

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Enforcement Operations</u> STATEMENT NUMBER <u>5.22</u>
SUBJECT: CONTRABAND INTRODUCTION, PREVENTION, AND DETECTION PROPONENT: <u>Colon Forbes, Director</u> <i>Name/Title</i> <u>Commissioner's Office 271-5604</u> <i>Office Phone #</i>	EFFECTIVE DATE <u>07/31/12</u> REVIEW DATE <u>07/31/13</u> SUPERSEDES PPD# <u>5.22</u> DATED <u>05/15/07</u>
ISSUING OFFICER: <hr/> <i>William Wrenn, Commissioner</i>	DIRECTOR'S INITIALS: _____ DATE: _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

I. PURPOSE:

To provide for searches of facilities and inmates to control contraband and provide for its disposition to comply with security needs.

II. APPLICABILITY:

To all staff, inmates and visitors to Department of Corrections facilities.

III. POLICY:

It is the policy of the NH Department of Corrections that any person or property on Department of Corrections' facility grounds is subject to search to discover contraband pursuant to New Hampshire Administrative Rule COR 306 (attachment 1) and such searches shall be regularly and carefully performed.

IV. PROCEDURES:

A. Routine Property Inspections

All containers, boxes, bags, purses, brief cases, lunch boxes and carry-ins entering or leaving any prison at all approved and manned ingress and egress points will be presented to the Corrections Officer on duty for inspection. Any person who refuses such inspection will:

1. If entering, not be allowed to enter the prison.
2. If leaving, the property will not be allowed to leave the prison and/or the person may be detained.

B. Vehicle Searches

Vehicles entering and leaving the prison's secure perimeter are subject detailed searches (PPD 5.59) and (RSA 622:24-25).

C. Searches of Staff, Inmates and Visitors

1. Guidelines for General Staff Searches

- a. General staff searches will be scheduled with the prior approval of the

- Warden/designee.
- b. Except under emergency conditions, individual (not part of a group being searched) staff members will not be searched by a person of lower rank or the opposite sex, and staff members will only be searched on the order of a Shift Commander or higher authority when the Shift Commander or higher authority is satisfied there is reason to believe the staff person is in possession of contraband or unauthorized property or the search is part of a general search.
- D. Searches of Inmates, Cells, Living Units, Program and Work Areas
1. Housing Unit/Area Supervisors of living units will ensure that:
 - a. Common areas are searched randomly.
 - b. At least three inmate bunk/property searches of R & D, SHU and CCU housing units will be conducted each day at the State Prison for Men with a monthly log provided to the Chief of Security.
 - c. At least four inmate bunk/property searches of general population units including dorms will be conducted each day at the State Prison for Men and the Northern Correctional Facility with a monthly log provided to the Chief of Security.
 - d. At least six inmate bunk/property searches will be conducted each week at the State Prison for Women with a monthly log provided to the Chief of Security.
 - e. Community Corrections facilities will conduct at least 10 room searches, 30 pat down/bag searches, five job checks and 15 urine tests on a monthly basis with a monthly log provided to the Chief of Security. Random preliminary breath test will also be administered.
 - f. Supervisors of all program and work areas will assure that random searches of all areas under their supervision are conducted on a daily basis.
 2. Search of Inmate's Legal Papers
 - a. If feasible, the inmate shall be present during the review.
 - b. Staff shall attempt to replace all papers inspected in the inmate's cell during a cell search in the same condition and in the same order that they were in prior to the cell search or inspection.
 - c. An inventory shall be made and a copy of the inventory provided to the inmate of documents not returned to the inmate.
 - d. Attorney-client privileged documents shall not be read, but shall only be inspected for contraband.
 3. Inmates will be strip searched:
 - a. When an inmate is put into a holding cell or punitive segregation;
 - b. Whenever there is reasonable suspicion that the inmate is in possession of contraband;
 - c. As part of a general search of a unit;
 - d. anytime at the discretion of the Warden/designee; or
 - e. Anytime an inmate leaves and/or returns to the secure perimeter.
 4. C-2 inmates who enter and/or leave a C-3 area should be pat searched and randomly strip searched.
- E. Search of Visitors
1. Searches of visitors will be conducted pursuant to COR 306.03 of the NH Department of Corrections Administrative Rules. The scope of the search could include a visual inspection, pat down or strip search, consistent with COR 306.03. The visitor will be required to sign a consent form prior to the search (attachment 2).
- F. Search Methods
1. The least intrusive practical method for discovering and/or confiscating contraband and illicit property in the possession of staff, inmates or visitors on prison property will be used to facilitate all inspections and searches.
 2. The following inspections and searches are ranked by the degree of intrusiveness with "a" being the least intrusive and "d" being the most intrusive:

- a. VISUAL INSPECTIONS. A visual inspection involves looking at the person to determine whether they are carrying or have about their person items that they should not have. Included in this type of search would be questions occasioned by observing unusual bulges or other observations that would lead one to believe that additional inquiry is appropriate. Visual inspections can be made and should be made of any person at any time and when suspicions are aroused that there may be a reason for a more detailed search, such a search should ordinarily be undertaken.
- b. PAT DOWN SEARCH. A pat down search is a process where the clothing and body of a person is touched to determine if a person is carrying unauthorized objects. Officers of the opposite sex may perform pat down searches, when officers of the same sex are not immediately available, the situation is of an emergency nature as determined by the area supervisor. This can be done in any position but the most common positions are:
 - 1) The wall search position where the subject places their feet apart and leans forward against the wall with their palms against the wall;
 - 2) The standing frisk search where the subject spreads their feet apart and holds their arms straight out at shoulder height; or
 - 3) The prone search where the subject lies face down on the ground and is searched.

The pat down search most frequently used at DOC facilities is the standing frisk search, although the other searches may be used when it is anticipated the person will offer resistance. The prone search is ordinarily not used except when there is a high probability of resistance. In any of the foregoing frisk searches, the clothing that is worn is patted and squeezed so as to determine whether or not items are concealed therein. If the person is wearing outer garments, the outer garments are removed and searched separately. The individual may be requested to turn their pockets inside out and to remove foot gear. Special attention shall be paid to the area around belts, foot gear, collars and other locations where the material is thick, and to the groin area, which is a favorite hiding place because frequently searchers are too squeamish to thoroughly search that area. Pat down and frisk type searches should be done from time to time as inmates come and go through check points coming from and going to work, training, school, recreation, etc. Any inmate is subject to search by any staff member at any time without warning.

- c. STRIP SEARCHES. The strip search involves removing all clothing from a person and searching the clothing carefully while making a detailed visual inspection of the individual's naked body. This type of search is annoying, irritating, time consuming and should only be done when there is reasonable suspicion to believe that the person is in fact secreting contraband, such as dangerous drugs, which might not be found with a frisk type search. Authorization is given for strip searches on a routine basis following inmate visits, before and after transportation trips, upon entering and leaving SHU and/or holding tanks when the use of the holding tanks is for a disruptive inmate. Random strip searches may be conducted on inmates leaving the North Yard work areas. Trained staff of the same gender will conduct this inspection.
- d. STRIP SEARCH WITH BODY CAVITY INSPECTION. Strip searches with body cavity inspection can only be conducted with the prior approval of the Commissioner/designee. This is the most detailed kind of search that includes all the aspects of the strip search above and includes a viewing of the body cavities. This is the most intricate kind of search and should only be done if there is sufficient reason to believe that contraband may be hidden in the body cavities. If

the only body cavity to be searched is the mouth, then corrections staff may do the inspection. If, however, other body cavities are to be searched, medical personnel except under emergency conditions must do the inspection. When medical personnel are not available, the search will be conducted by corrections personnel trained by health care personnel.

- 1) Only persons of the same sex as the person to be searched should do both types of strip searches and there should be two searchers. When possible, searches should be conducted in a private area.
- 2) Special attention should be paid during searches to small containers which the person to be searched may possess such as candy bars, and other similar materials that can be used to hide illicit items.
- 3) Items received or taken away from persons searched will be held and processed as evidence, receipts given and the material carefully safeguarded.

G. Dry Cell Status

This is a visual inspection process which, after reasonable suspicion has been established, allows for the placement of an inmate in a cell for the safe recovery of internally concealed foreign substances and other contraband.

1. Placement on dry cell status must be authorized by the Warden/designee.
2. The inmate must be placed in a cell that is not accessible to other inmates. The cell will not have running water or a toilet. A thorough search of the cell will be conducted and logged prior to placement of the inmate. A subsequent search of the cell will be done at 24 hour intervals while the inmate is on the watch.
3. Staff designated to monitor the inmate will be provided suitable protective gear and appropriate instruments to inspect and retrieve any contraband found. The inmate will be monitored through personal observation at a minimum of every 15 minutes as well as continual observation through cameras in place, if available. All observations will be logged.
4. Inmates will be fed in their cell. All items removed from the cell will be inspected for contraband to include cell feed trays, milk cartons, wrappers, etc.
5. After consultation with the medical staff, the inmate may be offered a laxative. Under no circumstances will the inmate be force medicated.
6. A mattress, pillow and strong blanket will be provided. These items will be removed from the cell during the period of 0700 hours to 2300 hours. The inmate will be clothed in a jump suit. No other property is authorized
7. A waste repository (bag/pan) will be provided upon the request of the inmate, if possible.
8. Restraints will not normally be used during this period of confinement. However, the Warden, after consultation with the medical staff, may require the inmate to be placed in restraints if there is a belief a weapon may be involved or for other substantial reasons as set forth in departmental policy.
9. Upon observation of the inmate using the waste repository, staff will don the appropriate protective gear, at a minimum to include disposal gloves and mask. Any specimen recovered must be logged. An incident report will be completed to document each examination by staff. This will be completed regardless of recovery of contraband.
10. Designated staff will enter the cell to observe the contents. 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 it from the specimen. Stepping on the specimen is not allowed as it may alter the evidence/contraband. The contraband is placed in a clear biohazard bag. The Investigations Bureau must be notified of the findings immediately regardless of recovery of contraband.

11. Contraband will be secured and turned over to the Investigations Bureau following the evidence procedures outlined in PPD 5.10.
 - a. Once placed on dry cell status, the inmate will remain there for a minimum of 24 hours to allow any contraband that was swallowed to pass through the digestive system. If two specimens have been produced and no contraband is found, the inmate may be released to general population upon approval of the Warden in consultation with the Investigations Bureau.
 12. The duration of dry cell confinement will not normally exceed 72 hours, unless approved by the Warden after consultation with medical staff. The inmate must be strip searched and the cell searched prior to being released from the watch. The inmate must produce two samples before he or she is eligible to be released from dry cell status.
- H. Perimeter Searches
Inmates crossing designated security lines or leaving facilities shall be strip searched prior to further movement. Such security lines are at the institution perimeter and at designated locations within the perimeter or housing or management unit.

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards

Standards for Adult Correctional Institutions
Fourth Edition Standards

4-4192 thru 4-4194

Standards for Adult Community Residential Services
Fourth Edition Standards

4-ACRS-2C-01 thru 2C-02; 4-ACRS-2C-04 thru 2C-06

Standards for Adult Probation and Parole Field Services
Third Edition Standards

Other

NH Code of Administrative Rules

FORBES/pf

Attachments

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES
PART Cor 306 CONTROL OF CONTRABAND ON PRISON GROUNDS

PART Cor 306 CONTROL OF CONTRABAND ON DEPARTMENTAL PROPERTY

Cor 306.01 Contraband.

- (a) Items identified as contraband shall fall into 2 general categories:
- (1) Items not allowed anywhere on departmental property; and
 - (2) Items not allowed inside departmental facilities that must be secured either in a visitor's vehicle or within a locker available in a visitor reception area.
- (b) Contraband items not allowed anywhere on departmental property shall consist of the following:
- (1) Any substance or item whose possession is unlawful for the person or the general public possessing it;
 - (2) Any explosive device, bomb, grenade, dynamite or dynamite cap or detonating device including primers, primer cord, explosive powder or similar items or simulations of these items; and
 - (3) Lock-picking kits or tools or instructions on picking locks, making keys or making surreptitious entry or exit.
- (c) Neither visitors from the general public nor DOC employees shall be permitted to have in their possession items not allowed anywhere on departmental property.
- (d) Contraband not allowed inside departmental facilities shall include the following:
- (1) Any firearm, simulated firearm, or device designed to propel or guide a projectile against a person, animal or target;
 - (2) Any bullets, cartridges, projectiles or similar items designed to be projected against a person, animal or target;
 - (3) Any drug item, whether medically prescribed or not, in excess of a one day supply or in such quantities that a person would suffer intoxication or illness if the entire available quantity were consumed alone or in combination with other available substances;
 - (4) Any intoxicating beverages;
 - (5) Knives and knife-like weapons;
 - (6) Clubs and club-like weapons;
 - (7) Maps of the prison vicinity or sketches or drawings or pictorial representations of the facilities, its grounds or its vicinity;
 - (8) Sums of money or negotiable instruments in excess of \$100;
 - (9) Pornography or pictures of visitors or prospective visitors undressed;
 - (10) Radios capable of monitoring or transmitting on the police band in the possession of other than law enforcement officials;
 - (11) Identification documents, licenses and credentials not in the possession of the person to whom properly issued;

(12) Ropes, saws, grappling hooks, fishing line, masks, artificial beards or mustaches, cutting wheels, or string, rope or line impregnated with cutting material, or similar items to facilitate escapes;

(13) Balloons, condoms, false-bottomed containers, or other containers which could be used to facilitate transfer of contraband; and

(14) Tobacco products, except those secured in a visitor's locked vehicle.

(e) Visitors from the general public, and DOC staff, when the items are not owned or issued by the department, shall secure items that are not allowed inside any departmental facility either in a visitor's vehicle or within a locker available in a visitor reception area.

Source. (See Revision Note at chapter heading for Cor 300) #7448, eff 2-6-01; ss by #9383, INTERIM, eff 2-3-09, EXPIRES: 8-3-09; ss by #9508, eff 7-8-09

Cor 306.02 Contraband on Departmental Property Prohibited. The possession, transport, introduction, use, sale or storage of contraband on departmental property shall be prohibited under the provisions of RSA 622:24 and RSA 622:25.

Source. (See Revision Note at chapter heading for Cor 300) #7448, eff 2-6-01; ss by #9383, INTERIM, eff 2-3-09, EXPIRES: 8-3-09; ss by #9508, eff 7-8-09

Cor 306.03 Searches and Inspections Authorized.

(a) Any person or possessions on departmental property shall be subject to search to discover contraband. Searches shall be necessary to prevent the introduction of contraband into the facilities and the hands of inmates and patients and to prevent escapes, violence and situations where violence is likely. Travel onto departmental property shall constitute implied consent to search for contraband pursuant to RSA 622:24-25, and RSA 622:39. In such cases where implied consent exists, the visitor shall be given a choice of either consenting to the search or immediately leaving departmental property. Nothing in Cor 306.03, however, shall prevent non-consensual searches in situations where probable cause exists to believe that the visitor is or has attempted to introduce contraband into a departmental facility pursuant to the laws of New Hampshire concerning search, seizure and arrest or otherwise authorized by law.

(b) All motor vehicles parked on departmental property shall be locked and have the keys removed. Correctional personnel shall check to insure that vehicles are locked and shall visually inspect the plain view interiors of the vehicles. Vehicles discovered to be unlocked shall be searched to insure that no contraband is present. Contraband discovered during searches shall be confiscated as evidence and turned over to law enforcement authorities for use in possible prosecution.

(c) All persons entering departmental facilities to visit with inmates, patients or staff, or to perform services at the facilities or to tour the facilities shall be subject to having their persons checked for contraband. In order to minimize the scope of such searches, items not needed for the visit such as purses, coats and other baggage shall be left either in the vehicles or in the small lockers provided. All items and clothing carried into the institution waiting area shall be searched for contraband. Items left at the storage area shall be subject to inspection and search. Contraband seized shall be retained as evidence and turned over to law enforcement authorities for use in possible prosecution.

(d) Departmental employees shall be subject to search as follows:

(1) General searches of groups of employees shall be scheduled with prior approval of the chief administrator of the facility where the employees are assigned or designee. General searches shall not be subject to the probable cause standard for individual searches as set forth below. Such searches shall be limited to contents of pockets and bags or other items used to carry personal belongings unless otherwise authorized by the chief administrator of the facility or designee; and

(2) Individual searches of employees who are not part of a group being searched during a general search, shall be conducted when there is probable cause to do so with the approval of the chief administrator of the facility or a staff member named as acting chief administrator. Based upon the information used to determine probable cause, such searches can include such measures as pat searches, strip searches or cavity searches.

(3) Such searches, pursuant to (2) above, shall be subject to the following:

- a. Individual employees shall not be searched by a person of lower rank or the opposite sex; and
- b. Such searches shall only be conducted when the chief administrator of the facility is satisfied there is reason to believe the employee is in possession of contraband or unauthorized property.

(c) When reliable information exists from informants or law enforcement agencies that a visitor is expected to deliver contraband to an inmate or patient, the visitor shall be offered the opportunity to choose to be searched, including strip searched and a viewing of body cavities, or not to enter the facility. Since such searches are unpleasant and time consuming for all involved, they shall be required only on the authority of the chief of security, chief administrator of the facility or higher authority on a special need basis where such apparently reliable information clearly mandates the need for contraband exclusion. Such searches shall be accomplished by 2 or more staff members of the same sex as the person to be searched and shall be done out of the public view.

Source. (See Revision Note at chapter heading for Cor 300) #7448, eff 2-6-01; ss by #9383, INTERIM, eff 2-3-09, EXPIRES: 8-3-09; ss by #9508, eff 7-8-09

Cor 306.04 Inspection of Material Subject to Attorney-Client Privilege.

(a) Material the confidentiality of which is protected by attorney-client privilege shall be, nevertheless, subject to some inspection, as outlined below, to insure the absence of contraband. The interest of inmates and patients and attorneys in maintaining the confidentiality necessary to effectuate legal representation shall be accommodated to the maximum extent possible consistent with the facility's need to insure internal security.

(b) Prior to entering a departmental facility, all visiting attorneys and other persons designated in writing by the attorney as his/her agent, such as paralegals, law clerks, or private investigators, shall be required to certify in writing that no written or other contraband is contained in any material brought into the facility by the attorney or the attorney's agent.

(c) Prior to entering a departmental facility, all visiting attorneys and other persons designated in writing by the attorney as his/her agent, such as paralegals, law clerks, private investigators, shall submit their persons and all books, briefcases, folders, files or other containers of whatever description being carried by them to a search by the appropriate officer.

(d) Prior to any search, the attorney or his/her agent shall designate which materials in his/her possession, if any, are subject to an attorney/client privilege of confidentiality.

(e) The inspecting officer shall search all material except that designated as coming within the scope of attorney/client privilege. Material designated as privileged shall only be inspected in a manner detailed in (f) below and in the immediate presence of the visiting attorney or the attorney's agent.

(f) The inspecting officer shall not scrutinize any material designated as privileged for textual contraband. Rather, the attorney shall place the privileged material or file face down or text side down on a flat surface designated by the officer. The officer shall then by touching or mechanical means inspect the privileged material to insure the absence of concealed physical contraband other than textual contraband. Such inspection shall include a page-by-page separation of and pat down of the privileged written material provided the inspected material is examined text side down and in the presence of the visiting attorney. The attorney shall insure that no attempt to read any confidential material

occurs, and shall report any suspected violation to the warden or his/her agent immediately. The warden or his/her agent shall initiate immediate and appropriate administrative action against any officer violating any provision of this rule.

(g) The procedures set out herein pertaining to the inspection of privileged material sought to be introduced into a facility shall also be applicable to privileged material upon departure from the facility.

(h) Inspected legal material may be given to the inmate or patient client during the visit.

Source. (See Revision Note at chapter heading for Cor 300) #7448, eff 2-6-01; ss by #9383, INTERIM, eff 2-3-09, EXPIRES: 8-3-09; ss by #9508, eff 7-8-09

INSERT APPROPRIATE LETTER HERE

Sir/ Ma'am,

My name is _____ . I am an Officer with the New Hampshire Department of Corrections.
(Print)

New Hampshire State Statutes permit New Hampshire Department of Corrections personnel to search your person and possessions. We suspect that you may be attempting to introduce contraband into the institution. We request that you to submit to a search of your person and possessions. Such a search will include an inspection of your unclothed body by two Department of Corrections Officers of your own sex. This search will be conducted in a private area.

If you refuse to consent to such a search, you will not be allowed to visit today and may be permanently barred from visiting any inmate at any New Hampshire Department of Corrections Facilities.

I **do** consent to this search: _____
Print Signature Date

I **do not** consent to this search: _____
Print Signature Date

Witness: _____
Print Signature Date

Witness: _____
Print Signature Date