

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

CHAPTER:	3	Institutional Operations	3. 1. 34
SECTION:	1	Security and Control	EFFECTIVE DATE: 7 / 21 / 2020
SUBJECT:	34	EMPLOYEE SEARCHES	
STANDARDS: ACA – 4 – ALDF: None			
APPROVED:			REVIEW DATE: 7 / 21 / 20
<hr/> Dale Glass COMMISSIONER OF CORRECTIONS			REVISION DATE: 7 / 30 / 20
Rescind: 1.3.34 dated 2/1/16 Cancel:			

I. POLICY

It is the policy of the Division of Corrections to have procedures in place that guides employee searches.

II. RESPONSIBILITIES

All Correctional staff having daily contact with the inmates are responsible for adhering to the following procedures.

III. DEFINITIONS

Contraband: Any item, whether nuisance or dangerous, which is possessed by, or found on, any person within the facility or facility grounds that is illegal by law or expressly prohibited by the Division.

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

Electronic Screening Device: An electronic device used for screening to detect concealed items.

Electronic Screening: A search on an individual or personal items using electronic screening device.

POLICY & PROCEDURES

Employee Strip Search: This method of searches requires the removal of clothing down to underwear, and a search of the clothing that were removed.

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 a person 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 institution 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 suspicion, 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-it self 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.

Random Search: A search conducted on an employee based on a chance selection.

Reasonable Suspicion: Reasonable suspicion is a suspicion that can be articulated, and attributable to a particular circumstance and to an individual based on specific, objective facts and rational inferences such as 1) the presence of contraband during a search, or 2) tip/information from a witness who observed an employee or an individual bringing contraband into the facility and/or giving contraband to an inmate. Among other factors to be considered in determining reasonable suspicion are:

- a. The nature of the tip or information;
- b. The reliability of the informant;
- c. The degree of confirmation by other sources and any other facts adding to the suspicion.

Reasonable Suspicion Test: An employee is displaying actions or behaviors that would leave a reasonable person of sound correctional experience to believe that contraband is being brought into the institution, when an employee does not successfully pass through an electronic screening or a frisk search; or a belief that contraband is being concealed or conveyed.

POLICY & PROCEDURES

Target Search: A search conducted on an employee based on probable cause, reasonable suspicion or when an employee refuses to submit to a frisk search or continually fails electronic screening.

IV. PROCEDURES

A. General Information

1. The Division of Corrections will not provide or guarantee any privacy rights protection to any individual in order to conduct a routine frisk search on the person.
2. Correctional employees including contracted staff may not be strip searched. If the Commissioner/designee determines that reasonable suspicion or probable cause exists of a dangerous contraband or drugs the Police should be notified.
3. Any individual or employee refusing to submit to authorize search by the Police will not be allowed to enter or remain in the facility and will be required to leave the facility and the facility grounds. Staff may be subject to discipline including and up to termination for refusing to submit to a search.
4. Male employees will not conduct a frisk search on female employees. Female employees may conduct frisk searches on male employees if there is no male employee present to conduct the search.
5. No individual or an employee may be detained against their will.
6. Staff members are monitored to detect any unusual or suspicious behavior as well as to determine if an individual is under the influence of drugs or alcohol.
7. Staff offices, desks, lockers and equipments are the property of St. Louis City. Employees should not have the expectation of privacy in utilizing these items. The Appointing Authority/designee may access or authorize to access the offices or lockers assigned to employees.
8. Employees who are absent at the time their assigned offices, desks, lockers, or equipment was accessed by authorized personnel will be informed by the person giving the authorization or the person accessing the office or item(s).

B. Searches of the Person: Random Frisk Search

1. All institutional staff, including contracted staff and volunteers is subject to a random frisk search. The random frisk search will be called by the Detention Center Superintendent and will involve everyone on the shift.
2. The random selection will be made at an unannounced date and time by the Chief of Security, who places the names of the employees to be pulled, inside a

POLICY & PROCEDURES

container, and randomly selects these names prior to the beginning of the shift.

3. If an employee is late reporting for work, the Shift Supervisor will ensure that the employee is searched in the same manner as the other employees when the employee reports for duty.
4. The staff person will be escorted to a designated area by the supervisor where a designated custody Supervisor will conduct the search.
5. Any discovered contraband during the search will be confiscated and handled in accordance with the provisions of policy # 3.1.10: Incident Reporting and other applicable provisions of this procedure and work rule.

C. Searches of the Person: Target Search

1. Any or all of the following pre-conditions must exist for a target search to take place:
 - a. When there is a probable cause,
 - b. When reasonable suspicion exist, or
 - c. When employee continually fails the electronic screening and the frisk search,
 - d. Before entering the secured area of the facility.
2. If the probable cause or reasonable suspicion is based on a staff person's observation of an employee or individual transmitting contraband or commits an act of criminal offense inside the facility, the staff person immediately and verbally notifies the Supervisor and follows it up by submitting an Incident Report by the end of tour of duty.
3. If the employee or individual willfully turns over the suspected contraband, and:
 - a. If the contraband is nuisance contraband, the Supervisor confiscates it, continues the search, and determines the appropriate post to re-assign the employee and directs the employee to report to the newly assigned post. The Supervisor prepares and submits an Employee Action Report.
 - b. If the contraband is a dangerous contraband, the Supervisor confiscates it, and immediately contacts the Chief of Security (if during regular business hours), or the Officer of the Day (O. D.), during non-regular business hours and holidays. The Chief of Security and/or the O. D. assesses the situation and make decision based on available information.

POLICY & PROCEDURES

4. If no contraband is discovered following the search, the Chief of Security/Shift Supervisor may return the employee to original post of assignment or may reassign the employee to another post.

D. Searches of the Person – Strip Search

1. Before an employee can be strip searched, the Shift/Area Supervisor will obtain authorization from the Commissioner of Corrections /designee. The search must be for drugs or other dangerous contraband and will be conducted by Police.
2. If any contraband is confiscated, it will be handled in accordance with the provisions of Policy #3.1.12: Control of Contraband. If no contraband is found, the employee or individual is returned to their assigned post.

When authorized to contact the Police, the Shift/Area Supervisor ensures that:

- a. An Incident Report is prepared, and
- b. The report includes the following:
 - (1). A statement of authorization to search,
 - (2). the name of the person searched,
 - (3). the name and DSN of the Police Officer conducting the search, and
 - (4). the time, date and place of the search, and
 - (5). Reason for the search.
3. The report will be forwarded up the chain in accordance with DOC #3.1.10: Incident Reporting. A copy of the report must be furnished to the person that was strip searched as provided in Chapter 544, section 544.193 of the Missouri Revised Statutes.

E. Personal Property Search

1. All employees, contracted staff, volunteers and vendors' personal property coming through the facility gates into the facility, will be searched.
2. The owner of the property must be present for the property to be searched unless security concerns or circumstances dictate otherwise.
3. Anyone refusing to allow a personal property search will be:

POLICY & PROCEDURES

- a. Denied entry into the facility,
 - b. Directed by the Shift /Area Supervisor to leave the facility ground,
 - c. Denied entry into the facility at a later date unless entry is approved by the Commissioner of Corrections/designee.
4. The Shift Supervisor ensures that an Incident Report is submitted to the Chief of Security by the end of tour of duty. Employee may be subject to disciplinary action.

F. Searches of Staff Personal Vehicles, Offices and Desk/Locker

1. Staff vehicles parked on the facility designated parking lot may be subject to search in accordance with applicable State law.
2. Staff members will be present during a search of their vehicle, unless circumstances dictate otherwise.
3. If a weapon is discovered during the search, the employee must have received prior written approval from the Commissioner, to store it in the vehicle. The owner of the weapon must display the Commissioner's written approval to the supervisor. Employees may be disciplined for violation. See policy # 3.1.22: Firearm Control.
4. When reasonable suspicion or probable cause is present, and with the approval of the Appointing Authority/designee an employee's individual locker will be searched for contraband.
5. Staff offices and desks may be searched when approved by the Appointing Authority/designee. Staff whose offices or desks were search in absentia must be notified by the Appointing Authority/designee or the person conducting the search.
6. All seized items that are considered dangerous contraband will be handled in accordance with Divisional policy #3.1.28: Crime Scene and Evidence Management. Any criminal violation of the law will be referred to the appropriate authority, (see DOC #3.3.7: Criminal Violations).