 <p style="text-align: center;">ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction</p>	Index #: 506.06	Page 1 of 1
	Effective Date: August 29, 2023	
	Distribution: B	
	Supersedes: N/A	
Approved by: Frank Strada		
Subject: SEARCHES		

POLICY CHANGE NOTICE

PURPOSE: This PCN requires revising post orders to prescribe a minimum number of cell searches daily, and on different shifts. Additionally, it requires using a new form for documenting the cell searches conducted each month.


INSTRUCTIONS: Print this PCN and attach it to the front of all hardcopy versions of Policy #506.06, *Searches*. Additionally, the Associate Warden of Security/Deputy Superintendent will ensure (1) relevant post orders are updated no later than September 13, 2023; and (2) employees assigned to those posts will review and acknowledge the updated post orders, as required by Policy #506.17, *Post Orders*.

CHANGES TO POLICY:

SECTION VI.K.3.c. is revised as follows (added text; ~~deleted text~~):

- c. The Warden/Superintendent/Designee shall identify ~~the number of occupied cells/rooms that are to be searched.~~ through post orders the number of general population, occupied cells/rooms to search daily. At a minimum, the post orders will require:
 - (1) Searching five (5) cells in every general population housing unit/pod on the first shift;
 - (2) Searching two (2) cells in every general population housing unit/pod on the second shift;
 - (3) Searching all cells/rooms within every general population housing unit/pod over the course of each month;
 - (4) Documenting the dates and locations of cells/rooms searched, and describing any confiscated contraband, on CR-4325;
 - (5) The Unit Manager to verify completion of the monthly cell inspection record form; and
 - (6) The original form be retained by the Unit Manager, with copies to the Associate Warden of Security and Compliance Manager.

The cell search request shall be entered on OMS conversation LIBQ. The employee designated to conduct the search shall enter the Cell Search Results on OMS conversation LIBR within 48 hours of completing the search.

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	Distribution: B	
	Supersedes: 506.06 (3/15/18) PCN 19-74 (11/1/19) PCN 18-42 (7/26/18)	
Approved by: Tony Parker		
Subject: SEARCHES		

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 41-1-102, TCA 39-16-201, TCA 39-17-1313, TCA 39-17-1359, and Prison Rape Elimination Act of 2003 standards 115.5 and 115.15(e).
- II. PURPOSE: To standardize approved methods for Tennessee Department of Correction (TDOC) staff to search visitors, employees, inmates, inmate housing units, and other areas of the facility.
- III. APPLICATION: To employees of TDOC institutions, transition centers, employees of Tennessee Rehabilitative Initiative in Correction (TRICOR), employees of privately managed facilities, and inmates.
- IV. DEFINITIONS:
 - A. Body Cavity: An internal part of the body, i.e., anus, vagina, ears, nose, or mouth.
 - B. Body Orifice Security Scanner (BOSS): A fast, non-intrusive, high sensitivity detector designed to detect metal objects hidden in body cavities.
 - C. Cell Sense Cellular Telephone Detector: A fast, non-intrusive, high sensitivity detector designed to perform full body scans with a single walk by for the detection of cellular telephones indicating the presence of a cellular telephone, whether switched on or off.
 - D. Contraband: Any item not permitted by law or expressly prohibited by TDOC or institutional policy.
 - E. Contract Monitor of Compliance (CMC): TDOC employee(s) authorized by the Commissioner to monitor contract compliance at privately managed facilities.
 - F. Contract Monitor of Operations (CMO): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CMO, the contract monitor of compliance (CMC) assigned to that facility will serve that function. In the absence of both the CMO and CMC at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the CA. If the CMO is not reachable via phone, the CMC will be contacted. If both the CMO and CMC are unavailable by telephone, the CA shall be contacted for required authorizations or notifications.
 - G. Drug Search by K-9: A periodic search of cells, property, and vehicles for contraband drugs utilizing dogs that are specially trained to detect controlled substances.
 - H. Dry Cell: A room equipped with bed, lighting, and proper ventilation which will prevent the disposal of waste material or contraband.



TENNESSEE DEPARTMENT OF CORRECTION
Monthly Cell Inspection Record

Housing Unit/Pod: _____ Institution: _____ Month: _____

INSTRUCTIONS:

- 1) At the start of each month, the Unit Manager **pre-fills** the Cell/Room ID column with all cells/rooms that will be searched during that month.
- 2) Over the course of the month, perform the daily number of cell/room searches, as required by local post orders and Policy #506.06, *Searches*.
- 3) The Unit Manager ensures **ALL** cells/rooms are searched over the course of the month.
- 4) Process confiscated contraband as required by Policy #506.15, *Disposition of Contraband*.
- 5) At the end of the month, the Unit Manager verifies all cell searches were documented as completed by signing the bottom of this form. Unit Managers retain the original form, with copies to the Associate Warden of Security and Compliance Manager.

Cell/Room ID	Date / Time Searched	Contraband Found	Staff Printed Name	Staff Signature



TENNESSEE DEPARTMENT OF CORRECTION
Monthly Cell Inspection Record

Housing Unit/Pod: _____ Institution: _____ Month: _____

Cell/Room ID	Date / Time Searched	Contraband Found	Staff Printed Name	Staff Signature



TENNESSEE DEPARTMENT OF CORRECTION
Monthly Cell Inspection Record

Housing Unit/Pod: _____ Institution: _____ Month: _____

Cell/Room ID	Date / Time Searched	Contraband Found	Staff Printed Name	Staff Signature



TENNESSEE DEPARTMENT OF CORRECTION
Monthly Cell Inspection Record

Housing Unit/Pod: _____ **Institution:** _____ **Month:** _____

Cell/Room ID	Date / Time Searched	Contraband Found	Staff Printed Name	Staff Signature



TENNESSEE DEPARTMENT OF CORRECTION
Monthly Cell Inspection Record

Housing Unit/Pod: _____ Institution: _____ Month: _____

Cell/Room ID	Date / Time Searched	Contraband Found	Staff Printed Name	Staff Signature



TENNESSEE DEPARTMENT OF CORRECTION
Monthly Cell Inspection Record

Housing Unit/Pod: _____ Institution: _____ Month: _____

Cell/Room ID	Date / Time Searched	Contraband Found	Staff Printed Name	Staff Signature

Verified documentation of all monthly cell searches being completed: _____
Unit Manager Signature Date

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- I. Employees: For purposes of this policy, individuals who are on the payroll of the institution, including TRICOR, or individuals contracted to provide services for that institution.
 - J. Frisk Search: A pat search in which an individual is not required to remove clothing.
 - K. Institutional Search: An unannounced, thorough search of prison areas (grounds, buildings, and inmates) in an effort to uncover any contraband items.
 - L. Probable Cause: Where specific observable facts or trustworthy information from a reliable source leads a reasonably prudent and cautious person to conclude that a crime has been or is being committed.
 - M. Official Visitors: TDOC/TRICOR employees from work sites other than the institution, law enforcement officials, visiting dignitaries, etc.
 - N. Reasonable Suspicion: Knowledge, based on specific objective facts and rational inferences drawn from those facts considering the totality of the circumstances, which would cause a prudent and cautious person to believe a particular individual at a particular time is concealing contraband in the particular place to be searched.
 - O. Room or Area Search: A thorough inspection of a housing unit, cell(s), room(s), or any other area, and of all items and furniture therein. Vehicles of employees and visitors are subject to search.
 - P. Strip Search: An examination of an individual's unclothed body for weapons and contraband, and a thorough search of all of the individual's clothing while it is not being worn.
 - Q. Transgender: For purposes of this policy only, a term describing persons whose gender identity and/or expression do not conform to the gender roles assigned to them at birth.
 - R. Transsexual: A person who strongly identifies with the opposite gender and may seek to live as a member of this gender especially by undergoing surgery and hormone therapy to obtain the necessary physical appearance.
 - S. Visitors: Persons other than TDOC employees or inmates, including vendors and volunteers, who seek to enter the gates or grounds of the institution.
 - T. Visual Body Cavity Search: A visual inspection of body cavities which excludes touching the recipient, either personally or with instruments.
- V. POLICY: Searches of visitors, volunteers, employees, inmates, inmate housing units, and other areas of the facility shall be conducted in accordance with the procedures set forth below and in a manner which will avoid unnecessary force, embarrassment, or indignity to those whose person and/or belongings are being searched.
- VI. PROCEDURES:
- A. Posting

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1. Each Warden/Superintendent shall have signs in English and Spanish posted conspicuously at all entrance roads to institutional grounds and at all checkpoint and vehicular gate entrances to advise visitors to the institution that:

- a. All persons and property are subject to search.
- b. Drugs, alcohol, explosives, and edged weapons are prohibited.

Pursuant to TCA 39-17-1313, the holder of a valid handgun carry permit recognized in Tennessee may transport and store a firearm or firearm ammunition in the permit holder's motor vehicle, while on or utilizing any public or private parking area if:

- (1) The permit holder's secured vehicle is parked in a location where it is permitted to be; and
- (2) The firearm or ammunition being transported or stored in the vehicle:
 - (a) Is kept from ordinary observation if the permit holder is in the motor vehicle; or
 - (b) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to such vehicle if the permit holder is not in the vehicle.

c. Weapons/ammunition found to be unsecured in vehicles shall subject the permit holder to have his/her visiting privileges suspended.

2. Each Warden/Superintendent shall have signs posted conspicuously at all visitor search points advising visitors to the institution that refusal of a search shall result in a suspension of his/her visitation privileges at any TDOC institution.

3. In addition to the above, all existing TDOC facilities and all new TDOC facilities opened after July 1, 2000, must post a sign at all public entrances to TDOC buildings, premises, and property which reads as follows:

"Pursuant to TCA 39-17-1359, the Tennessee Department of Correction has banned weapons within buildings. Failure to comply with this prohibition is punishable as a criminal act under state law and may subject the violator to a fine of not more than \$500."

4. Inmates shall be advised of the institutional policy on searches during orientation and by means of the institutional inmate handbook.

B. The Warden/Superintendent of each facility shall develop and implement written procedures for the utilization of the Cell Sense cellular telephone detector for the prevention and detection of cellular telephones into TDOC facilities. It shall be utilized at any time at the discretion of the Warden/Superintendent/designee. Members of the Office of Investigations and Conduct (OIC) Special Operations may deploy the Cell Sense cellular telephone detector while on assignment as governed by OIC protocol.

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- C. The Warden/Superintendent of each facility shall develop and implement written procedures for the utilization of the BOSS chair for the prevention and detection of cell phones, knives, and unauthorized metallic contraband in TDOC facilities. It shall be utilized at any time at the discretion of the Warden/Superintendent/designee. Members of OIC may deploy the BOSS chair while on assignment as governed by OIC protocol.
- D. Frisk searches of visitors, volunteers, employees, and inmates shall be conducted by designated staff who have received proper training in search procedures.
- E. All persons (employees, visitors, inmates) and their property on the grounds of any TDOC facility shall be subject to a search by canine team(s) using a barrier screen. Failure to consent to a search will limit that person's ability to access the facility/facility grounds. The shift supervisor will be notified immediately following a refusal to consent to a search. Searches of this type shall be conducted as outlined in Policy #506.18.
- F. Frequent unannounced searches of inmates, inmate quarters, and all other areas of the facility shall be conducted as often as necessary in order to ensure the safety of the inmate population and security of the facility. Times and patterns of the searches shall vary, but shall be conducted semi-annually at a minimum.
- G. Searching Visitors:
 - 1. There shall be no cross-gender searches of visitors. See Section VI.(J) regarding searches of transgender and transsexual visitors.
 - 2. No forcible searches shall be conducted. Searches of children may only be conducted in the presence of the child's parent or guardian. Any visitor who refuses to submit to any search shall be denied admittance and ordered to leave state property.
 - 3. Any visitor who refuses to submit to an authorized search shall not be forcibly detained. However, if probable cause exists that the individual has illegal item(s) in their possession, efforts shall be made to detain the individual. If unable to detain the individual without using force, vital information such as names, address, phone number, automobile make and model, description, and license plate number and state of issue should be obtained and recorded. This information shall be passed on to the officer in charge, who in turn will notify local law enforcement authorities.
 - 4. A written memorandum detailing the visitor's refusal shall be prepared by the staff member who is involved and forwarded to the Warden/Superintendent.
 - 5. Visitors who refuse to be searched shall have their visitation privileges suspended. Documentation of the refusal to be searched shall also be recorded in the offender management system (OMS) conversation LCDG, contact code VIRC.
 - 6. All institutions (See Policy #506.01) shall be equipped with metal detectors (either walk-through or hand-held) at all visitor checkpoints.
 - a. Each visitor must be processed with the metal detector.

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- b. Anyone failing to clear a walk-through metal detector will be subjected to a closer screening by a hand-held metal detector. Failure to pass the localized search will require the individual to produce or otherwise identify the item causing the metal detector to react.
- 7. A frisk search shall be conducted on all visitors, including vendors, entering the perimeter of a secure institution.
- 8. Strip and visual body cavity searches of visitors require the prior approval of the Warden/Superintendent/designee based upon a finding of reasonable suspicion. The approved Authorization for Search, CR-2156, shall be completed by the staff member designated to conduct the search and returned to the Warden/Superintendent for filing. A copy will be provided for the person being searched.
 - a. Visitors may be required to replace their feminine hygiene products in the presence of institutional staff only if there exists individualized reasonable suspicion to prove that contraband is being brought in.
 - b. Local policy may dictate non-contact visitation as an alternative option when a feminine hygiene product is detected. (See Policy #507.01.1)

H. Searching Employees:

- 1. All employees and official visitors entering an institution shall be frisk searched unless a directive is received from the Warden/Superintendent/designee.
- 2. There shall be no cross-gender searches of employees. See Section VI.(J) regarding searches of transgender and transsexual employees.
- 3. No forcible searches shall be conducted. Any employee who refuses to submit to a frisk search shall be subject to disciplinary action up to and including termination.
- 4. If an employee refuses to submit to any type of search and there is reasonable suspicion to believe that the employee may be concealing contraband, the employee may not be detained without his/her consent unless by a law enforcement official; however, he/she may be terminated for refusing to submit to a search.
- 5. A written memorandum detailing the staff's refusal shall be prepared by the searching staff members involved and forwarded to the supervisor and the Warden/Superintendent.
- 6. All inmates entering a secure perimeter will be strip searched. Strip searches and visual body cavity searches may be authorized by the Warden/Superintendent on a routine basis for all inmates participating in certain activities, including but not limited to the following:
 - a. Visitation
 - b. Work Details

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c. Parole Boards

d. Institutional Lockdowns

Institutional policy and post orders shall stipulate areas and activities where routine strip searches and/or visual body cavity searches will occur. An Authorization for Search, CR-2156, is not required in such instances. Strip searches/visual body cavity searches based upon reasonable suspicion require that CR-2156 be completed by the Warden/Superintendent/designee

7. All institutions (See Policy #506.01) shall be equipped with metal detectors (either walk-through or hand-held) at all checkpoints.

a. Each staff member must be processed with the metal detector.

b. Anyone failing to clear a walk-through metal detector will be subjected to a closer screening by a hand-held metal detector. Failure to pass the localized search will require the individual to produce or otherwise identify the item causing the metal detector to react.

Strip and visual body cavity searches of staff require the prior approval of the Warden/Superintendent or Assistant Commissioner of Prisons based upon a finding of reasonable suspicion. The approved CR-2156 shall be completed by the staff member designated to conduct the search and returned to the Warden/Superintendent for filing. A copy will be provided to the person being searched. Staff may be required to replace their feminine hygiene products in the presence of searching staff only if there exists individualized reasonable suspicion to prove that contraband is being brought in.

8. Prior to conducting a strip or visual body cavity search of an employee, the specific objective facts forming the basis of the reasonable suspicion finding shall be disclosed to the employee.

I. Searching Inmates:

1. Female correctional officers may frisk search inmates of both genders. Male correctional officers may frisk search only male inmates. Strip searches will only be conducted by staff members of the same gender. See Section VI.(J) regarding searches of transgender and transsexual inmates.

2. All inmates are subject to search at any time by institutional staff. No inmate will be searched solely for the purpose of determining the inmate's gender.

3. All inmates designated as minimum custody or above shall be thoroughly searched whenever they have occasion to enter or leave a more secure area of the institution.

4. Inmates refusing a search of any type shall be charged with a disciplinary infraction for defiance. They may be forcibly frisked and strip searched upon prior approval of the Warden/Superintendent/designee and/or the CMO at privately managed facilities.

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5. The Warden/Superintendent shall determine areas within the facility in which inmates will be required to process through a metal detection screening.
6. Strip searches and visual body cavity searches may be authorized by the Warden/Superintendent on a routine basis for all inmates participating in certain activities, including but not limited to returning from pass or furlough, transportation runs, transfers, visiting, work details, institutional lockdowns, when conducting specific targeted cell searches, etc. Institutional policy/post orders should stipulate areas/activities where routine strip and/or visual body cavity searches will occur. CR-2156 is not required in such instances. Strip/visual body cavity searches based on reasonable suspicion/probable cause require CR-2156 be completed by the Warden/Superintendent/designee.
7. Inmates suspected of hiding contraband in a body cavity or who refuse to undergo a visual body cavity search may be temporarily housed in a "dry cell" subject to the following conditions:
 - a. Confinement is ordered by the Warden/Superintendent/designee (no lower than shift supervisor) based upon reasonable suspicion.
 - b. A thorough search of the cell is conducted prior to placement of the inmate.
 - c. Inmate is provided with toilet articles, clothing, bedding, etc.
 - d. Inmate is provided with a means of collecting body excretion.
 - e. Constant observation of the inmates is conducted by staff.
 - f. Confinement to be continued longer than 72 hours must be reviewed and authorized by the Warden/Superintendent and the CMO shall be notified at privately managed facilities.
 - g. The health, hygiene, and exercise requirements outlined in Policy #506.16 shall be followed.
 - h. A Segregation Unit Record Sheet, CR-2857-1, or CR-2857-2 shall be completed for each inmate held in a dry cell. (See Policy #506.16 for sample of form)
8. Inmates will be placed in a dry cell rather than be subjected to a manual body cavity search.

J. Searching Transgender and Transsexual Individuals

1. If there is no doubt as to the gender of a person or there is no reason to suspect the person is not the gender that they appear, they should be searched in accordance with policy mandates stated herein as they relate to that gender.
2. If there is uncertainty as to a person's gender, the responsible officer shall use best judgment as to how the person presents, as male or female, and shall arrange for an

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officer of that gender to conduct the search. If the subject of the search then objects on the basis of gender, an officer of the person's apparently preferred gender shall conduct the search.

3. Officers should always address people according to the gender role in which they present themselves. Despite possible challenges to their own beliefs and attitudes, officers shall consistently maintain a professional and dignified manner in interacting with the individual.

K. Searches of Inmate, Visitor, or Employee Personal Property:

1. Any item in the immediate possession of an inmate, visitor, or employee at the time he/she is searched shall also be searched. This applies to all types of searches.
 - a. Written documents should be sorted to detect contraband, but shall not be read. Walk-through and hand-held metal detector use does not constitute a search for this purpose.
 - b. A visitor or employee's wallet, purse, or briefcase should not be handled by the searcher, but shall be opened completely and its contents displayed by the owner/bearer. Inmate visitors' purses and wallets shall be secured in lockers provided for visitors.
 - c. X-ray machines can be utilized to scan packages and personal property.
2. Vehicles driven by visitors or employees shall be searched as authorized by the routine plan developed by the Warden/Superintendent in charge of the institution or based on reasonable suspicion. If the driver refuses to have the vehicle searched, the matter shall be handled as it would be if he/she refused a personal strip search or visual body cavity search.
 - a. An organized vehicle search shall be conducted no less frequently than once per quarter.
 - b. Vehicle searches can be conducted anytime to include holidays.
 - c. When possible, searches should be a coordinated effort between the institution, the OIC Division, and other law enforcement agencies. Department of Safety and Homeland Security, Sheriff's Department, and TDOC canines (drug dogs) will be utilized when available.
 - d. The results of the search shall be reported on OMS conversation LIBJ and in the institution's quarterly report. A free text report shall be made to the Assistant Commissioner of Prisons on OMS conversation LSWA advising of the search, the number of arrests, and items confiscated as a result of the search.
 - e. The Warden/Superintendent shall determine whether the vehicle search will include the vehicles of employees. An unannounced employee vehicle search will be conducted at least annually.

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3. One employee may conduct searches of housing units and cells/rooms. The inmate is not required to be present at the time the search is conducted.
 - a. There shall be a complete search and inspection of each room/cell/bed before it is occupied by a new inmate. This shall be accomplished by searching the bed, mattress, and pillow. Along with the search, the mattress and pillow shall be examined to ensure they are in good condition, and the bed shall be examined for damage. All components of the cell/bed/room shall be sanitized before admitting another inmate. The Warden/Superintendent/Designee shall ensure that all cell search requests and results are entered into the OMS conversation LIBQ, Cell Search Request and LIBR, Cell Search Results.
 - b. There shall be a complete search and inspection of each room/cell before it is occupied by a new inmate. The Warden/Superintendent of each facility shall develop and implement written procedures for all searched cells to be entered at the time of each move on OMS conversation LIBQ, Cell Search Request, and LIBR, Cell Search Results. All post orders should reference procedures to be used for searching and documenting the search and results.
 - c. The Warden/Superintendent/Designee shall identify the number of occupied cells/rooms that are to be searched. The cell search request shall be entered on OMS conversation LIBQ. The employee designated to conduct the search shall enter the Cell Search Results on OMS conversation LIBR within 48 hours of completing the search.
 4. Property, supplies, goods, and food stocks delivered to the institution shall be searched for contraband prior to entering the confines of the institution. All vehicles entering the institution compound shall be searched. (See Policy #506.05)
- L. All parts of the institution shall be subjected to an institutional search during each calendar year. Searches (length and number of buildings) shall be coordinated through and approved by the Assistant Commissioner of Prisons.
- M. Disposition of Contraband:
1. Any inmate possessing contraband shall be subject to disciplinary action. Possession of illegal items which have some legal penalty attached may also result in prosecution in a court of law.
 2. If contraband is found in the possession of a visitor, the contraband shall be confiscated, the visitor may be detained for local law enforcement officials and possible felony prosecution as per TCA 39-16-201. If the visitor refuses to be detained, force shall not be used. Vital information such as name, address, phone number, automobile make and model, description, and license plate number and state of issue should be obtained and recorded. This information shall be passed on to the officer in charge, who in turn will notify local law enforcement authorities. An incident report shall be submitted. (See Policy #103.02)

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3. Employees found possessing contraband shall be subject to disciplinary action up to and including termination. Those in possession of illegal items shall be subject to arrest and prosecution.
4. All detected contraband shall be handled in accordance with Policy #506.15.

N. Records:

1. The Warden/Superintendent shall maintain a file record of all submitted CR-2156 forms.
2. The Warden/Superintendent/Designee shall further maintain incident reports, ledgers, memorandums, etc., submitted by the searching employee, regarding the patterns, frequency, and types of searches conducted of housing units, grounds, and buildings.

O. The Warden/Superintendent shall develop institutional policy which establishes procedures for conducting searches of all persons entering and leaving the institution. This policy shall be reviewed annually.

VII. ACA STANDARDS: 5-ACI-3A-19, 5-ACI-3A-20, 5-ACI-3A-21, 5-ACI-3D-08(M), 5-ACI-3D-17, and 5-ACI-7D-21.

VIII. EXPIRATION DATE: August 1, 2024