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Scott Crow, Director Oklahoma Department of Corrections	Signature on File		

Search and Seizure Standards

The following standards for conducting searches are adopted for the interdiction, control, and seizure of contraband or evidence, and to maintain the safety and security of Oklahoma Department of Corrections (ODOC) grounds. (2-CO-3A-01, 5-ACI-3A-19, 4-ACRS-2C-02)

I. Definitions

A. Arrest/Apprehension

The seizure, taking, or keeping of a person in custody by legal authority, including by arrest warrant, when there is probable cause to believe the person has committed a felony or misdemeanor, or the capture of an escapee or return of an inmate/offender to the physical custody of ODOC.

B. Contraband

Property that is unlawful or prohibited by ODOC procedure. Contraband is further defined in [OP-040109](#) entitled "Control of Contraband and Physical Evidence."

C. Dry Cell

A cell without any type of operable plumbing fixture (sink or toilet).

D. Exigent Circumstances

A situation in which an employee must take immediate action to effectively make an arrest, search, or seizure for which probable cause exists, but warrant cannot first be obtained due to a threat to the life or safety of a person, an imminent escape by the inmate/offender, or removal/destruction of evidence.

E. Evidence

Items, including contraband, that tend to prove or disprove a crime, rule, or condition violation has been committed.

F. Frisk

A search of a person to detect any concealed weapons, made by passing the hands over the clothing and through the pockets.

A frisk will occur when an employee reasonably suspects the person has or is about to commit a crime or violate a rule or condition of supervision. A frisk is conducted by an employee applying pressure with their hands, over the outer clothing of the person being searched to determine if a weapon is present. The person searched is not required to remove any item of clothing or empty their pockets. The employee should not go under any item of clothing except upon reasonable suspicion, as a result of the search and other articulable facts, that a weapon, contraband, or evidence of a crime is concealed on the person being searched.

G. Grounds

Any property of the state of Oklahoma or under the control of ODOC on which a correctional center or administration building/office is situated.

H. Home Visit

A routine entry by an employee into the residence of an offender on parole, probation, specialized supervision, pre-parole conditional supervision, or house arrest to check compliance with the rules and conditions of supervision as set by a court, ODOC, or the Pardon and Parole Board.

I. Intrusive Body Cavity Search

A search procedure that includes a visual body cavity strip search and a manual or instrumental inspection of a person's body cavities.

J. Medical Professional

A person such as a physician, dentist, physician's assistant, or an advanced practice nurse licensed by the State of Oklahoma.

K. Pat Down Search

The act or instance of passing the hands over the body of a clothed person to detect concealed items such as contraband, weapons or illegal drugs.

A person to be searched will be required to empty their pockets and/or remove their shoes, jacket, coat, hat, raincoat, sweater, or similar outer garment. The search may also require the person to pull out the tail of a shirt or blouse. An employee will ask the person if they have forgotten to remove any items or possess any items that may cause the employee to believe any item is concealed. The search will be conducted by an employee applying gentle pressure and running their hands over the entire body (to include armpits, genital area, breast, and hair) of the person being searched, staying only on the outer clothing and feeling for anything that would indicate the presence of a concealed item. The search will include inspection of all items or removed outerwear and any other items the person was carrying. If a concealed item is detected, the person will be directed to remove the item and/or identify the item.

L. Probable Cause

A basis for the belief in the existence of facts which is substantial and objective. There is no precise definition of what constitutes probable cause. In determining whether probable cause exists (or existed), courts look to factual and practical considerations of everyday life on which reasonable and prudent people, not legal technicians, act. Probable cause is more than a bare suspicion but less than that necessary to secure a conviction.

M. Property Search

A search of any personal or real property of a person. This property includes, but is not limited to, any item carried by a person onto ODOC grounds.

N. Protective Sweep

A search by an employee upon making an arrest or taking an inmate/offender back into custody when there is reason to believe other persons may be present who pose a danger to the employee or others. The employee may look in areas capable of concealing a person within the immediate area or within the adjoining area of the arrest.

O. Reasonable Suspicion

A particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity or that a place or thing contains evidence of a crime. Anonymous tips, without either corroboration or other articulable facts or inference, are not enough to cause reasonable suspicion.

P. Routinely Accessible

A place, location, or area of a correctional facility where an inmate can move through, work in, or be located without being under constant and direct observation and supervision.

Q. Search

An examination of a person's body, property, or other area conducted by an employee for the purpose of finding contraband or evidence of a crime.

R. Secure Internal Perimeter

The area located inside the walls or security fence which is consistently patrolled or monitored by security staff and/or technology.

S. Strip Search

A search of a person conducted after the person's clothes have been removed.

The purpose of such a search is usually to find contraband or evidence the person might be hiding. The person searched will be required to disrobe completely. The employee will do a visual check of the person as the person raises their arms and turns in order that the body can be viewed from all angles. The employee does not touch the body of the person, and the person does nothing more than turn while being viewed by the employee. Before permitted to redress, all clothing and carried items will be searched by the employee and then returned to the person.

T. Visitor

Any person, other than an ODOC employee, volunteer, contractor or subcontractor, who enters onto state property to visit an inmate, tour a facility, conduct business as a vendor, attend a meeting or official function, or for any other reason.

U. Visual Body Cavity Search

A search of a person conducted after the person has emptied their pockets and removed all clothing. The person may be required to spread their fingers and rotate their hands so that both palms and backs of the hands are shown. The person may be required to raise both arms to expose the armpits. If the person being searched is male, they may be required to squat down and cough while in the squatting position, lift his penis and testicles, and if uncircumcised may be required to roll back his foreskin. If the person being searched is female, she may be required to lift her breasts and squat. The person being searched may then be required to turn their back to the employee, lift each foot to expose the sole of the foot and wiggle the toes. The person being search may be required to bend forward at the waist at least 90 degrees and spread their buttocks and expose the anus. The person's clothing and any items being carried will be searched and returned. The person will then redress.

II. General Guidelines

A. Guidelines for Conducting Reasonable Searches and Seizures (5-ACI-3D-17, 4-ACRS-2C-02)

1. Whenever possible, searches will be conducted in a manner so as not to damage property. Property will be left in, or as close to, the original state as possible.
2. When possible, searches of a person (employees, contractors, subcontractors, volunteers or visitors) shall be conducted by an employee of the same gender as the person being searched.
3. Unless otherwise dictated by emergency circumstances, searches will be conducted by employees trained in search techniques and procedures.
4. The execution of a search warrant of an occupied dwelling will be conducted between the hours of 6:00 a.m. and 10:00 p.m. unless otherwise ordered

by the court. (22 O.S. § 1230)

5. Searches are not to be conducted for arbitrary, capricious, or oppressive reasons, or harassment.
6. Searches will be conducted in a manner that causes the least disruption and affords respect and privacy for the property or person searched. Employees will avoid unnecessary force or embarrassment.
7. Whenever practical and when there is no undue risk to the officers or employees conducting the search, the person or inmate/offender to be searched will remain within view of the property being searched.
8. Employees shall seize evidence for prosecution of disciplinary action, probation and parole revocation, or felony/misdemeanor charges discovered during a search.
 - a. Items discovered during a search which are either evidence of a crime or contraband will be seized and processed for appropriate disposal as required by law or procedure.
 - b. All items seized will be properly tagged and identified according to procedures outlined in [OP-040109](#) entitled "Control of Contraband and Physical Evidence" and all employees involved in the search will prepare an "Incident/Staff Report" ([OP-050109](#), [Attachment A](#)).
9. Canine search teams, metal detectors, sensors, x-ray equipment and other technological devices are authorized for agency use. Mirrors should be used in hard to reach spaces and in areas where sharps could be placed.
10. When a unit or facility search is conducted, a record shall be maintained and forwarded to the facility head. The record will contain, at a minimum, the following:
 - a. Names of all employees participating in the search, identified by the role of each employee; and
 - b. A record of each cell searched, including:
 - (1) Contraband items removed from each cell with the disposition of these items.
 - (2) Any offense reports issued as the result of contraband discovered.
 - (3) Any corrective actions recommended as the result of determining the point of origin of any contraband discovered.

B. Posted Signs

Signs will be posted at the entrance to the secured perimeter or point of entry to the facility from the parking areas stating:

"You are now entering a correctional facility. All persons and vehicles are subject to search by ODOC personnel. Entry onto the grounds to pass through an entrance of the perimeter subjects the individual to a pat-down search. The unauthorized possession or bringing of weapons, controlled dangerous substances, money, electronic communication device (including cell phones), tobacco, or alcohol onto or into this property is a crime punishable by imprisonment, fine, or both. Violators will be prosecuted "57 O.S. § 21."

Signs will be posted at each entrance onto ODOC facility grounds stating:

"You are now entering property of the Department of Corrections. All persons and vehicles are subject to search by ODOC personnel. The unauthorized introduction of, including any attempt to introduce, weapons, controlled dangerous substances, money, electronic communication device (including cell phones), tobacco, or alcohol into a correctional facility or anywhere prisoners are located is a crime punishable by imprisonment, fine, or both. Violators will be prosecuted "57 O.S. § 21."

C. Monetary Regulations

In accordance with [OP-030118](#) entitled "Visitation," visitors shall be advised of what items, to include the amount and form of money, that may be brought into the facility. Each facility head may establish the amount of money employees may carry to work.

III. Searches at Facilities

To facilitate the investigation of criminal behavior or policy violations, searches will be conducted which may be periodic, uniform, random, or based on reasonable suspicion or probable cause. Searches will be based on the need to control contraband, secure the facility, or to maintain compliance with department policy and procedures. Searches, in regards to criminal behavior or administrative searches designed to prevent the introduction of contraband and/or escapes, beyond the scope of a pat-down search are conducted at the discretion of the agency director, administrator of Institutions/Community Corrections, the facility head or Inspector General.

A. Searches of the Person (5-ACI-3A-20, 4-ACRS-2C-02, 4-ACRS-2C-04, 4-ACRS-2C-05; 4-ACRS-2C-06)

1. Inmates

Inmates are subject to pat down, frisk, strip, visual body cavity, and intrusive body cavity searches. If necessary for the safety and security of the facility, x-rays may be ordered.

- a. Pat down, frisk, strip, and visual body cavity searches of inmates will be conducted by trained employees. Strip searches and visual body cavity searches will be conducted by trained employees in accordance with [OP-040102](#) entitled "Master Roster and Post Order Guidelines" except in exigent circumstances or when performed by medical practitioners. (5-ACI-3A-21, 4-ACRS-2C-06) (PREA 115.15(a)(b))
- b. Cross-gender pat down searches of inmates, including searches of declared transgender or intersex inmates, shall be done by trained employees in a professional and respectful manner and in the least intrusive manner possible consistent with security needs. (PREA 115.15 (f))
- c. The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by review of the medical records by the qualified health care/medical provider or, if necessary, by learning that information as part of a broader medical examination conducted in private by a qualified health care/medical provider. (PREA 115.15(e))
- d. All cross-gender strip searches and any cross-gender body cavity searches shall be documented as described in [OP-050109](#) entitled "Reporting of Incidents." Any cross-gender pat searches of inmates will be documented (i.e., search log book, etc.). (PREA 115.15(c))
- e. Inmate cooperation will be sought, but uncooperative inmates may be searched with a use of reasonable force if necessary.
- f. Prior to initiating the request for an intrusive body cavity search, the facility head will normally order the inmate placed in a dry cell. Inmates housed at community corrections centers will be transferred to a facility capable of dry celling.

Dry celling will be documented utilizing the segregation housing process as outlined in [OP-040204](#) entitled "Special Management Units" and, at a minimum, the following procedure will be followed:

- (1) Placement

Placement will occur on authority of the facility head only.

- (2) Preparation and Monitoring

- (a) The inmate will be placed in a room/cell that is not accessible to other inmates and from which contraband

cannot be passed. The inmate will be afforded as much privacy as possible during dry celling. A thorough search of the room/cell will be conducted prior to placement of the inmate. If the room/cell has a toilet, water to the room/cell will be disabled and the toilet will be flushed prior to placing the inmate in the room/cell. If the room/cell does not have a toilet, the inmate will be escorted to and from designated toilet facilities. All movement in or out of the room/cell will require the inmate to be in full restraints.

- (b) Employees designated to monitor the inmate will be provided suitable protective gear and appropriate instruments to inspect and retrieve any contraband found.
 - (c) The inmate will be monitored through personal observation at a minimum of every 30 minutes as well as continual observation through the use of cameras in place, if available.
 - (d) All activities such as meals, liquids given, medication, etc., will be logged.
- (3) Conditions While Assigned
- (a) Inmates placed in dry cell confinement will be fed as inmates in general population. Liquids will be provided for consumption at a minimum of every two hours.
 - (b) After consultation with medical staff, the inmate may be offered a laxative. Under no circumstances will the inmate be force medicated.
 - (c) A mattress, pillow and blanket will be provided. The inmate will remain clothed (shirt/t-shirt, underwear, pants, socks) or placed in a jumpsuit. No other property is authorized.
 - (d) Restraints will not normally be used during the period of dry celling. However, the facility head, after consultation with medical staff, may require the inmate to be placed in four/five point restraints in accordance with [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents" if there is belief a weapon may be involved, or as otherwise approved by the facility head.
- (4) Inspection/Retrieval

- (a) Upon observation of the inmate using the toilet facilities, employees will utilize appropriate protective gear; at a minimum to include a pair of disposable gloves and mask. The inmate will be restrained and removed from the room/cell in accordance with [OP-040204](#) entitled "Special Management Units." Designated employees will enter the room/cell to observe the contents of the toilet. If a fecal specimen has been produced, it will be inspected by physically probing the specimen with a suitable instrument. If contraband is found, a pair of tongs or similar instrument will be used to remove the contraband from the specimen. The contraband will be cleaned as well as possible and placed in a clear biohazard bag in accordance with [OP-140125](#) entitled "Bloodborne Pathogen Exposure Control Program."
 - (b) Any contraband found will be handled in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence."
- (5) Release
 - (a) If a specimen has been produced and no contraband is found, the inmate may be released to general population upon approval of the facility head.
 - (b) Duration of dry cell confinement will not normally exceed 72 hours, unless approved by the facility head after consultation with medical staff.
- g. Contraband detection by use of x-ray may be ordered in instances where reasonable suspicion exists that an inmate is concealing contraband in a body cavity. The following criteria must be met prior to the x-ray being ordered:
 - (1) Reasonable suspicion is established by the detection of the presence of metal, when possible by both the Boss Chair and the handheld metal detector, or equivalent, or by articulable facts indicating the presence of a weapon or contraband;
 - (2) When dry cell procedures have been ineffective; and
 - (3) When the facility medical provider has been consulted and an x-ray is ordered.
- h. If the above criteria are met and the facility head determines an x-ray of the inmate is needed, the affected administrator will be contacted.

If in agreement, the affected administrator will contact the chief Medical Officer. The chief Medical Officer will advise the correctional health services administrator that an x-ray has been ordered and is to be conducted.

- (1) By 10:00 a.m. the next working day, a report will be completed by the facility head and forwarded to chief Medical Officer and through the appropriate administrator to the chief of Operations. If the x-ray is completed after normal business hours, during a holiday or on a weekend, the report will be sent by 10:00 a.m. the next business day. The report shall include the following:
 - (a) The inmate(s) involved;
 - (b) Information regarding reasonable suspicion requiring an order for an x-ray;
 - (c) The ordering physician's name;
 - (d) The results of the x-ray; and
 - (e) Any action taken with the inmate(s) following the x-ray.

2. Intrusive Body Cavity Searches

- a. Intrusive body cavity searches will be requested when there is imminent danger to facility security, or the inmate's health and if dry celling has been unsuccessful or is not an option due to security or health reasons, or upon the request of the inmate for assistance.
- b. The facility head, duty officer or Inspector General will request approval by the affected administrator and the chief Medical Officer to conduct the intrusive body cavity search. (5-ACI-3A-20, 5-ACI-3A-21, 4-ACRS-2C-04, 4-ACRS-2C-05)
 - (1) Intrusive body cavity searches will be conducted in private and only be performed by a licensed medical professional acting within the scope of their license, or one of the following health services personnel: physician, dentist, or physician's assistant. Dentists may only perform intrusive searches of the oral cavity. (5-ACI-3A-20; 4-ACRS-2C-05)
 - (2) The search will be recorded in the inmate's electronic health record (EHR) and the findings will also be documented by the health services employee who performed the search utilizing a facility incident report that will be submitted to the facility head. The medical provider will place an order in the EHR reflecting body cavity search performed due to security

reasons, once approved.

- (3) Inmate cooperation will be sought, but uncooperative inmates may have intrusive body cavity searches performed with a use of reasonable force if necessary, and only if the search can be conducted in a medically safe manner as determined by the performing health services employee.
- (4) The search will be conducted in a medically safe manner consistent with standard methods of examining the involved body cavity.
- (5) Foreign objects found during the search may be removed if feasible and medically safe. If necessary, the medical staff will advise the facility head of the appropriate action to take to safeguard the inmate and prevent the loss of the contraband.
- (6) Buccal swabbing for collection of DNA evidence will be conducted in accordance with [OP-140401](#) entitled "DNA Testing," or a court order.
- (7) In specific instances where the health services professional determines that performing a body cavity search poses a significant health risk to the inmate, the health services professional will advise the facility head.
- (8) Any contraband recovered will be handled in accordance with [OP-040109](#), "Control of Contraband and Physical Evidence", using appropriate universal precautions.

3. Visitors (5-ACI-7D-21, 4-ACRS-2C-04)

Visitor searches will be conducted at the designated point of entry into the facility, when practicable. All searches of a visitor will be conducted by trained employees in accordance with this procedure.

a. Searches by Security Level

(1) Minimum Security or Lower

Unless otherwise authorized by the facility head, all visitors entering the grounds of a minimum security, or lower, facility will be subject to pat down, frisk and personal property searches. If warranted, visitors may be subject to a strip search, as outlined in Section III. A. 3. item b. of this procedure. Prior to the search, the visitor will be informed of the type of search to be performed and of their option to refuse to be searched. Refusal will result in denial of entry into the facility.

(2) Medium/Maximum Security

Unless otherwise authorized by the warden, all visitors entering the secure internal perimeter at a medium or maximum security facility will be pat down searched, to include a personal property search, (electronic/metal detector/x-ray) and may be subject to a strip search in accordance with Section III. A. 3. item b. of this procedure. Prior to the search, the visitor will be informed of the type of search to be performed and of their option to refuse to be searched. Refusal will result in denial of entry into the facility.

b. Strip Searches

If the planned search is to be a strip search, the visitor must give consent in writing to be strip searched, unless a search warrant has been obtained and a peace officer is present. In the absence of a search warrant, any person not giving permission to search upon request will be required to leave the facility grounds. This refusal will be the basis for further denial of future entry.

(1) Strip searches may only be conducted as follows:

- (a) There is reasonable suspicion that the person is carrying contraband.
- (b) The person is notified of the right to refuse to be searched and gives written approval to be searched in accordance with the "Consent to Search" form ([DOC 040110A](#), attached).
- (c) When reasonable, the search is conducted by two employees trained in conducting searches and of the same gender as the person being searched. (4-ACRS-2C-06)
- (d) The search is conducted in a private area as near the perimeter entrance as possible.

(2) There will be no random strip, visual body cavity, or intrusive body cavity searches of visitors by ODOC employees.

(3) In the absence of consent, strip, visual, or intrusive body cavity searches of visitors require a search warrant. After obtaining a search warrant, its execution, if involving an intrusive body cavity search, will be conducted by a licensed medical professional acting within the scope of his or her license and/or the peace officer named in the warrant. All

visual and intrusive body cavity searches of visitors require prior approval by the appropriate administrator (4-ACRS-2C-04)

- (4) ODOC medical staff will not participate in a nonconsensual visual or intrusive body cavity search of a visitor.

4. Searches of Juvenile Visitors

- a. For the purpose of searches, a juvenile will be defined as any person who has not reached the age of 18.
- b. At no time shall employees pat down, frisk or strip search any juvenile visitor.
- c. If an employee has a reasonable suspicion or probable cause to believe that a juvenile is in possession of contraband or evidence of a crime, local law enforcement officials will be notified of the information, and the visit will be denied.

5. Employee Searches

All employees, including volunteers, contractors and subcontractors, etc., are subject to pat search, frisk search, strip search and visual body cavity search by employees in accordance with [OP-040102](#) entitled "Master Roster and Post Order Guidelines." (5-ACI-3A-20, 4-ACRS-2C-02)

- a. All employees, including volunteers, contractors and subcontractors, etc., entering ODOC grounds may be subject to pat down, frisk, strip search, or visual or intrusive body cavity searches.
 - (1) Pat down searches may be conducted randomly or with reasonable suspicion or probable cause.
 - (2) Strip searches will only be conducted if the appropriate administrator, facility head or Inspector General determines reasonable suspicion or probable cause exists and authorizes the search.
 - (3) Strip searches will be conducted in accordance with Section III. A. 3. Item b. of this procedure.
 - (4) There will be no random strip searches.
 - (5) Visual and intrusive body cavity searches may only be conducted with a search warrant or voluntary written consent. (5-ACI-3A-20, 5-ACI-3A-21, 4-ACRS-2C-04)

- b. Refusal to submit to a search will result in the facility collecting the agency identification and immediately escorting the person from the facility grounds pending corrective discipline up to termination. The employee may be placed on suspension with pay pending disciplinary action.

6. Searches of Persons on ODOC Grounds

All persons entering ODOC grounds will be subject to pat down, frisk and personal property searches. If a person refuses to be searched, the person may be detained and law enforcement contacted or the person will be escorted from the grounds.

7. Law Enforcement

Law enforcement officers, not employed by ODOC, acting in an official capacity, will not be subject to search unless required by the facility/unit head.

B. Personal Property/Parcel Searches

1. All personal property of an inmate or visitor brought into the external perimeter of a facility will be searched. Medium security facilities and above will utilize the parcel x-ray machines.
2. All personal property, to include carry-in bags, boxes, containers, etc., will be searched prior to being brought into a facility. Any search of the personal property or parcels brought in by a person must be done in their presence unless security concerns or circumstances dictate otherwise.
3. In the case of a search of personal property of an inmate who is unavailable, the unavailability will be documented, and one employee will conduct the search while another employee witnesses the search, unless circumstances dictate otherwise.
4. If a person refuses to allow a personal property/parcel search, they will be directed to leave facility grounds. A refusal of a search may be used to deny entry into the facility at a later time.
5. Refusal by any employee to submit to a search may be grounds for corrective discipline, including termination and will require surrender of the employee's departmental identification and that the employee leaves the facility grounds immediately.

C. Living Quarter Searches

1. Searches of inmate institutional living quarter may be conducted on periodic and/or random basis, as well as based on individual reasonable suspicion or probable cause. Periodic and random searches will be considered non-

suspect. Searches will be documented utilizing the "Cell Search Report" ([DOC 040110B](#), attached). The "Cell Search Report" will be submitted to the shift supervisor at the end of each shift.

2. Searches of employee housing or employee out buildings on facility grounds may only be conducted with a search warrant or by written consent of the employee or upon exigent circumstances. This does not limit the authority of the agency, as a landlord, to access state-owned property pursuant to the housing agreement for the purposes described therein, all pursuant to [OP-110350](#) entitled "Guidelines for Employee Housing Assignment and Provisions for Associated Charges and Benefits."

D. Searches of Vehicles

1. Personal Vehicles

- a. Personal vehicles may only be searched by a correctional officer or peace officer under the following conditions:
 - (1) By uniform selection or systematic random selection;
 - (2) Proper consent to the search;
 - (3) With a search warrant;
 - (4) Without a search warrant if probable cause exists that the vehicle contains evidence of a crime;
 - (5) Without a search warrant and upon exigent circumstances; or
 - (6) Upon reasonable suspicion for vehicles routinely accessible to inmates.
- b. If consent to search is requested and the authorized owner/operator refuses to grant permission for the search, entry to the facility grounds will be denied and may result in denial of future access to the facility.

2. State Owned Vehicles

All state owned vehicles may be inspected at any time at the discretion of the facility/unit head. An inspection or inventory of state vehicles is not a search.

3. Search of personal property of an employee found inside the state vehicle will be conducted in accordance with Section III. item D. of this procedure.
4. All vehicles and their contents will be searched upon entering and exiting the secure internal perimeter of maximum and medium security facilities.

E. Searches of Compounds, Perimeters, Grounds, or Any Area Owned or Under the Control of the Oklahoma Department of Corrections

1. Searches of these described areas will be conducted as determined by the facility/unit head or designee.
2. Offices, desks, state issued cellular telephones and lockers may be searched when a supervisor has a legitimate business reason or reason to believe that the employee has committed some violation of operations procedure or field memorandum. Inventories and inspections are not searches.

F. Use of Canine Contraband Detection

Canine contraband detection screening, sniffs or scans, are not searches but may present probable cause to conduct further types of searches.

1. Vehicles
 - a. Vehicles Routinely Accessible to Inmates

Canine drug detention screening of vehicles can occur at any time and any location on the property. Upon "alerting," (the dog's signal that it has detected the presence of illegal contraband) probable cause exists to search the vehicle for contraband.

2. Persons

All persons, including employees, entering the grounds are subject to canine drug detection screening. If the dog "alerts" on a particular person, there is probable cause to search further, including a strip search. Only the appropriate administrator, facility head or Inspector General can approve a strip search.

- a. Failure to submit to a search by an employee after a canine "alert" will result in the facility collecting the employee's departmental identification and immediately escorting the employee from the facility grounds pending corrective discipline up to termination.
- b. Should the employee consent to a strip search with the result being nothing located as a result of the strip search, the employee will be directed to immediately report for drug testing as outlined in [OP-110602](#) entitled "For-cause Drug and Alcohol Testing Program."
- c. Failure to submit to a search by a visitor/volunteer will result in denial of entrance to include the visitor/volunteer being required to leave the facility grounds. This refusal will be the basis for further denial of

future entry and revocation of the person's status as an approved volunteer. At no time shall an employee strip search a juvenile visitor.

3. Inmate Institutional Living Quarters, Grounds, Buildings and Offices
 - a. Canine drug detection screening may be performed at all ODOC facilities.
 - b. Upon "alerting," reasonable grounds arise to search the location for contraband.
4. Privately owned canines are not authorized for use by employees for canine contraband detection under this operating procedure

IV. Searches of Offenders/Inmates Arrested/Apprehended in the Community

A. Additional Guidelines for Probation and Parole Officers, Correctional Emergency Response Team (CERT) Members, and Fugitive Apprehension Agents (4-APPFS-3B-11)

In addition to the guidelines listed in Section I. item A. of this procedure, probation and parole officers, CERT members, and fugitive apprehension agents conducting searches of inmates/offenders under community supervision, or when conducting an arrest or apprehension will be in accordance with the following:

1. Searches will not unreasonably invade the privacy of a third party not under ODOC supervision. When conducting a search where the inmate/offender is a cohabitant, the search will entail only those areas under joint control of the cohabitant and single control of the inmate/offender;
2. Private areas/rooms within the residence, not under control of the inmate/offender, will not be searched unless the third party agrees to a search of their area by signing the " Consent to Search" form ([DOC 040110A, attached](#));
3. Upon making an arrest or apprehension, a protective sweep search is authorized to ensure the safety of the officer and to inform habitat occupants of the official business if there is reason to believe other persons are present in the residence and that said persons pose a danger to the employee;
 - a. Employees are not authorized to break and enter a residence or business to conduct a warrantless search without exigent circumstances; and
 - b. The employee may look in areas capable of concealing a person within the immediate area or within the adjoining area of the arrest.
4. Warrantless searches conducted in accordance with Section IV. F. items 2. or 3. of this procedure, will be executed reasonably and with particularity

regarding the premises being searched and the item or contraband to be seized, and within a reasonable time after approval (usually within 24 hours unless special circumstances exist and with permission of the appropriate supervisor providing for an extension of time).

5. Occupants of premises being searched in accordance with a warrant may be detained during the search. Michigan v. Summers, 452 U.S. 692, 101 S. Ct. 2587; Rochon v. State, 2008 OK CR 1, 176 P.3d 362 (2008).

B. Person Search

1. Any time an arrest/apprehension is made, the person will be pat searched. The search will be limited to the person and the immediate area under the person's control that is described as the area within reach of the person.
2. When an arrest/apprehension is not being made but there is reasonable suspicion to believe that an inmate/offender may possess contraband on their person, a pat search may be conducted.
3. Any contraband/evidence found on the person will be handled in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence."

C. Transporting of Inmates/Offenders

Inmates/Offenders being transported from one custody site to another will be searched according to [OP-040111](#) entitled "Transportation of Inmates."

D. Vehicle Searches

A vehicle owned by, or under the control and/or possession of an inmate/offender, may be searched without a warrant upon reasonable suspicion that contraband or evidence of a crime is present in the vehicle, or with the consent of the inmate/offender.

E. Seizures Conducted by Probation and Parole Officers (4-APPFS-3B-11)

1. If any items are seized during searches, officers conducting the search will prepare a seizure report in the following manner:
 - a. Date, time, specific location, specific description of items seized;
 - b. Authority for conducting the search;
 - c. Officers conducting the search;
 - d. Names and addresses of any witnesses or persons present;
 - e. Disposition of seized property; and

- f. Inventory of seized property.
2. Chain of custody for seized items will be in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence."
3. If a seizure occurs and the item seized is turned over to another law enforcement agency, the probation and parole officer will complete a seizure report and forward the report through the chain of command to the administrator.
4. A copy of the "Receipt of Seized Property" ([Attachment A](#), attached) will be given to the suspect or an adult at the scene.

F. Field Visits/Home Visits

A probation and parole officer may enter an inmate's/offender's place of residence or business under the following authority as well as any authority specifically provided for in [OP-160601](#) entitled "Supervision of Sex Offenders":

1. Rules and Conditions
 - a. A residence or business entry that is authorized by either:
 - (1) Court approved rules or conditions of probation or the ODOC rules for supervising a probationer;
 - (2) The parole certificate as a rule or condition of parole;
 - (3) The rules and conditions of ODOC for those inmates/offenders assigned to Pre-Parole Conditional Supervision (PPCS), Global Positioning Satellite (GPS) or similar program; or
 - (4) The inmate/offender is an adult with apparent authority and gives consent for the officer to enter the residence or business.
 - b. A home or business visit may expand into a search, if reasonable suspicion or probable cause to conduct a search arises during the visit, and the search is limited to the property of the inmate/offender or area over which the inmate/offender has authority. If circumstances prevent the officer from seeking supervisor approval prior to the search, a supervisor will be notified upon the officer departing the offender's residence. The officer will submit a written report outlining all action taken regarding the search and the reason for conducting the search.
2. Warrantless Search with Prior Notification

- a. Evidence of a Rule Violation or Evidence of a Crime
 - (1) Where there is a reasonable suspicion that an inmate/offender under supervision by ODOC and located in the community is in violation of a rule, condition, or law, a warrantless search may be conducted for evidence of a violation with the approval of the administrator or designee. Such approval shall be made in a conference wherein the following criteria is weighed:
 - (a) Failure to search may result in a threat to the public, employees, or inmate/offender;
 - (b) Any activity or information provided by the inmate/offender that is relevant to whether the inmate/offender has violated a rule or condition and possesses contraband;
 - (c) Any prior seizures of contraband from the inmate/offender;
 - (d) The supervising officer's experience with the inmate/offender has documented a need for close supervision;
 - (e) The reliability of the informant and the information provided when weighing the totality of the circumstances;
 - (f) Present and/or past offenses for which the inmate/offender is under supervision along with the experience of the officer with the inmate/offender or any similar experiences in addition to reliability of the informant information (e.g., inmate/offender on supervision for drug and/or weapon offense and information received that the inmate/offender may be in possession of illegal substances and/or weapons); and
 - (g) The search is not the result of an assistance request from other law enforcement officers who have been unable to obtain a search warrant.
 - (2) Any decision to conduct a warrantless search with prior notification shall be documented in the chronological file of the inmate/offender.
3. Warrantless Search without Prior Notification

A warrantless search may be conducted without prior notification of the administrator or designee only when emergency circumstances demand the immediate search to protect the officer and/or public against the loss of life or serious bodily injury. The administrator will be notified at the first available opportunity after the search begins.

4. Search Warrant

Employees may obtain a search warrant through the court of proper jurisdiction. If a warrant is obtained, employees will enlist the cooperation of the proper law enforcement authority to assist in the search. Employees are not precluded from conducting the search if other law enforcement officials are unavailable.

5. Search with Consent

If none of the above provisions of Section IV. F. items 2. or 3. of this procedure apply, and if an inmate/offender verbally agrees to a search, a "Consent to Search" form ([DOC 040110A, attached](#)) will be signed by the inmate/offender before a search of an offender's residence or property is performed.

6. Reports

Each time an inmate/offender's residence, business, vehicle, or electronic device is searched, the employees participating will prepare a report detailing the supporting facts for the search. The report will be submitted through the chain of command to the administrator or designee and will be made a part of the inmate's/offender's field file. If the search is incident to an arrest, this information may be submitted in the arrest report.

V. References

Policy Statement P-040100 entitled "Security Standards for the Department of Corrections"

OP-030118 entitled "Visitation"

OP-040102 entitled "Master Roster and Post Order Guidelines"

OP-040109 entitled "Control of Contraband and Physical Evidence"

OP-040111 entitled "Transportation of Inmates"

OP-040204 entitled "Special Management Units"

OP-050108 entitled "Use of Force Standards and Reportable Incidents"

OP-050109 entitled "Reporting of Incidents"

OP-110350 entitled "Guidelines for Employee Housing Assignment and Provisions for Associated Charges and Benefits"

OP-110602 entitled "For-cause Drug and Alcohol Testing Program"

OP-140125 entitled "Bloodborne Pathogen Exposure Control Program"

OP-140401 entitled "DNA Testing"

OP-160601 entitled "Supervision of Sex Offenders"

Art. 2 § 30, Oklahoma Constitution

4th Amendment, U.S. Constitution

21 O.S. § 445

22 O.S. § 1221 et seq

22 O.S. § 1230

22 O.S. § 1327

57 O.S. § 21

63 O.S. § 2-507 and 2-508

70 O.S. § 3311.B.9

Boren v. Deland, 958 F.2d. 987 (10th Cir. 1992).

Griffin v. Wisconsin, 483 U.S. 868, 107 S.Ct. 3164 (1987).

Illinois v. Gates, 462 U.S. 213, 103 S.Ct. 2317 (1983)

Langham v. State, 1990 OK CR 9, 787 P.2d 1279 (1990)

Michigan v. Summers, 452 U.S. 692, 101 S.Ct. 2587

O'Connor v. Ortega, 480 U.S. 709, 107 S. Ct. 1492 (1987).

Ohio Civil Service Employees Ass'n v. Seiter, 858 F.2d. 1171 (6th Cir. 1988).

Pennsylvania Board of Probation and Parole v. Scott, 524 U.S. 537, 118 S.Ct. 2014 (1998).

Rochon v. State, 2008 OK CR 1, 176 P.3d 362 (2008).

Romo v. Champion, 46 F.3d 1013 (10th Cir. 1995).

Samson v. California, 547 U.S. 843, 126 S.Ct. 2193 (2006).

Security and Law Enforcement Employees v. Carey, 737 F.2d 187 (2d.Cir. 1984).

State v. King, 868 P.2d 743, 1994 OK CR 7.

United States v. Knights, 532 U.S. 1018, 121 S.Ct. 1955 (2001).

VI. Action

All administrators of Institutions/Community Corrections, administrators of Probation and Parole Services and Inspector General will ensure their respective units are compliant with this procedure.

The General Counsel is responsible for the annual review and revisions.

Any exceptions to this procedure require prior written approval from the director.

This procedure is effective as indicated.

Replaced: OP-040110 entitled "Search and Seizure Standards" dated April 5, 2021

Distribution: Policy and Operations Manual
Department Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
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DOC 040110A	"Consent to Search"	Attached
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DOC 040110B	"Cell Search Report"	Attached
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<u>Attachments</u>	<u>Title</u>	<u>Location</u>
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Attachment A	"Receipt for Seized Property"	Attached
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Attachment A	"Incident/Staff Report"	OP-050109
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