

City of St. Louis Department of Public Safety/Division of Corrections  
**POLICY & PROCEDURES**

<b>CHAPTER:</b>	3	Institutional Operations	<b>3.1.11</b>
<b>SECTION:</b>	1	Security and Control	<b>EFFECTIVE DATE:</b> 7 / 21 / 20
<b>SUBJECT:</b>	11	<b>Inmate Searches</b>	
<b>Section 544.193 to 544.197, RSMO</b>  <b>STANDARDS: ACA – 4 – ALDF:   2A-20, 2C-03, 04, 05, 6C-19</b>			
<b>APPROVED:</b>  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <b>Dale Glass</b> <b>COMMISSIONER OF CORRECTIONS</b>			<b>REVIEW DATE:</b> 7 / 21 / 20  <b>REVISION DATE:</b> 7 / 30 / 20
Rescind: 3.1.33 dated 9/4/08 Cancel:			

**I. POLICY**

It is the policy of the Division of Corrections to conduct searches of inmates and inmate housing and work areas to locate contraband and deter its movement, and use in the facility.

**II. RESPONSIBILITIES**

All Division of Corrections staff is responsible for adhering to the following procedures.

**III. DEFINITIONS**

**Body Cavity:** For the purpose of this policy, the term “body cavity” is defined strictly to exclude inmate’s mouth, nostril and ear canals. (See definition on: Visual and Intrusive Body Cavity Search).

**Contraband:** Any item, whether nuisance or dangerous, which is possessed by, or found on an inmate that is illegal by law or expressly prohibited by the Division.

**Dangerous Contraband:** Illegal or prohibited items that would aid in the escape from the facility or could be used as a weapon; or otherwise poses a serious threat to institutional security.

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**Dry Cell Search:** A search method, in which an inmate suspected of ingesting contraband or concealing contraband in anal cavity, is placed in a cell room that has been rendered dry by turning off all water running to the cell.

**Facility Grounds:** A designated parcel of land marked by security fencing, including the land boundaries and around the facility.

**Frisk Search:** A search procedure conducted in which inmates to be searched, may be required to empty their pockets and may also be required to remove their shoes and any jacket, coat, hat, raincoat, sweater, or similar outer garment before the search commences.

**“Gender Search:”** A search that is conducted by persons of the same sex.

**Nuisance Contraband:** Contraband that is considered less dangerous but can in some ways endanger the safety or security of the Division or its occupants. This includes such items as cigarette lighters, cigarettes, tobacco, and other such prohibited items.

**Probable Cause:** Probable cause is more than a reasonable belief, and that a probability exists where the totality of material facts and circumstances within the knowledge of a staff member with sound correctional experience, and the fact that the staff member has reasonable information, are sufficient in-and-of-itself to warrant a person of reasonable suspicion in the belief that a serious policy violation has been or is being committed or that evidence of a crime or contraband is in a specific location or is being concealed or conveyed by an inmate.

**Random Search:** A frisk search conducted on an inmate based on a chance selection as inmates traverse the corridors of the facility.

**Reasonable belief:** A belief that can be articulated, and attributable to a particular circumstance and to an inmate based on specific, rational inferences such as 1) current charges or previous convictions for escape, possession of drugs or weapons, or crimes of violence, current or historical institutional behaviors of contraband possession or refusal to be searched, or contact with the public or exposure to public areas; or based on objective facts such as:

- a. Observation of the presence of a foreign object during a search,
- b. Information or tip from an informant(s),
- c. The nature of the tip or information,
- d. The reliability of the informant,
- e. Unusual gait or posture, or discomfort in sitting, or

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- f. A combination of any of the above factors.

**Reasonable belief Test:** An inmate is displaying actions or behaviors that would leave a reasonable person of sound correctional experience to believe that contraband is being concealed or conveyed by an inmate, and the inmate agitates or becomes uncooperative when commanded by a Correctional Officer Staff Member, and refuses to comply with directives from the staff.

**RSMo:** Missouri Revised Statutes.

**Strip Search:** This method of searches requires the removal of all clothing and gives the officer conducting the search an unobstructed view of the individual's naked body. This also includes a thorough search of the individual's clothing while it is not being worn.

**Visual and Intrusive Body Cavity Search:** The inspection of a person's anus or genitalia, but not limited to inspections conducted visually, manually or by means of any physical instrument. This type of search can only be performed by a Physician, upon the approval of the Commissioner of Corrections/designee.

#### **IV. PROCEDURES**

##### **A. GENERAL INFORMATION**

1. All inmates will be frisk searched immediately upon admittance at the 2<sup>nd</sup> Floor Admission Area of CJC or Processing Area at MSI.
2. The strip search of a pre-admit inmate at intake will only be conducted when there is probable cause or reasonable belief that the individual may be in possession of an item of contraband. The Shift Supervisor authorizes the search, the least-invasive form of search is conducted; and the search is documented. Reasonable belief or probable cause may be based on, but not limited to:
  - a. Current charges or previous convictions for escape, possession of drugs or weapons, or crimes of violence,
  - b. Current or historical institutional behavior of contraband possession or refusal to be searched,
  - c. Contact with the public or exposure to public areas,
  - d. Observation of the presence of contraband,
  - e. Information or tip from an informant, etc.
3. Any person arrested for a traffic offense or other city ordinance violation, and is brought to the 2<sup>nd</sup> floor Admission Area of CJC or Processing Area at MSI may be subject to a strip search and/or a body cavity search only when there is a reasonable belief or probable cause to believe that the person is:

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- a. Concealing a weapon,
  - b. Concealing evidence of the commission of a crime,
  - c. Concealing any other dangerous contraband including illegal or controlled substance, or
  - d. Concealing a combination of any of the above items.
4. In addition to the criteria specified in item #3 of this General Information, the strip search and/or body cavity search of the traffic or ordinance violator will take place after the Shift Supervisor has obtained written authorization from the Commissioner/designee. The search will be conducted in accordance with the provisions of this policy and procedures and a written report submitted.
5. All Incident Reports submitted of a strip search or body cavity search conducted on an arrestee with traffic offense or ordinance violation must include the following information:
- a. The time, date and place of the search,
  - b. The name of the person searched,
  - c. The name and title of the person conducting the search,
  - d. The reason for the search,
  - e. Information on any contraband found or not found,
  - f. Original signed copy of the authorization to conduct the search, (See Appendix A).
6. The Chief of Security/designee must furnish a copy of the written report to the arrestee if arrestee remains in the facility by the end of the Shift in which the search occurred; or upon written request to the Commissioner of Corrections if arrestee was released prior to report being prepared.
7. Strip searches will be conducted by staff members of the same gender as the individual being searched.
8. Except as noted in Provision #9, 10, 11, 12 and 13 of this General Information, a general population inmate will be strip searched only when there is reasonable belief or probable cause that the inmate may be in possession of, or is concealing an item, of contraband. The Shift Supervisor authorizes the search, and the least invasive form of search is conducted.

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9. General population inmates will be strip searched if and when authorized by the Shift Supervisor, during all institutional shakedown.
10. Inmate workers assigned to job details outside of their housing units (i.e., kitchen, laundry, medical porter, institutional scrub, etc.) will be strip searched prior to being returned to their housing units.
11. Inmates who have had a contact visit or have contact with persons or areas outside the facility, e.g., return from work release, court, etc., will be strip searched.
12. Inmates who exhibit behavior that would reasonably lead one to believe that the inmate is concealing contraband, such as difficulty walking or sitting, dilated eyes, or assaultive behavior will be strip searched.
13. Inmates will be strip searched when assigned from general population to administrative segregation. (See policy #3.4.1: Administrative Segregation and Protective Custody).
14. Manual or instrument inspection of inmate's body cavities is conducted only when there is a probable cause, or reasonable belief that the inmate is concealing contraband. An authorization by the Commissioner of Corrections/designee is required. The inspection will be performed by Health Care personnel.
15. Visual inspection of inmate's mouth, ear canal, and nostril is permissible for the Correctional Officer to make during any inmate searches.
16. Frisk searches are conducted on inmates as they traverse through the corridors of the facility and/or as they enter or exit their Housing Units; and as they enter or leave programming areas.
17. Inmate may be singled out from a pool of inmates in a holding cell or housing unit for a search. The search must be done in accordance with the provisions of this policy.
18. Male officers will not conduct searches of female inmates. Female officers will conduct frisk search of male inmates.
19. Searches are not to be conducted for arbitrary, capricious, oppressive, unreasonable reasons or harassment. All searches are done in a professional manner.
20. Dry cell searches may be appropriate only when staff has conclusive evidence that inmate has ingested contraband or is concealing contraband in a body cavity and the methods of search specified in procedure C is inadequate; the Shift Supervisor in consultation with the Commissioner/designee may authorize the placement of inmate in a dry cell search status.

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21. A female inmate who staff believes has concealed contraband in the vagina will not be a good candidate for dry cell search since it is possible for the contraband to be concealed for an extended period of time. But an inmate of either gender will not be able to conceal contraband in their anal cavity for an extended period of time.
22. All items discovered or seized from inmates will be properly identified, recorded, and handled according to procedures outlined in Policy #3.1.12: Control of Contraband.

**B. Searches of the Inmate – the Frisk Search**

1. Before the correctional officer frisk searches an inmate, the officer shall communicate to the inmate the intention to frisk search, and directs the inmate on what to do in order for the frisk search to be done (i.e., “face the wall and place your hands on the wall, spread your legs,” etc.).
2. The Correctional Officer obtains protective gloves for the search, and a plastic bag, if available, for evidence collection.
3. The Correctional Officer directs the inmate to:
  - a. hand over any item possessed by the inmate, for inspection,
  - b. Slowly turn out all of the pockets and leave it out,
  - c. spread the fingers and show the palm and the back of the hands,
  - d. Remove shoes and socks, flip the socks inside out, and hand over the shoes to the Officer.
4. Correctional officers/staff members will not bend or stoop in front of an inmate to retrieve or pick up any item off the floor prior to instructing the inmate to back-up.
5. All items including the shoes will be thoroughly inspected by the searching officer.
6. The searching officer will:
  - a. Visually inspect the inmate’s hair,
  - b. Direct the inmate to run their own fingers through their own hair,
  - c. Visually inspects the inmate’s ears, nose, and mouth with tongue raised.

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7. The searching officer will direct the inmates to turn around, face the wall, place hands on the wall, and spread their legs. The searching Officer assumes proper position for the search by positioning one foot between the inmate's legs, and:
  - a. Proceed to feel the inmate's shirt, or uniform collar, both front and back.
  - b. Run the fingers in a circular motion around the collar, feeling for contraband.
  - c. Slide both hands over the shoulders and proceed downward over the outside of the arms to the wrist,
  - d. Proceed with a smooth continuous motion up the inside of the arms to the armpit of the inmate, and run hands across the individual's chest area, feeling for contraband.
  - e. Run hands from the bottom of the neck down the spine to the lower back, feeling for contraband.
  - f. Feel and crush the waist area, turning the waist band fabric inside and out, and feeling the crushing seams, and removes any hidden contraband
8. If the inmate being searched is a female inmate, a female correctional officer:
  - a. Places hands at the breastbone of the inmate being searched, with thumbs against the chest area,
  - b. Work thumbs down under the breast area,
  - c. Order the inmate to stretch the bra away from the body, and
  - d. Continuing the search to the back area of the bra, feeling for contraband.
9. The searching officer will inspect the crotch area by:
  - a. Moving hands in this area to feel for contraband.
  - b. Taking both hands and run fingers up and down the legs, searching one leg at a time and completes the search.
10. The Correctional Officer directs the inmate to rise up one leg at a time and show the bottom of the foot.
11. If the Correctional Officer observes any contraband item, the Officer confiscates it and reports it in accordance with Policy #3.1.21: Control of Contraband.
12. During the search, the Correctional Officer checks for any visible bruises,

contusions, lacerations, rashes, contagious diseases, and if found, the Correctional Officer reports it to the Area Supervisor, and completes an Incident Report.

13. If an inmate is exiting the housing unit for any institutional function, and refuses to cooperate fully during all levels of the search, the Correctional Officer will:
  - a. Order the inmate back into the Housing Unit,
  - b. Consult with the Area Supervisor to deny access to the program if necessary,
  - c. Prepare and submit an Incident Report if inmate is denied access to program. Inmate may also be cited for certain rule violations (See Policy #3.3.5: Minor Violations; Policy #3.3.6: Major Violations/Disciplinary Hearing.).
14. An inmate who is returning to a Housing Unit and refuses to cooperate fully for a search will not be allowed to enter into the Housing Unit. The Area supervisor is immediately notified. Inmate may be cited for rule violation.

**C. Searches of the Inmate – the Strip Search**

1. When a correctional staff member has reasonable belief that an inmate is concealing a weapon or contraband, the staff member notifies the Area Supervisor.
2. The Correctional Officer obtains protective gloves for the search and a plastic bag, if available, for evidence collection.
3. If the suspicion arose during a frisk-search of an inmate and the suspected contraband could not be intercepted, the correctional officer will:
  - a. apply handcuffs on the inmate,
  - b. Order the inmate to remain at a designated area where inmate could not be contact with other inmates,
  - c. Notify the Area Supervisor.
4. If the belief is as a result of a tip or observation by a non-custody staff member, the staff member notifies the Shift Supervisor or any Correctional Officer. If the tip or observation is by a correctional officer, the officer may detain the inmate in an area where the inmate will have no opportunity to dispose of the contraband, and immediately notify the Area Supervisor.
5. The Area Supervisor obtains authorization from the Shift Supervisor, escorts the inmate to an appropriate location, and order the inmate to submit to a strip search.



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6. The Correctional Officer performs the strip search under the supervision of the Area Supervisor, in an objective manner.
7. Prior to conducting a strip search, the correctional officer instructs the inmate about the pace of the searches, (I. e., inmate to wait for instruction before removing or handing clothing items to Officer, etc.).
8. The Correctional Officer directs the inmate to:
  - a. Remove shoes and socks, flip the socks inside out, and hand over the shoes to the Officer, one at a time,
  - b. Remove and hand over clothing items one at a time, for inspection,
  - c. Rise up both hands in the air, over the head, for inspection of armpit;
  - d. Spread the fingers and show the palm and the back of the hands.
9. All items including the shoes will be thoroughly inspected by the Correctional Officer.
10. The Correctional Officer:
  - a. Visually inspects the inmate's hair,
  - b. Directs the inmate to run their own fingers through their own hair.
  - c. Visually inspects the inmate's ears, nose cavities, and mouth; and underneath the tongue.
  - d. Directs the inmate to remove any dental appliances (if removable) for inspection.
11. While the inmate is facing the officer, the Correctional Officer:
  - a. Inspects inmate's torso from the neck to crotch,
  - b. Directs the inmate to lift the penis and the scrotum,
  - c. Directs the inmate to lift any folds of skin so that all areas can be inspected,
  - d. Directs the inmate to stand with feet apart, and inspects inmate's front of the legs and top of the feet,
  - e. Directs the inmate to lift each foot and show the bottom of each foot; and move the toes.

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12. The Correctional Officer instructs the inmate to turn and face away from the Officer, with feet spread out. The Correctional Officer Inspects:
  - a. the inmate's back side of the torso:
  - b. Nape of neck,
  - c. Back of shoulder,
  - e. Back, and
  - f. Down to the lower back of the feet.
13. With the inmate assuming the same position, the Correctional Officer:
  - a. Instructs the inmate to bend forward at the waist and spread the buttock cheeks. The Correctional Officer visually inspects the anal area for contraband and pay attention to detect tightened anal muscle or any protruding foreign object that may be hidden in the rectum.
  - b. Instructs the female inmate to also spread the vaginal walls for visual inspection while still bending,
  - c. Instructs the inmate to turn and face the Correctional Officer,
  - d. Instructs the inmate to squat and cough three times and complete the search.
14. If during the search, the Correctional Officer observes any foreign object on the person of the inmate, the Officer directs the inmate to remove the object. The Correctional Officer hands a plastic bag and instructs the inmate to place it inside the bag and hand it over to the Officer.
15. If the inmate refuses to remove the foreign object, or becomes uncooperative, the Correctional Officer applies handcuffs on the inmate and immediately notifies the Supervisor for other directives.
16. If an inmate has any prosthetic device, the Correctional Officer:
  - a. Instructs the inmate to remove the device(s), one at a time for inspection.
  - b. Solicits for assistance from medical staff if device is not easily removable.
  - c. Inspects the prosthetic device(s) and return the device to the inmate.
  - d. Inspects any medical bandages or casts for evidence of tampering.

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- e. If there is tampering, the Correctional Officer notifies the Area Supervisor.
- 17. The Area Supervisor contacts the Medical Unit and request for a medical staff that removes and replaces the bandage or cast after inspection.
- 18. The Correctional Officer instructs the inmate to dress up. Inmate is escorted off the area of the search to assigned Housing Unit, or to an isolated location, not in contact with another inmate, and as directed by the Supervisor.
- 19. The Correctional Officer turns over all confiscated contraband to the Area Supervisor who handles the contraband in accordance with Policy # 3.1.12: Control of Contraband.
- 20. The Correctional Officer prepares and submits a Disciplinary Report against the inmate. (See Policy #3.3.6: Major Violations/Disciplinary Hearing). If no contraband is found, the Correctional Officer prepares and submits an Incident Report. (See Policy #3.1.10: Incident Report Form).

**D. Searches of the Inmate – the Body Cavity Search**

- 1. If due to reasonable belief or probable cause, or if during the course of a strip search it is determined that body cavity search is necessary, the Correctional Officer notifies the Area Supervisor who contacts the Shift Supervisor for appropriate course of action.
- 2. The Shift Supervisor contacts the Chief of Security/Officer of the Day and obtains authorization to initiate body cavity search.
- 3. The Shift Supervisor contacts the Medical Unit and request for a medical staff to examine the inmate, indicating the reason. The medical staff must be a Physician, dentist, physician assistant, registered nurse, or licensed practical nurse. Dentist may only perform intrusive searches of the oral cavity.
- 4. If feasible and medically safe to do so during the examination, the medical staff may:
  - a. Retrieve the contraband from the inmate,
  - b. Record the action and findings in the inmate health record, and
  - c. Turn the contraband over to the correctional officer maintaining security during the examination.
- 5. The Correctional Officer turns over the contraband to the Area Supervisor and prepares a Disciplinary Report. The Contraband is handled in accordance with Policy #3.1.12: Control of Contraband.

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6. If it is not feasible and medically safe to retrieve the contraband, the medical staff will not remove the contraband but will instead advise the Shift Supervisor of the appropriate action to take to safeguard the inmate and prevent the loss of the contraband.
7. If the medical staff recommends that the inmate be transported to an outside facility, the Shift Supervisor arranges for the movement. (See policy #3.1.8: Inmate Transport for Medical Treatment).
8. At the outside facility, inmate cooperation will be sought, but inmates may have 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 and after consulting with the Divisional healthcare provider and the commissioner of corrections/designee.
9. Contraband recovered during the body cavity search will be received by the Correctional Officer who signs for it, brings it back to the facility, and turns it over to the Shift Supervisor who then follows the provisions of Policy #3.1.12: Control of Contraband.
10. The Correctional Officer prepares a Disciplinary Report and submits it to the Area Supervisor who questions the inmate, and turns the report over to the Shift Commander.
11. In specific instances where the physician determines that performing a body cavity search poses a significant health risk to the inmate, the physician will advise the Commissioner/designee. The inmate will be returned to the facility and the Commissioner/designee may order the inmate placed in a dry cell search status.

**E. Searches of the Inmate – the Dry Cell Search**

1. A dry cell search room will be located in the CJC medical Infirmary, or at any other room identified and approved by the Commissioner of Corrections. When an inmate is suspected of ingesting contraband or is returned from the hospital because a body cavity search could not be performed due to a significant health risk, the inmate will be placed in a dry cell search room upon the recommendation of the commissioner/designee.
2. Inmate being escorted to a dry cell search room will be handcuffed and inmate's pant legs will be tightly taped but allow for circulation, so no contraband can be lost by excreting it down the pant leg as inmate walks. (See policy #3.1.7: Inmate Movement).
3. Inmate will be stripped searched upon arrival at the dry cell search room. All personal clothing will be searched, inventoried, placed in a bag, and stored in a secured place. (See policy #3.5.3: Inmate Property). Inmate will be informed by the Shift Supervisor/designee what is expected and why inmate is being placed in dry

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- cell search room.
4. Inmate will be issued a suicide smock blanket only for coverall.
  5. Inmate will be monitored as in close observation by a correctional officer of the same gender.
  6. The light in the room will be kept on at all times.
  7. Water must be turned off in the cell prior to inmate entering.
  8. Inmate will be fed the same meals as the general population unless suggested otherwise by medical.
  9. The health care administrator will ensure there are written instructions for medical supervision of a dry cell search procedure, and staff is familiarized with the medical responsibilities.
  10. No medications may be given to the inmate except for those prescribed and given by medical personnel. No laxatives may be given except natural laxatives, such as, coffee, prune juice, water, etc.
  11. Depending on what room is used for dry cell search, when inmate needs to urinate and/or defecate, the inmate may be furnished an empty hospital bed pan by a staff member or medical staff.
  12. Cell will be searched at least twice on each shift depending on how many days it takes the inmate to void the contraband. The search is performed with the consent of the Shift Supervisor/designee.
  13. When contraband is recovered, it must be handled in accordance with policy #3.1.12: Control of Contraband.

**F: Searches of Inmate Suspected of a New Crime**

1. When reasonable belief exists that an inmate has committed a major new crime such as homicide, before the inmate is searched, the search must first be authorized by the facility administrator or designee unless immediate action is necessary; in such cases, the Commissioner or designee must be notified as soon as possible after the search. The search must be supervised by the Shift Supervisor.
2. The inmate will be searched at the crime scene to ensure that the recovery of any potential weapon (dangerous contraband) is not lost.
3. The Shift Supervisor must ensure that any material evidence in and around the crime scene is not touched, disturbed, or removed unless it is considered a

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- dangerous weapon or may compromise the safety and security of the facility; or if authorized to do so by the appropriate authority. (See policy # 3.3.7: Criminal Violations; 3.1.28: Crime Scene Management and Evidence Handling).
4. In the event that the Shift Supervisor recovers any material evidence, i.e., dangerous contraband on the person of the inmate while the inmate is being searched the contraband will be processed in accordance Policy # 3.3.7 and 3.1.28.
  5. The Shift Supervisor must ensure that any material evidence confiscated from the person of the inmate is preserved and handled in accordance with Policy # 3.3.7: Criminal Violations; #3.1.28: Crime Scene Management and Evidence Handling.
  6. Any conversation exchange made between the custody staff and the inmate during the search will be fully documented and submitted to the Chief of Security in accordance with policy #3.1.10.
  7. All investigations, reporting, and evidence handling of the crime must be handled in accordance with policy #1.1.14: Internal Affairs; 3.3 6: Major Violations / Disciplinary Hearing; 3.1.28: Crime Scene Management and Evidence Handling; 3.1.30: Incident Reporting; and 3.3.7: Criminal Violations).