


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: Scott Banieceke   
Field Office Director

SUBJECT: Waiver for Strip Searches – Carver County Jail

Purpose

Provide a waiver for the Carver County Jail, 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

Carver County Jail (CARJAMN) is a 111 bed Intergovernmental Service Agreement (IGSA) facility located in Chaska, MN. CARJAMN houses approximately 32 ICE detainees, daily, for Immigration and Customs Enforcement (ICE).

On November 17, 2015, the Nakamoto Group, Inc. conducted an Annual Inspection of CARJAMN for compliance with the 2000 National Detention Standards. The Nakamoto Group, Inc. found that CARJAMN was deficient in this Element because all detainees are routinely strip searched during intake into the facility.

Discussion

The strip search of a detainee during intake is based on a risk assessment. CARJAMN performs strip searches on all detainees at intake to provide for the safety and security of the whole detainee population. Jail Service Division, Work Rule 6915, provides the directive used for strip searches. It states the following:

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## Waiver for Strip Searches

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- Strip searches of newly arrested individuals shall be conducted only when there is reasonable suspicion that the individual is in possession of dangerous contraband or weapons, or evidence of a crime.
- All strip searches will be conducted in a courteous and professional manner.
- Strip searches shall not be used for punishment or to embarrass the individual.
- At no time, unless the safety of the detainee is threatened, will the deputy touch the detainee during a strip search.

A deputy may formulate reasonable suspicion though:

- The current charges on the detainee.
- The current or documented past contraband possession of the detainee.
- Contact with the public or exposure to non-secure areas after the arrest or while in custody.
- Reliable information that the detainee is in possession of dangerous contraband, weapons or evidence of a crime.
- Discovering contraband in the cell or authorized property of the detainee.
- A serious incident involving the detainee.

Detainees taken to court proceedings come in contact with a non-secure area that is open to the general public during their hearings and throughout the day. Although detainees are under close visual supervision, they are only monitored from the rear of the room. CARJAMN can therefore be justified in the formulation of reasonable suspicion according to policy, for the strip search of detainees re-entering the facility.

Recommendation:

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

Approve / date Jan 8/23/16

Disapprove / date \_\_\_\_\_

Modify / date \_\_\_\_\_

Needs more discussion \_\_\_\_\_

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