

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024



**U.S. Immigration
and Customs
Enforcement**

MEMORANDUM FOR: Tae D. Johnson
Assistant Director, Custody Management

THROUGH: Jay M. Brooks
Deputy Assistant Director, Detention Management Division

FROM: Dorothy Herrera-Niles
Field Office Director

SUBJECT: Waiver for Strip Searches – Frederick County Detention Center

Purpose

Provide a waiver for the Frederick County Detention Center, as it relates to the Admission and Release, Search of Detainee and Property (Key: B) (05), within the 2000 National Detention Standards (NDS), which states “Detainees are strip searched only when cause has been established and not as routine. Non-criminal detainees are not strip-searched but are patted down, unless reasonable suspicion is established.”

Background

Frederick County Detention Center (FREDEMD) is a 62 bed Intergovernmental Service Agreement (IGSA) facility located in Frederick, MD. FREDEMD houses approximately 40 ICE detainees, daily, for Immigration and Customs Enforcement (ICE).

On July 14-16, 2015, the Nakamoto Group, Inc. conducted an Annual Inspection of FREDEMD for compliance with the 2000 National Detention Standards. The Nakamoto Group, Inc. found that FREDEMD was deficient in this Element because all newly admitted detainees, regardless of criminal history, are routinely strip searched when transferred from the intake unit to their housing unit at the facility.

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Discussion

It is the policy of the Frederick County Sheriff's Office – Corrections Bureau to establish written guidelines for maintaining a system for conducting searches and shakedowns. Searches and shakedowns are an intricate part of the security and safety functions of a correctional institution. These activities will assist security operations in the following ways:

- Minimize contraband within the facility
- Prevent or discover escape attempts
- Provide safety for staff and inmates
- Reveal deficiencies in security operations

A strip search will only be conducted at initial intake if one of the following situations is known to apply:

- The inmate (detainee) is sentenced. An intake search will be conducted of all inmates after receiving a commitment from the Courts.
- The routine intake procedure has produced information that indicates the inmate (detainee) is in possession of contraband believed to be of a life-threatening or health-endangering nature.
- The individual is charged with a felony, or is charged with a misdemeanor that involved weapons or contraband, or has a prior record or conviction, or a prior felony arrest, or a misdemeanor arrest involving weapons or contraband (defined as controlled dangerous substances or paraphernalia).

Strip searches will be conducted after the initial 24-hour intake period is over and prior to being moved to general population.

It is the procedure of FREDEMD to scan all offenders (detainees), entering Central Booking, with a handheld metal detector. Following this scanning, a pat down search will be conducted. A strip search is only conducted should one of the 3 situations above occurs. Strip searches will be conducted on all inmates (detainees) upon their return to the facility from outside the facility. Additionally, strip searches will be conducted on all inmates (detainees) on work detail and the Inmate Labor Program prior to their return to the assigned housing unit.

Recommendation:

I recommend that you approve the waiver to NDS Searches of Detainees (Key: B) (05).

Approve / date Jim 6/8/16

Disapprove / date _____

Modify / date _____

Needs more discussion _____

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Policy:

It is the policy of the Frederick County Sheriff's Office - Corrections Bureau to establish written guidelines for maintaining a system for conducting searches and shakedowns. Searches and shakedowns are an intricate part of the security and safety functions of a correctional institution. These activities will assist security operations in the following ways:

1. Minimize contraband within the facility.
2. Prevent or discover escape attempts.
3. Provide safety for staff and inmates.
4. Reveal deficiencies in security operations.

Definitions:

Pat Down Search - A hands-on search of the detainee's outer clothing.

Intake Search - A search conducted of all new pre-trial intakes where the inmate strips down to his/her underclothes and the officer conducts a search of the removed outer clothing and visual inspection of the inmate.

Strip Search - A complete search where the inmate removes all of his/her clothes, and the officer conducts a search of the clothing and a visual inspection of the body. This type of search is conducted on all inmates after a twenty-four (24) hour holding period.

A STRIP SEARCH WILL ONLY BE CONDUCTED AT INITIAL INTAKE IF ONE OF THE FOLLOWING SITUATIONS IS KNOWN TO APPLY:

1. The inmate is sentenced.
2. The routine intake procedure has produced information that indicates the inmate is in possession of contraband believed to be of a life-threatening or health-endangering nature. (A strip search conducted for this reason must be documented on an Incident Report (FCADC #007) showing cause for the search.)
3. The individual is charged with a felony, or is charged with a misdemeanor that involved weapons or contraband, or has a prior record or conviction, of a prior felony arrest, or a misdemeanor arrest involving weapons or contraband. (Contraband is defined here as controlled dangerous substances or paraphernalia.)

Metal Detector Scan - A scan for metal objects on a person utilizing a metal detector without touching the individual's body.

Transgender - A detainee whose gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth.

Intersex - A detainee whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Procedure:

A. Inmate Searches

1. All offenders entering Central Booking will be scanned with a handheld metal detector.

2. A pat down search will be conducted of all offenders after scanning with a metal detector.
3. An intake search will be conducted of all inmates at intake after receiving a commitment from the Courts.
4. A strip search will only be conducted at intake (see definition for Strip Search) if the conditions outlined above apply.
5. A strip search will be conducted on all inmates upon their return to the facility from outside the facility.
6. Daily strip searches will be conducted on all inmates on work detail and the Inmate Labor Program prior to their return to the assigned housing unit. (Reference Policy #8-109, Work Release - Searches and Shakedowns, for search procedures of Work Release participants.)
7. Strip searches will be conducted on inmates during shakedowns. Exception, where applicable, Holding Unit (Intakes) inmates and females housed in the Intake block.
8. Strip searches will be conducted of all inmates after their twenty-four (24) hour intake period is over, and prior to being moved to General Population.
9. Pat down searches will be conducted of all inmates receiving professional or contact visits.
10. A cell inspection to detect destruction, defacing, or tampering with County property will be conducted prior to an inmate being assigned to a cell and prior to an inmate's final release.
11. Inmates will be advised of the search policy as described in the Inmate Handbook.
12. All materials will be searched and inspected prior to the issuance of these items to inmates. (Reference Policies #4-103, Inmate Mail, and #4-113, Linen - Clothing - Laundry)
13. A receipt will be given to any inmate whose personal property is temporarily removed or confiscated. (Reference Policy #4-114, Property Control)
14. Male officers will not except under exigent circumstances conduct searches, view intake searches, or perform strip searches of female inmates. A male officer will not perform a pat down search of a female inmate, unless the male officer believes that safety dictates the need for an emergency pat down search, and no female officer is available. In this case, the male officer must believe the possibility exists that the inmate may be in possession of a weapon, a controlled dangerous substance, and/or contraband that may jeopardize the safety and security of the institution. An Incident Report (FCADC #007) will be written documenting the exigent circumstances.
15. Female officers will not except under exigent circumstances conduct searches or view intake searches, or perform strip searches of male inmates. A female officer will not perform a pat down search of a male inmate, unless the female officer believes that safety dictates the need for an emergency pat down search, and no male officer is available. In this case, the female officer must believe the possibility exists that the inmate may be in possession of a weapon, a controlled dangerous substance, and/or contraband that may jeopardize the safety and security of the institution. An Incident Report (FCADC #007) will be written documenting the exigent circumstances.
16. All searches of transgender or intersex inmates/detainees will be conducted by an officer who is the same physical sex as the inmate/detainee. If the inmate's/detainee's physical sex cannot be determined, and/or the inmate/detainee refuses to cooperate, medical staff will be contacted to make a determination with security staff standing by for security purposes. Strip searches will not be conducted to view the inmate's/detainee's genitals and/or to determine gender.

B. Alcohol/Urine Testing

1. Spot checks for drug and alcohol abuse may be conducted on any and all inmates.
2. Conducting Tests (Reference Policy #8-110, Work Release Drug and Alcohol Screens.)
Testing for drug and alcohol abuse will be conducted:
 - a. With approval of the Shift Supervisor, or as directed by the Director of Security and/or the Director of Community Services.
 - b. When observations by Correctional Staff warrant such action.
 - c. As periodic spot checks scheduled by the Shift Supervisor.
 - d. In the visual presence of a staff member.
3. Preliminary Breath Test (PBT)
 - a. Preliminary Breath Test (PBT) will be conducted when an inmate or offender exhibits the following behavior:
 - (1) slurred speech.
 - (2) stumbling or unsteady gait, and/or
 - (3) glazed and/or red eyes, and/or
 - (4) odor of an alcoholic beverage.
 - b. Procedures when conducting a PBT:
 - (1) Attach the mouthpiece, ensuring that the "set" button is depressed down.
 - (2) Perform a successful blank test.
 - (3) Depress the "set" button.
 - (4) Instruct the inmate/offender to blow steadily for as long as possible.
 - (5) Depress the "read" button after three (3) seconds but before the inmate/offender stops blowing.
 - (6) The final reading will be shown as a bright, steady display.
 - (7) Record the final result. A reading of .000 is a negative result.
 - (8) Discard the mouthpiece and depress the "set" button.
 - (9) If the test produced a "negative" result, then no further testing is warranted.
 - (10) If the test produced a "positive" result, have the inmate/offender remain seated, observe for fifteen (15) minutes and perform the test again.
4. Urinalysis (Reference Policy #8-110, Work Release Drug and Alcohol Screens and the Alcohol/Urinalysis Consent form (FCADC #060))

C. Shakedowns

1. Routine unannounced shakedowns will be conducted on all inmates living and activity areas. Shakedowns will occur quarterly and on an irregular basis appropriate to maintain efficient security operations. These shakedowns will be coordinated and scheduled by the Compliance/Disciplinary Supervisor.
2. In the event the need for an immediate shakedown is recognized, the Shift Supervisor is authorized to conduct that shakedown immediately. The following steps will be taken in conducting shakedowns:
 - a. The Shift Supervisor will designate an officer(s) to document shakedown information and to complete an Incident Report (FCADC #007) and a Shakedown Incident Report (FCADC #069).
 - b. Assigned shakedown officers will enter the housing unit(s).
 - c. Inmates will be advised:
 - (1) To empty their uniform pockets and to put the contents on their mattresses to include their inmate ID.
 - (2) To leave all personal belongings in the housing unit.

- (3) That a strip search will be conducted following movement out of the housing unit, and that any personal articles found at that point will be disposed of as contraband.
- d. Inmates will then exit the housing unit in an orderly fashion and form a single line in the corridor along the wall of the housing unit.
- e. One (1) or two (2) inmates will remain in the housing unit to observe the shakedown process. They will be strip searched upon departure of inmates from the unit; individually and out of the sight of anyone else.
- f. Officers will station themselves in the corridor in a manner to prevent inmate contact with the housing unit(s), and to maintain control of the area. The route to the gym will be searched prior to inmate movement.
- g. When all inmates have entered the corridor, they will be escorted to the Programs Corridor. One (1) officer will be to the side of the inmates and the second officer will follow the group.
- h. In order to maintain security/control of the area, and to coordinate movement into the Gym, an officer will be stationed in the Programs Corridor at the Gym entrance.
- i. Inmates will be moved individually to an area designated by the Shift Supervisor, strip searched, and then sent to the Gym until the strip search process for all inmates is completed. Strip searches will be completed out of sight from other inmates.
- j. One (1) officer will then remain in the Gym to supervise inmates until the shakedown is completed.
- k. Assigned Shakedown Officers will:
 - (1) Conduct a thorough search of the dayroom, to include the dayroom tables, telephones, televisions, shower areas, water chases, bunks and mattresses (rolling back each mattress signifies search completed).
 - (2) Search each individual cell and secure upon completion.
 - (3) Remove trash bags from housing unit(s).
 - (4) Restore inmate property as close as possible to its original state. If an inmate's property is damaged, out of necessity to adequately conduct a thorough search, a notation of this will be entered in the final Incident Report (FCADC #007).
- l. All confiscated property will be labeled with the name, date, housing unit, and cell location of the inmate(s) and forwarded to the Compliance/Disciplinary Supervisor for final disposition. This information will also be documented on the appropriate Shakedown Incident Report Form (FCADC #069), Property Removal Sheet (FCADC#066) and made part of the final Incident Report (FCADC #007).
- m. Prior to inmates returning to housing, a visual inspection of their route of movement to the Gym will be conducted for contraband. Return to housing will then be completed.
- n. Complete Incident Reports (FCADC #007) will be forwarded, through proper channels, to the Director of Security.
- o. If the Gym is in use, Classroom #3, #4, or #5 will be used during male housing unit shakedowns. In this instance, strip searches will be conducted in the associated restrooms.
- p. Female Unit - The same process for males will apply for Female Unit shakedowns. Females will be strip searched in the Female Strip Search Room, monitored during movement through the corridor, and secured under direct

supervision in the Female Programs Corridor until the shakedown is completed.
If the Program Corridor is in use, the Gym or classroom areas will be used.

- D. **Emergency Response Team (ERT)**
(Reference Policy #3-141, Emergency Response Team)
- E. **Visitor Searches**
1. All visitors are subject to search prior to entering the secure perimeter.
 - a. Notice will be posted in appropriate locations to inform visitors of this policy.
 2. Visitor searches may be conducted only when there is reasonable belief that the security of the facility is threatened. These searches must be authorized by a Lieutenant or higher. The rationale for such a search must be documented on an Incident Report (FCADC #007).
 3. Metal detectors will be used to search all professional visitors prior to being allowed entrance into the facility.
- F. **Vehicle Searches (Entrance and Exit)**
All vehicles entering the truck sally port are searched upon entering or prior to leaving the secure perimeter. All police vehicles entering the police sally port are subject to search upon entering and prior to leaving the secure perimeter.
- G. **Warehouse/Kitchen Deliveries and Departures**
1. All deliveries will be received Monday through Friday, between 0800 hours and 1600 hours. No after-hours or weekend deliveries will occur without prior approval from the Director of Security or higher authority. After-hours access to the Truck Sally Port may be given to the trash refuse disposal company for the purpose of trash pick up from the dumpsters located in this area.
 2. **Truck Arrivals**
All deliveries will be received at the Warehouse/Loading Dock Area by the Warehouse/Logistics Corporal. All truck deliveries will be searched and inspected by the Warehouse/Logistics Corporal prior to allowing truck delivery personnel access into the facility. Upon the completion of the search and inspection, the Warehouse/Logistics Corporal will notify the Central Control Center to open the loading dock, and access into the facility by delivery personnel will be approved. The assigned officer will remain at the Loading Dock/Warehouse Area until delivery is complete. At no time will this area be left unsecured by staff. If the Warehouse/Logistics Corporal is not available, the Shift Supervisor will designate a Correctional Officer to perform this task. Routinely, this inspection will be conducted by the Warehouse/Logistics Corporal.
 3. **Truck Departures**
 - a. Prior to the delivery truck personnel departing the Truck Sally Port, all inmates in the Warehouse area will be accounted for, search and inspection of the vehicle conducted, and Central Control Center Post notified that approval is granted for truck delivery personnel to depart the facility (Warehouse/Loading Dock Area).
 4. **Central Control Center Post Responsibilities**
 - a. Will notify the Warehouse/Logistics Corporal when a truck delivery occurs at the Warehouse/Loading Dock Area. If the Warehouse/Logistics Corporal is not available, the Shift Supervisor will be notified to assign a Correctional Officer to perform this task. The Central Control Center Post will visually monitor this area by camera during all deliveries and departures.

- b. The assigned officer will respond to the Warehouse Area and notify the Central Control Center Post when approval is granted to open up the loading dock roll-up and allow delivery personnel access into the facility.
 - c. The Central Control Center Post will receive verbal response from the Warehouse/Logistics Corporal or the designated officer assigned to this task when the truck delivery is complete and the truck departure is approved.
5. Trash Removal from Kitchen Trash Room (#499)
- a. The assigned Day Shift Officer or Warehouse/Logistics Corporal will be responsible for removal of trash from Trash Room #499 to the dumpsters located in the Truck Sally Port on a daily basis. This assignment will be completed daily prior to 1900 hours. The assigned kitchen worker will be responsible for performing this task under the direct supervision of a Correctional Officer. At no time will kitchen personnel be assigned to conduct this task alone. Routinely, this assignment will be conducted by the Warehouse/Logistics Corporal.

H. Delivery Search

All incoming deliveries (i.e., kitchen supplies, office supplies, custodial supplies, library materials, etc.) will be searched for contraband by the accepting Correctional Officer, Cook/Kitchen Supervisor. If the supplies contain contraband or unauthorized material, the Shift Supervisor will be contacted immediately for final disposition.

Reference Policy:

Policy #3-109, Intake Processing
Policy #3-141, Emergency Response Team
Policy #4-103, Inmate Mail
Policy #4-113, Linen - Clothing - Laundry
Policy #4-114, Property Control
Policy #8-109, Work Release - Searches and Shakedowns
Policy #8-110, Work Release Drug and Alcohol Screens

Forms:

FCADC #007 - Incident Report
FCADC #060 - Alcohol/Urinalysis Consent Form
FCADC #069 - Shakedown Report

Origin: 1984

Date Revised: 12/01/1991

Date Revised: 02/22/1993

Date Revised: 08/03/1996

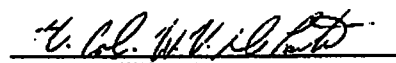
Date Revised: 03/15/2000

Date Revised: 05/09/2008

Date Revised: 03/24/2011

Date Revised: 08/01/2014

Approved By:


Lt. Col. William V. DeLauter
Chief, Corrections Bureau