the nurse will notify the Facility Health Services Director (FHSD) or designee of their findings. If the FHSD or designee, and all other physicians, nurse practitioners, or physician assistants are not at the facility, the nurse will notify the on-call physician. Based on the information available and the nurse’s findings, the on-call physician will decide if an in-person physician evaluation or telemed encounter is needed for further medical management prior to placement in temporary isolation.
3. **Location:** Each facility shall identify a cell(s) or room(s) for the purpose of placing a suspected incarcerated individual in temporary isolation on a Drug or Special Watch.  
Such cell(s) or room(s) shall be located in an area designated by the Superintendent.
4. **Furnishings**
  - a. The cell(s) or room(s) will be furnished with a bed, mattress, pillow, bed linen, blanket, and a bedpan.
  - b. The incarcerated individual will not be permitted their personal clothing. They shall be provided with hospital clothing or:

1 set underwear	1 pair slippers
1 pair pants or skirt	1 pair socks
1 shirt or blouse	
  - c. The incarcerated individual shall be issued the following personal hygiene items:

1 bar hand soap	toothpaste and/or denture cleaner
1 toothbrush	1 hand towel
5. **Procedure**
  - a. The water supply to the cell/room shall be turned off.
  - b. The incarcerated individual shall have the opportunity to use issued personal hygiene items either by being provided with a basin of warm water, the bar of soap, and hand towel, or being removed from the cell as directed and at intervals scheduled by the DSS, at a minimum, five times per day, as follows: approximately 30 minutes prior to service of each meal; once at the beginning of tour 1 (nights), and once during tour III (evenings). Furthermore, upon request of the incarcerated individual following urination and/or defecation. Each time the incarcerated individual is provided water, it needs to be documented in the unit logbook.
  - c. The Drug/Special Watch room shall be thoroughly searched prior to and at the conclusion of the Watch. The person performing the search shall record the date, time, and findings in the Drug/Special Watch Logbook.
  - d. The incarcerated individual shall be subjected to a strip frisk prior to entering the Drug/Special Watch cell/room (use [Form #1140](#)).
  - e. The incarcerated individual shall remain isolated for a period not to exceed 48 hours unless:

- (1) A defecation containing contraband occurs, in which case the incarcerated individual will be retained until two negative defecations occur.
  - (2) Two negative defecations do not occur within 48 hours, in which case the incarcerated individual will be retained until two negative defecations occur.
  - (3) A radiological detection search conducted pursuant to Section IV-I of this directive indicates the presence of a contraband item which remains in the incarcerated individual's body. In this case, the temporary isolation may continue for up to seven days with the written approval of the Superintendent or designee, and the FHSD or designee will be notified.
- f. In any case where the temporary isolation period exceeds 24 hours, a DOCCS Health Services nurse shall visit the incarcerated individual at least once every 24 hours. A complete set of vital signs and patient evaluation will be done and documented in the Ambulatory Health Record (AHR). Any abnormal findings will be reported to the FHSD or designee, or "on-call" physician. A facility physician, nurse practitioner, or physician assistant will evaluate the incarcerated individual in person, every three days, and document findings in the AHR.
- g. A chronological log shall be maintained which shall include, but not be limited to, visits by medical and/or other staff, negative defecation, defecation containing contraband, Unusual Incidents, or an incident relative to the situation.
- h. [Form #2147](#), "Drug/Special Watch Isolation Report," shall be completed in duplicate upon conclusion of the incarcerated individual's temporary isolation. The original shall be forwarded to the Superintendent and a copy to the guidance and counseling folder.
- i. Instructions: The Officer assigned to supervise Drug/Special Watch will instruct the incarcerated individual that upon urination and/or defecation, they are not to wipe themselves nor reach around to touch their rectal/genital area until they pass the bedpan, with defecation sample, to the Officer for inspection.

The Officer will then give the incarcerated individual a clean bedpan and toilet paper and hygiene materials (basin of warm water, hand soap, and hand towel) for use. Once those items are returned, the Officer is responsible for searching the fecal matter (defecation sample) for contraband. The Officer shall wear rubber gloves and search for contraband using a tongue depressor or other facility approved method. If contraband is found, it shall be processed in accordance with Directive #4910A.

## VI. SEARCHES OF FACILITY SPACES

### A. Definitions

1. Cell: Secure room utilized to house an incarcerated individual or multiple incarcerated individuals.
2. Gallery: Common area located immediately in front of cells.
3. Catwalk/Pipe Chase: A narrow, sometimes elevated pathway behind, or adjacent to, cells utilized to access plumbing/electrical utilities and/or block windows. These areas may provide access to a secure control; console or post.

4. **Block:** A large area of the facility comprised of a group or cluster of single and/or multiple occupancy cells.
5. **Control Console:** A secure, self-contained unit designed to maintain the security of the facility.
6. **Employee Post:** Any area of the facility to which an employee is assigned and/or is present.
7. **Incarcerated Individual Work Station:** Any area in the facility where an incarcerated individual is assigned to work.
8. **Tunnel:** Subterranean enclosed pathway below any portion of a facility which leads to another area of the facility, including utility pathways.
9. **Attic:** Area above any portion of a facility between the occupied space/spaces and the actual roof/roofs of any portion of the facility.
10. **Basement:** Area below any portion of a facility between the occupied space/spaces and the foundation floor/floors of any portion of the facility.
11. **Search:** To examine a place, area, person, or object carefully in an attempt to find something or someone missing or concealed.

B. Routine/Scheduled Searches

1. **Routine Block Searches:** A routine block search is an area search involving incarcerated individual living quarters in which housing units (e.g., a tier of cells, company, pod, etc.) are periodically searched in accordance with a schedule issued by the DSS or equivalent.

During a routine block search, each incarcerated individual present may be strip searched and subjected to an inspection of their mouth, ears, hair, hands, armpits, and feet.

During such searches, a supervisor will make rounds of each gallery or housing unit area upon completion of that area being searched to determine if any complaints exist. The supervisor will document their round/inspection in the unit logbook. Documentation by the supervisor will be made in red ink.

2. **Routine Area Searches:** A routine area search is an area search of a specified area of a facility to promote the safety and security of the facility (e.g., shop area, kitchen, mess hall, etc.).

NOTE: Religious areas are to be searched in accordance with Section VI-E.

A routine area search may be authorized by the facility Superintendent. However, a similar search of a smaller area of the facility, such as a shop, recreation yard, etc., may be authorized by the DSS.

When a routine area search has been authorized, the Superintendent must ensure that it is carried out by designated correctional personnel under close supervision. It should be scheduled to minimize disruption of regular operations, absent of incarcerated individuals, and be accomplished in the shortest time possible. However, if incarcerated individuals are present, they will be pat frisked and may also be scanned with a handheld metal detector.

NOTE: Strip searches or strip frisks may not be conducted without the expressed consent of the Deputy Commissioner for Correctional Facilities (see subsection VI-C-3).

3. Routine Cell Searches: Each day, the living quarters of a number of incarcerated individuals in each housing unit will be searched by correctional employees in accordance with a schedule issued by the DSS or equivalent. This schedule will ensure that each incarcerated individual's cell, cube, or room is randomly searched a minimum of once during a 60-day cycle. The time of cell searches must be varied so as not to establish a predictable pattern. Cell searches will be thorough and include bar and hammer examinations; vent and toilet inspections; sink inspections; and wall, ceiling, floor, and window integrity checks.

Incarcerated individuals present shall be pat frisked and may also be scanned with a handheld metal detector.

4. Security Inspections: Regular inspections are considered fundamental in the proper maintenance of secure correctional facilities. The utmost vigilance will be exercised while conducting security inspections of all areas including, but not limited to, incarcerated individual living quarters, catwalk/pipe chases, basements, attics, and tunnels. Careful attention shall be given to ensure the integrity of:
  - a. Bars
  - b. Gates
  - c. Fences
  - d. Windows
  - e. Locks/locking mechanisms
  - f. Interior/exterior/perimeter walls
  - g. Floors
  - h. Ceilings
  - i. Secure cabinets
  - j. Vents
  - k. Security screens
  - l. Lighting/plumbing fixtures
  - m. Grates
  - n. Manhole covers

Additionally, staff, while conducting routine duties such as security rounds, cell searches, counts, etc., should remain vigilant as to detect anything out of the ordinary such as, but not limited to:

- a. Obstructed areas
- b. Damaged/cracked walls, floors, and ceilings
- c. Discolored walls and ceilings
- d. Cell door integrity

NOTE: Cell door integrity must be accomplished when conducting the count by the Officer pushing and pulling on each cell door to ensure it is locked and secure. This will supplement the electronic verification indicator lights, if so equipped.

During the physical inspection of these items and areas, a Department-issued rubber mallet and/or baton will be utilized to assist in the thorough examination. All staff are responsible to ensure that any obvious or suspected breaches of security are reported immediately to a Security Supervisor.

5. The DSS will establish a schedule for security inspections of facility:
  - a. Catwalk/Pipe chases – weekly
  - b. Basements – monthly at a minimum
  - c. Attics – monthly at a minimum
  - d. Tunnels – monthly at a minimum
  - e. Manhole covers/Drainage gate – monthly at a minimum
  - f. Cell integrity check – weekly

NOTE: Each Security Supervisor will physically report to one of their assigned areas of responsibility for the inspections identified. This supervisor will observe security staff performing the inspections and ensure that proper procedures are followed. The Security Supervisor will indicate in the unit logbook their presence for the inspection, and sign the logbook indicating that the inspection was observed. These inspections must be recorded in the Watch Commander's Logbook. The supervisor will report this inspection on [Form #4001B](#), "Daily Security Supervisor Report," for submission to the Watch Commander, who will ensure this report is forwarded to the DSS for review and retention.

Additionally, the DSS shall establish a schedule for security inspections of incarcerated individual living quarters and security control points to ensure that all security apparatus and living quarters' equipment are present, intact, and functional. Such inspections will occur at a minimum once per week. The time and day of the inspections must be varied so as not to establish a predictable pattern. Any contraband observed in incarcerated individual living quarters or concealed in cell equipment will be immediately confiscated by the Officer performing the search and properly processed. The results of each security inspection will be reported in writing to the Superintendent.

6. The facility DSS shall coordinate with the Director of CERT Operations to establish a schedule for security inspections of facility tunnels to be conducted, on a quarterly basis, by members of CERT Teams not assigned to the facility.
7. Random Workstation Searches: Each day, the assigned workstations of a number of incarcerated individuals in each industry area will be searched by security staff in accordance with a schedule issued by the DSS or equivalent. This schedule will ensure that each workstation is randomly searched weekly at a minimum.

C. Unscheduled/Response-Type Searches

1. Area Searches: Area search means a large specified area of a facility is to be searched due to an incident or series of incidents (e.g., shop area, kitchen, mess hall, and housing unit).

An area search may be authorized by the facility Superintendent. A similar search of a smaller area of the facility, such as a shop, a tier of cells, recreation yard, etc., may be authorized by the DSS.

When an area search has been authorized, the Superintendent must ensure that it is carried out by designated correctional personnel under close supervision. It should be scheduled to minimize disruption of regular operations and be accomplished in the shortest time possible.

Incarcerated individuals present shall be pat frisked and may also be subjected to a metal detector search.

NOTE: Strip searches or strip frisks may not be conducted without the expressed consent of the Deputy Commissioner for Correctional Facilities (see subsection VI-C-3).

2. **Overall Facility Search:** Overall facility search means the search of the entire facility. An overall search of a facility may be undertaken only after the Superintendent consults with the Deputy Commissioner for Correctional Facilities. After consultation, the Superintendent will then electronically submit this request via email to the Deputy Commissioner for Correctional Facilities. The request and rationale for an overall facility search must be clearly delineated by the Superintendent and shall be directly related to the facility's safety, security, and operations. The Deputy Commissioner for Correctional Facilities will consider the request and provide a written response after consultation with the Commissioner. If the request is approved, the Superintendent shall also notify the Deputy Commissioner and Chief of the Office of Special Investigations (OSI), who will then direct OSI staff to report to the facility to observe the search. In the absence of exigent circumstances, an overall facility search will not commence prior to the arrival of OSI staff.
3. **Search in Response to Major Threat:** In response to a major threat to the security of a facility, the Commissioner or the Deputy Commissioner for Correctional Facilities may authorize an overall or area search and a strip frisk of the incarcerated individuals present.

NOTE: Only the Commissioner or Deputy Commissioner for Correctional Facilities can authorize the strip frisk or strip search of a group of incarcerated individuals in conjunction with an overall or area search. If the Superintendent finds probable cause, they shall request approval to conduct this search/frisk from the Deputy Commissioner for Correctional Facilities. If the request is approved, the Superintendent shall also notify the Deputy Commissioner and Chief of OSI, who will then direct OSI staff to report to the facility to observe the search in response to a major threat. In the absence of exigent circumstances, a search in response to a major threat will not commence prior to the arrival of OSI staff.

Example of a "major threat": An incarcerated individual is stabbed on a gallery or in a dormitory. In the aftermath of the incident, the gallery is sealed off and the facility requires all incarcerated individuals to be strip frisked to search for weapons.

4. **Unscheduled Cell Searches:** An unscheduled search of the living quarters of an incarcerated individual shall be conducted only when there is a reasonable suspicion that contraband is contained in the housing unit.  
Such search must be authorized by a supervisor except when there are reasonable grounds to believe that a search is immediately necessary to prevent death, injury, or the destruction of contraband. In this situation, the employee may conduct the search and then submit a written report to their supervisor explaining the urgency of the search and its results.

D. Placement of Incarcerated Individuals

1. **General Confinement:** The search of a general confinement housing unit may be conducted with or without the incarcerated individual being present. If the incarcerated individual is removed from quarters prior to the search, they shall be placed outside the immediate area to be searched but allowed to observe the search. However, if, in the opinion of a supervisory security staff member, the incarcerated individual presents a danger to the safety and security of the facility, the incarcerated individual shall be removed from the area and not allowed to observe the search.

NOTE: When an incarcerated individual is removed and not allowed to observe the search, the security supervisor making this determination will document the reason for their determination in the area logbook and in a memorandum to the Watch Commander.

NOTE: If an incarcerated individual is being moved to a different housing location (within the same or another facility) or released (temporarily or permanently), the packing up of property by staff incident to that move or release shall not be deemed a search for purposes of this subsection. The incarcerated individual need not be present to observe the pack up.

2. **Special Housing:** The search of a SHU cell shall be conducted with the incarcerated individual removed from the cell for the duration of the search. The incarcerated individual shall be placed in a vacant cell and not allowed to carry anything. If a vacant cell is not available, the incarcerated individual is to be taken to a secure area and held for the duration of the search.

NOTE: Incarcerated individuals assigned to a double cell at Five Points CF, Upstate CF, or any SHU 200 must be removed from the cell, not placed in the cell exercise area.

- E. Religious Areas: Prior to beginning any search in a facility religious area (Protestant Chapel, Catholic Chapel, Mosque, Native American group locker, etc.), the supervisor in charge of the search will ensure that a member of the facility Ministerial Services staff is physically present to properly safeguard legitimate religious artifacts. If an emergency condition exists, the Superintendent may authorize the search of the facility religious area without the presence of the facility Ministerial Services staff; however, a Lieutenant or higher-ranking Officer must be present.

The supervisor in charge of the search shall maintain open communication with the Ministerial Services representative throughout the duration of these area searches.

Whenever the representative of Ministerial Services and the supervisor in charge are unable to agree on procedural matters, it shall be the responsibility of the supervisor to contact the DSS for resolution.

F. Searches of Quarters and Property

1. The search of an incarcerated individual's living quarters shall be thorough and orderly. All State and personal property shall be examined carefully. Staff should remain vigilant as to detect any abnormalities, including, but not limited to, obstructed areas, damaged/cracked/discolored bars, gates, windows, walls, floors, ceilings, light fixtures, plumbing, and vents. A Department-issued rubber mallet and/or baton will be utilized to accomplish this task.

2. Care and caution shall be taken to avoid damage or destruction to property. Every effort shall be made to leave the living quarters in the same condition they were prior to search. If possible, items are to be returned to the approximate position in which they were found or placed in an orderly fashion on the bed. If an incarcerated individual's property is damaged, the employee conducting the search shall report it to their supervisor in writing, with a copy to the Deputy Superintendent for Administrative Services.
3. All searches of religious items shall be conducted in such a manner as to respect their religious significance. A Native American's medicine bag shall only be searched in accordance with subsection IV-J.

Whenever the religious authenticity of an item found in an incarcerated individual's cell is questioned, its authenticity shall be verified by a member of the facility's Ministerial Services staff.

4. All contraband items found shall be processed in accordance with Directive #4910A. If no item has been confiscated and no misbehavior report written, that fact should be indicated on [Form #2077](#), "Cell Frisk/Contraband Receipt," and a copy provided to the incarcerated individual.

NOTE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law of the State of New York. In addition to the potential criminal charges, knowingly making a false statement could lead to Departmental disciplinary action.

#### G. Documentation

1. Unit Logs: The Officer in charge of an incarcerated individual housing unit shall maintain a log for recording searches of incarcerated individual living quarters, to include housing unit common areas such as showers, bathrooms, day rooms, slop sinks, storage area, telephone, etc. This log shall include:
  - a. Name and number of the incarcerated individual whose living quarters is searched.
  - b. Date and time of the search.
  - c. Names of Officers conducting the search.
  - d. List of contraband found.
  - e. Name of supervisor authorizing the search.
  - f. List of any State or incarcerated individual property damaged.
  - g. Cell integrity items including, but not limited to, walls, floors, ceilings, sinks, vents, and bars, have been inspected. An entry will also be made indicating any deficiencies noted.
  - h. It is the duty of the Sergeant assigned to an incarcerated individual housing area to make weekly inspections of these logs to ensure that all scheduled and unscheduled cell/cube searches are being completed and properly logged.

The housing area Sergeant is to sign their name in red ink on the line after the last entry made at the time of their check and date same. These inspections must be indicated on [Form #4001B](#).

2. The location of any area or overall search will be documented in a separate logbook maintained by the DSS. The date, time, location, Area Supervisor in charge of the search, and the results of the search must be included.
3. Reports of Findings: In addition to log entries and reviews required above and by Directive #4091, "Logbooks," the findings of overall or area searches are to be documented and promptly reported to the Superintendent. Findings of overall searches shall also be promptly reported to the Deputy Commissioner for Correctional Facilities.

**VII. CONTRABAND/EVIDENCE-HANDLING/DISPOSITION:** See Directive #4910A for the necessary guidelines to be followed for the Contraband/Evidence Management Program. All recovered contraband, serious/dangerous or otherwise, shall be documented based upon the type of the contraband and the circumstances under which it was discovered (see Attachment A, "Contraband Recording/Logging").

### **Contraband Recording/Logging**

All recovery of contraband, serious/dangerous or otherwise, shall be recorded by means of completion of one or more of the following written records based on identification and definition:

1. Contraband associated or by definition determined to meet the criteria of an Unusual Incident will report via the FUI0 Electronic Reporting System in accordance with Directive #4004, "Unusual Incident Report."
2. All serious non-Unusual Incident contraband must be reported via the FUI0 Electronic Contraband Reporting System within 24 hours of recovery. All monthly facility contraband/evidence information will be obtained via the FUI0 Electronic Contraband Reporting System.
3. All other contraband should be documented as appropriate, utilizing:
  - a) Area log, search log, and any other log kept where search results are recorded and contraband is secured or destroyed.
  - b) Misbehavior Report, [Form #2171](#) and [Form #2171C](#) (see Directive #4006, "Reporting Incarcerated Individual Attitude and Behavior"). All articles confiscated, contraband or other, shall be listed.
  - c) [Form #2077](#), "Cell Frisk/Contraband Receipt," if applicable.
  - d) [Form #1140](#), "Report of Strip Search or Strip Frisk," if applicable.
  - e) [Form #1140-WRF](#), "Report of Strip Frisk on Admission Restriction/Secure Unit."
  - f) [Form #1140SHU](#), "Report of Strip Frisk on Admission to SHU or MHU Cell/Room."
  - g) [Form #1140CGPF](#), "Report of Cross Gender Pat Frisk – Female Incarcerated Individual."
  - h) [Form #2062](#), "Search Contraband Report," after a search of living quarters.
  - i) [Form #2063](#), "Certificate of Search," after a search of incarcerated individuals being transported.
  - j) [Form #2068](#), "Authorization for Disposal of Personal Property," if the incarcerated individual is given a choice of disposition (see Directive #4913, "Incarcerated Individual Property").
  - k) [Form #2080A](#), "Request for Test of Suspected Contraband Drugs," if appropriate (NOTE: The chain of custody of evidence is recorded on this form. See Directive #4938, "Contraband Drug Testing").
  - l) [Form #2081A](#), "Presumptive Test Report," to record testing and results of suspected contraband drugs (see Directive #4938).
  - m) [Form #2147](#), "Drug/Special Watch Isolation Report," if applicable.