NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
492

INMATE BODY CAVITY SEARCHES FOR CONTRABAND (TEMPORARY)

Supersedes: AR 492 (04/05/04)
Effective Date: 12/08/10

AUTHORITY:

209.131; NRS 209.423

RESPONSIBILITY:

Custody Staff and Medical Division Staff are responsible to have knowledge of and comply with this regulation.

492.01 BODY CAVITY SEARCHES OF INMATES

1. In conducting any search of an inmate's body cavity, the individual's right to privacy of their own body may be abrogated to the extent necessary to preserve the security of the institution and the safety of persons.

2. A body cavity search of an inmate will only be initiated when there is reasonable belief that an inmate has secreted contraband within a body cavity and is in imminent danger and other alternatives such as dry cells have been exhausted.

3. Reasonable belief may be established from the following evidence:

   A. Confidential information from a reliable source.

   B. Irregularities found in the area of the body cavities during an unclothed body search.

   C. Detection of contraband on the person of an inmate's visitor after physical contact with the inmate, and with reasonable belief that the visitor's possession of contraband was for the purpose of smuggling it into or out of an institution/facility.

   D. Any other objective evidence that would indicate that the inmate has contraband secreted in a body cavity.

4. Authorization to initiate a body cavity search requiring any degree of intrusion must be given by the Warden or Acting Warden after consideration of the following:

A. Any advice provided by the Attorney General's Office.

B. Assurance that reasonable belief is not dependent upon the outcome of the search.

C. The search is related to institution or facility security, the safety of persons, or related to evidence involving a criminal offense.

D. Prior to the initiation of the first phase of the search, and before each successive escalation of the search, the individual will be given ample opportunity to voluntarily remove and surrender the contraband.

E. Documentation will be as outlined in Section 492.01.10 of this regulation.

5. Any search or inspection of an inmate's body cavity, other than visual or metal detector inspections, will be conducted in a medical setting under the direct supervision of authorized medical personnel.

A. If it is feasible, medical staff will conduct a diagnostic study before conducting the body cavity search.

B. Before conducting the body cavity search, the Warden or acting Warden requesting the search, will attempt to contact the Nevada Attorney General's Office, Litigation Division.

(1) After normal work hours, holidays, and weekends or if the Nevada Attorney General's Office cannot be contacted, the Department's Inspector General's Office representative will be contacted. The Inspector General representative will contact the Nevada Attorney General's Office.

C. Any physical intrusion into an inmate's body cavity must be performed by a physician or mid-level practitioner not employed by the Department.

6. The forcible retrieval of contraband by intrusion into the inmate's body will be avoided except as follows:

A. When a physician or mid-level practitioner has determined that failure to remove the contraband presents an imminent danger to the life of the inmate; or

B. The contraband is clearly identifiable and constitutes a clear and present danger to the security of the institution/facility or safety of other persons. The contraband must be retrieved, but by any less intrusive or forcible manner.

C. Surgical removal of contraband from the body of an inmate will be the decision of the Medical Director/designee.

7. The inmate will be given ample opportunity to voluntarily remove and surrender the contraband.

8. Inmates will be asked to sign an Inmate Consent for Body Cavity Search, Form DOC-2566, authorizing a body cavity search.

A. Two staff witnesses will also sign the consent form.

B. If the inmate refuses to sign, this will be noted on the form. They will be advised that non-consensual, forcible body search may take place.

9. All body cavity searches must be under the supervision of supervisory staff not less than the level of a Correctional Sergeant.

10. Complete and detailed documentation of all body cavity searches will be submitted the next business day to the Warden by all staff involved in the process, including the Medical Division personnel.

A. The report will include the following information:

(1) Chronology of events leading up to the search and escalation of the search process;

(2) Name and rank of all persons participating in the search process or supplying information that justified the search;

(3) Whether or not the inmate signed a consent form for the body cavity search;

(4) All evidence and information regarding the justification for each degree of the search; and

(5) Results at the conclusion of the search.

B. The person authorizing the body cavity search (Warden or Acting Warden) will send a complete and comprehensive report to the Director via the appropriate Deputy Director outlining the evidence relied upon in establishing reasonable belief.

C. A complete report from the Medical Division personnel involved, detailing how the search was accomplished, what problems, if any occurred, and the final results will also accompany the report to the Director.

APPLICABILITY

1. This administrative regulation requires an operational procedure at each institution and facility.

2. This administrative regulation requires an audit.

REFERENCES

ACA Standards, 4th Edition 4-4192 (2010 Supplement); 4-4193; and 4-4194

Howard Skolnik, Director

12/7/10
Date