

SEARCHES - CLIENTS

Minnesota Sex Offender Program

Issue Date: 12/7/21 Effective Date: 12/7/21 Policy Number: 415-5010

POLICY: All Minnesota Sex Offender Program (MSOP) clients are subject to search. Searches are only authorized to accomplish the purposes of this policy and avoid unnecessary force, embarrassment, or indignity to the subject.

AUTHORITY: Minn. Stat. §§ 152.01, 243.21, 243.55, subd 2

APPLICABILITY: MSOP, program-wide

PURPOSE: To control the entry of contraband into facilities and grounds by staff, clients, and visitors. To prevent, discover and manage threats to the safety and security of facilities, staff, clients, and the public. To prevent clients from sustaining potentially life-threatening conditions as a consequence of ingesting or inserting contraband into body cavities.

DEFINITIONS:

Material search – an inspection of personal effects, vehicles, or any item via visual, canine, or electronic means.

Pat search – an inspection of a person, using the hands.

Reasonable suspicion – specific, objective information, rational inferences reasonably drawn from those facts based on experience, and individualized suspicion (i.e., suspicion regarding the person to whom the request is made) that a threat to facility safety and security exists. Reasonable suspicion also requires the contraband, which is the subject of the search, is believed to be concealed on the person or persons.

Security risk - individual determination made by MSOP that a client may pose a potential threat to facility security or public safety based upon specific, objective information.

Unclothed visual body search (UVBS) – the visual inspection by staff of the same gender of all body surfaces, requiring the client to remove the client's clothing.

PROCEDURES:

- A. Only trained staff conduct searches, in accordance to search performance modules.
- B. MSOP handles contraband secured during any search according to DCT Security Policy 145-1035, “Evidence Handling by Staff” or MSOP Division Policy 415-5030, “Contraband.”
- C. Pat Searches
Trained MSOP staff may conduct a pat search and/or material search of a client at any time and during routine activities including, but not limited to: room return directive, movement during program activities, upon activation of metal detector, after contact visits, on visual observation by staff of suspicious activity, or as otherwise consistent with the parameters of this policy.
 1. Staff conduct pat searches in a manner avoiding unnecessary force, embarrassment, and indignity to the client. When possible, pat searches are conducted by individuals of the same gender.

2. Staff conduct pat searches using standard precautions. Refer to MSOP Division Policy 310-1055, "Standard Precautions and Transmission-Based Precautions."
3. Staff conducting the pat search follow the Performance Module "Pat Search."

D. Unclothed Visual Body Searches (UVBS)

1. MSOP staff conduct a UVBS of a client:
 - a) upon entering the High Security Area (HSA);
 - b) when requested by assessing staff in a Levels of Observation Directive (212-5270a-4030a);
 - c) when exiting from the secure perimeter for deathbed or death-related visits (refer to MSOP Division Policy 415-5090, "Transports" and MSOP Division Policy 415-5091, "Deathbed/Death-Related Visit");
 - d) who pose a security risk, when exiting and returning to the secured perimeter (refer to MSOP Division Policy 415-5090, "Transports"). If a security risk exists, the security program manager/designee completes the Security Risk/Reasonable Suspicion Unclothed Visual Body Search Form (415-5010b) and documents the client's security risk status via an Incident Report (410-5300a) (Phoenix); and
 - e) upon reasonable suspicion and with OD approval. Staff must complete the Security Risk/Reasonable Suspicion Unclothed Visual Body Search Form (415-5010b).
2. MSOP conducts a client UVBS with two or more staff. One of those staff must be of the same gender as the client.
 - a) When using two staff of the same gender as the client, one staff is responsible for visual inspection of the client, while the other staff is responsible for inspecting the client's clothing and personal items.
 - b) When using two staff with only one staff the same gender as the client:
 - (1) The staff of the same gender as the client is responsible for visual inspection of the client.
 - (2) The staff of the opposite gender must not be in the same room as the client undergoing a UVBS and remains outside the doorway, not able to view the client. This staff member assists with the UVBS process by metal-detecting the client's clothing after staff passes the clothing to them outside the search room/area. This staff also inspects any personal items not on the client.
 - (3) In St. Peter a visual barrier in the room may serve the same purpose as the doorway, as long as it blocks the view of the client.
 - c) Clients identifying as transgender female have the option to have all UVBS conducted by female staff if approved per MSOP Division Policy 215-5040, "Treatment of Gender Identity Concerns and Gender Dysphoria." Staff verify the approval of the request in the Physical Restriction section of Phoenix prior to any search being conducted.

- d) Staff use standard precautions while conducting the search (refer to DCT Policy 310-1055, “Standard Precautions and Transmission-Based Precautions”).
3. Staff conducting UVBS follow the Performance Module “Unclothed Visual Body Search.”
4. Client Refusing to Participate in a UVBS
- a) If a client initially refuses a UVBS, staff attempt to address the client’s concerns, consulting clinical staff during business hours as appropriate.
 - b) Clients refusing to participate in a UVBS as part of a transport - refer to MSOP Division Policy 415-5090, “Transports.”
 - c) Clients refusing to participate in a UVBS upon placement into the HSA or other designated area (see also MSOP Division Policy 415-5087, “High Security Area”), staff:
 - (1) conduct a pat search in accordance with the Performance Module “Pat Search;”
 - (2) remove and secure all of the client’s visible jewelry, belts, eyeglasses, and footwear using standard precautions;
 - (3) place the client in a room with a camera, if available, and maintain continual observation via camera to monitor the client’s safety;
 - (4) shut off the water to the client’s room to preserve evidence and maintain safety and periodically offer the client provisions for water;
 - (5) remain with the client for continual staff observation if a dry room with a camera is not available; and
 - (6) continue to ask if the client is willing to participate in a UVBS.
 - d) If the client has not complied with the request for a UVBS:
 - (1) Staff immediately notify the OD, who contacts the administrator on call.
 - (2) If the client has not complied within one hour of placement in the HSA or other designated area, the administrator on call contacts the facility director/designee for approval for a staff-assisted UVBS.
 - (3) Prior to approving a staff-assisted UVBS, the facility director/designee considers:
 - (a) the amount of clothing currently worn by the client having the potential of hiding contraband;
 - (b) whether the client is under Levels of Observation (refer to MSOP Division Policy 215-5270, “Levels of Observation”);
 - (c) whether the client passed initial metal detection;
 - (d) the client’s history of hiding contraband on the client's person;
 - (e) other current relevant factors weighing for or against the need for a UVBS to protect the client or staff; and

- (f) if exchanging client's clothing for HSA clothing in front of staff is sufficient to ensure no contraband is present.
 - e) The OD documents the direction given from the facility director/designee:
 - (1) in the "reviewer comments" section of the Incident Report (410-5300a) (Phoenix); and
 - (2) on the Daily Watch Report/Watch Log (Phoenix).
- 7. Staff-Assisted UVBS
 - a) If a staff-assisted UVBS is approved, trained staff conduct the search in a manner avoiding unnecessary force, embarrassment, and indignity to the client.
 - b) The following staff must also be on-scene for all staff-assisted UVBS:
 - (1) the OD/supervisor of the same gender as the client (when possible), who supervises the overall process;
 - (2) Health Services staff, who provide any necessary medical assistance; and
 - (3) a video recorder operator, of the same gender as the client, to document the entire procedure.
 - c) If the client identifies as transgender female and a staff-assisted UVBS is approved, the facility director/designee provides guidance on who conducts the UVBS and who will be present based on the specific client and available resources.
- 8. UVBS Modification – staff may only modify the UVBS process as directed:
 - a) On the Modified Unclothed Visual Body Search (415-5090c).
 - (1) The Health Services RN supervisor/designee initiates the Modified Unclothed Visual Body Search (415-5090c) when it is unsafe to have the client ambulate or as medically necessary, and forwards to the facility security program manager.
 - (2) The facility security program manager works with the transport supervisor/designee and facility Health Services RN supervisor/designee to identify the UVBS modification recommendations.
 - (3) The facility security program manager forwards the Modified Unclothed Visual Body Search (415-5090c) to the facility security director/designee for approval.
 - (4) Upon approval of the Modified Unclothed Visual Body Search (415-5090c), the RN supervisor/designee documents the Modified Unclothed Visual Body Search (415-5090c) in Phoenix.
 - b) By the OD during emergent situations (see MSOP Division Policy 415-5090, "Transports").
- 9. Staff secure any contraband found during a UVBS in accordance with DCT Security Policy 145-1035, "Evidence Handling by Staff" and notify the OD.

10. Upon completion of a UVBS, staff document in Phoenix under the client's restraint record and complete an Incident Report (Phoenix) with information regarding reason for search, staff involved, and location.

E. In the case of suspected ingestion or insertion of contraband

1. Staff initiate an ICS and the client remains under constant staff supervision. The OD notifies the Office of Special Investigations (OSI) and the administrator on call.
2. If it is known or suspected the client has ingested or inserted contraband into his or her body, staff notifies Health Services.
3. A licensed nurse interviews the client and assesses the client's current physical status and may receive an order approving staff to take a client suspected of ingesting or inserting contraband posing a potentially life-threatening condition to an outside medical facility for further evaluation. A licensed nurse contacts the on-call medical practitioner. The medical practitioner determines the mode of transportation (state car or ambulance) to an outside medical facility. If the client is not admitted to the outside medical facility, MSOP staff return the client to the MSOP facility and determine placement based on the client's medical condition and security needs.
4. Upon reasonable suspicion that contraband may have been ingested, inserted, or hidden in the client's body, MSOP may arrange for an x-ray examination of a client on-site or at an outside health care facility, if the MSOP Medical Director/designee determines that the procedure does not pose a significant risk to the client based upon consideration of appropriate factors (including the client's medical history). Staff arranging the x-ray examination notify the facility director of the decision.

F. Other Exceptions

1. Exceptions to this policy are made:
 - a) when approved by the facility director; or
 - b) for clients with liberties outside the secure perimeter, who receive a pat search and metal detection.
2. MSOP does not conduct UVBS for Community Preparation Services (CPS) clients unless reasonable suspicion exists. (See also section D.1.c) and d), above.)

REVIEW: Annually

REFERENCES: MSOP Division Policy 420-5300, "Spiritual Practices"
DCT Security Policy 145-1035, "Evidence Handling by Staff"
MSOP Division Policy 420-5100, "Visiting"
MSOP Division Policy 415-5030, "Contraband"
MSOP Division Policy 225-5310, "CPS Contraband"
MSOP Division Policy 420-5250, "Client Property"
MSOP Division Policy 225-5300, "CPS Client Property"
MSOP Division Policy 415-5087, "High Security Area"
DCT Policy 310-1055, "Standard Precautions and Transmission-Based Precautions"
MSOP Division Policy 415-5011, "Searches – Areas"
MSOP Division Policy 415-5012, "Searches – Employees and Visitors"

MSOP Division Security Policy 415-5310, "Incident Command System"

MSOP Division Policy 410-5300, "Incident Reports"

MSOP Division Policy 415-5090, "Transports"

MSOP Division Policy 415-5091, "Deathbed/Death-Related Visit"

MSOP Division Policy 410-5200, "On Call"

MSOP Division Policy 215-5270, "Levels of Observation"

MSOP Division Policy 225-5020, "CPS Client Liberties"

Post Orders/Modules (Job Coach) Site

MSOP Division Policy 215-5040, "Treatment of Gender Identity Concerns and Gender Dysphoria"

ATTACHMENTS: Security Risk/Reasonable Suspicion Unclothed Visual Body Search Form (415-5010b)

Notice and Receipt of Secured Items Form (420-5250a)

Modified Unclothed Visual Body Search (415-5090c)

Levels of Observation Directive (212-5270a-4030a)

Incident Report (410-5300a) (Phoenix)

SUPERSESSSION: MSOP Division Policy 415-5010, "Searches - Clients," 8/4/20.

MSOP Division Policy 415-5010, "Searches - Clients," issued 11/2/21 and effective 12/7/21.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

/s/

Nancy A. Johnston, Executive Director
Minnesota Sex Offender Program