

Search and Seizure Standards	1
I. General Guidelines	2
A. Guidelines for Conducting Reasonable Searches and Seizures (4-4282).....	2
II. Searches at Facilities.....	3
A. Posted Signs	3
B. Monetary Regulations.....	3
C. Authority for Searches.....	4
D. Searches of the Person (4-4193, 4-ACRS-2C-04, 4-ACRS-2C-05).....	4
E. Personal Property/Parcels Searches.....	12
F. Living Quarter Searches.....	12
G. Searches of Vehicles.....	12
H. Searches of Compounds, Perimeters, Grounds, or Any Area Owned or Under the Control of the Department of Corrections	14
I. Use of Canine Drug Detection	14
III. Searches of Offenders Arrested/Apprehended in the Community	15
A. Additional Guidelines for Probation and Parole Officers, CERT Members, and Apprehension Agents (4-APPFS-3B-11)	15
B. Person Search.....	16
C. Transporting of Offenders.....	16
D. Vehicle Searches.....	17
E. Seizures Conducted by Probation and Parole Officers (4-APPFS-3B-11).....	17
F. Field Visits/Home Visits	17
IV. References	20
V. Action.....	21
Referenced Forms	22
Attachments.....	22

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Search and Seizure Standards

The Oklahoma Constitution, Article 2, Section 30 and the Fourth Amendment to the United States Constitution, and those legal cases interpreting these constitutional provisions, constitute the law that governs searches in Oklahoma. This procedure is a statement of practice by the Oklahoma Department of Corrections (DOC), in consideration of time and resources, which would best serve to protect the public, employees, and offenders. The following standards for conducting searches are

adopted for the interdiction, control, and seizure of contraband or evidence. (2-CO-3A-01, 4-4192, 4-ACRS-2C-01, 4-ACRS-2C-02)

I. General Guidelines

A. Guidelines for Conducting Reasonable Searches and Seizures (4-4282)

1. Whenever possible, searches will be conducted in a manner so as not to damage property. Property will be left in, or as close to, the original state as possible.
2. Searches of a person (staff, contractors, sub-contractors, volunteers or visitors) shall be conducted by trained staff, the same gender as the person being searched.
3. Unless otherwise dictated by emergency circumstances, searches should be conducted by staff or officers trained in search techniques and procedures.
4. Searches will be conducted at a reasonable time of day or night, unless emergency circumstances exist and require otherwise.
5. Searches are not to be conducted for arbitrary, capricious, oppressive, unreasonable reasons or harassment.
6. Searches will be conducted in a manner that causes the least disruption and affords respect and privacy for the property or person searched. Staff will avoid unnecessary force or embarrassment.
7. Whenever practical and where there is no undue risk to the officers or employees conducting the search, the person or offender to be searched will remain within view of the property being searched.
8. Items discovered during a search which are either evidence of a crime or contraband will be seized and processed for appropriate disposal as required by law or regulation. (4-4231)
9. All items seized will be properly tagged and identified according to procedures outlined in [OP-040109](#) entitled "Control of Contraband and Physical Evidence" and all staff involved in the search will prepare an "Incident/Staff Report" ([OP-050109](#), [Attachment A](#)) whenever items are seized.
10. When practicable; canine search teams, metal detectors, sensors, x-ray equipment and other technological devices are authorized for department use. Mirrors should be used in hard to reach spaces and in areas where sharps could be placed causing potential injury to staff.

11. When a unit or facility shakedown (search) is conducted, a record shall be maintained and forwarded to the facility head. The record will contain, at a minimum, the following:
 - a. Names of all staff participating in the shakedown, identified by the role of each employee; and
 - b. A record of each cell searched, including: (Revision-04 10/28/15)
 - (1) Significant contraband items removed from each cell with the disposition of these items.
 - (2) Any misconduct reports issued as the result of significant contraband discovered.
 - (3) Any corrective actions recommended as the result of determining the point of origin of any significant contraband discovered.

II. Searches at Facilities

To facilitate the investigation of criminal behavior or policy violations, searches will be conducted which may be periodic, uniform, random, or based on reasonable suspicion or probable cause. Random searches will be based on the need to control contraband, secure the facility, or to maintain compliance with department policy and procedures.

A. Posted Signs

Signs will be posted at each entrance onto facility grounds and at the entrance to the facility reception areas stating:

"You are now entering a correctional facility. All persons and vehicles are subject to search by DOC personnel. Entry onto the grounds to pass through an entrance of the perimeter is presumed consent to a pat down search at or near the perimeter. The unauthorized possession or bringing of weapons, controlled dangerous substances, money, or alcohol onto or into this property is a felony punishable by imprisonment, fine, or both. Possession of a cellular phone in any secure area is a felony. Violators will be prosecuted. IAW 57 O.S. 21."

Additional items not allowed on or in a facility will be publicly posted.

B. Monetary Regulations

In accordance with [OP-030118](#) entitled "Visitation," visitors shall be advised of what items, to include the amount and form of money, that may

be brought into the facility. Each facility head may establish the amount of money employees may carry to work. Excessive amounts may be grounds for felony prosecution.

C. Authority for Searches

(Revision 08/27/14) All searches beyond the scope of a pat-down search are conducted at the discretion of the division manager, the facility head or Inspector General as specified in the following procedures.

D. Searches of the Person (4-4193, 4-ACRS-2C-04, 4-ACRS-2C-05)

1. Offenders

Offenders are subject to pat down, frisk, strip, visual body cavity, intrusive body cavity, and property searches. If necessary for the safety and security of the facility, x-rays may be ordered in accordance with Section II. D. 1. item d. below.

- a. (Revision 11/20/2014) Pat down, frisk, strip, and visual body cavity searches of offenders and their property will be conducted by staff trained in conducting searches. Strip searches and visual body cavity searches will be conducted by gender specific staff in accordance with [OP-040102](#) entitled "Master Roster and Post Order Guidelines" except in exigent circumstances or when performed by medical practitioners. (4-4194, 4-ACRS-2C-06) (PREA 115.15(a)(b))
- b. (Revision 11/20/2014) Cross-gender pat down searches or searches of transgender or intersex offenders, as determined during conversation through intake, shall be done by trained staff in a professional and responsible manner and in the least intrusive manner possible consistent with security needs. (PREA 115.15 (f))
- c. (Revision 11/20/2014) The facility shall not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it may be determined during conversations with the offender, by review of the medical records by the qualified health care/medical provider or, if necessary, by learning that information as part of a broader medical examination conducted in private by a qualified health care/medical provider. (PREA 115.15(e))
- d. (Revision 11/20/2014) In the event of emergency/exigent circumstances, all cross-gender strip searches and any cross-gender body cavity searches shall be documented as in OP-050109 entitled "Reporting of Incidents." Any cross-

gender pat searches of female offenders will be documented (i.e., search log book, etc.). (PREA 115.15(c))

- e. (Revision 08/27/14) Intrusive body cavity searches will be conducted upon approval by the division manager, the facility head, duty officer or Inspector General. (4-4139, 4-4194, 4-ACRS-2C-05, 4-ACRS-2C-06)
 - (1) Intrusive body cavity searches will be conducted in private and only be performed by a licensed medical professional acting within the scope of his or her license, or one of the following health services personnel: physician, dentist, physician's assistant, registered nurse, or licensed practical nurse. Dentists may only perform intrusive searches of the oral cavity.
 - (2) The search will be recorded in the offender electronic health record (EHR), and the findings will also be documented by the health services employee who performed the search utilizing a facility incident report that will be submitted to the facility head.
 - (3) Offender cooperation will be sought, but uncooperative offenders may have body cavity searches performed with a use of reasonable force if necessary, and only if the search can be conducted in a medically safe manner after approval by the facility head and after consultation with the performing health services employee.
 - (4) The search will be conducted in a medically safe manner consistent with standard methods of examining the involved body cavity.
 - (5) Contraband found during the search will be removed if feasible and medically safe. A concealed balloon that is suspected to be filled with a drug or unknown substance will not be removed during a body cavity search. The medical staff will advise the facility head of the appropriate action to take to safeguard the offender and prevent the loss of the contraband.
- f. In specific instances where the institutional physician feels performing a body cavity search poses a significant health risk to the offender, the physician will advise the facility head. The facility head may order the offender placed in a dry cell. Offenders at community corrections will be transferred to a facility capable of dry celling.

The use of a dry cell is authorized (excluding community corrections) when it becomes necessary as an interdiction measure for contraband. Dry celling will be documented utilizing the segregation housing process as outlined in [OP-040204](#) entitled "Segregation Measures" and, at a minimum, the following procedure will be followed:

(1) Placement

Placement will occur on authority of the facility head only.

(2) Preparation and Monitoring

(a) The offender will be placed in a room/cell that is not accessible to other offenders and from which contraband cannot be passed. The offender will be afforded as much privacy as possible during this process. A thorough search of the room/cell will be conducted prior to placement of the offender. If the room/cell has a toilet, water to the room/cell will be disabled and the toilet will be flushed prior to placing the offender in the room/cell. If the room/cell does not have a toilet, the offender will be escorted to and from designated toilet facilities. All movement in or out of the room/cell will require the offender to be in full restraints.

(b) Staff designated to monitor the offender will be provided suitable protective gear and appropriate instruments to inspect and retrieve any contraband found.

(c) The offender will be monitored through personal observation at a minimum of every 30 minutes as well as continual observation through the use of cameras in place, if available.

(d) All activities such as meals, liquids given, medication, etc., will be logged.

(3) Conditions While Assigned

(a) Offenders placed in dry cell confinement will be fed as offenders in general population. Liquids

will be provided for consumption at a minimum of every two hours.

- (b) After consultation with medical staff, the offender may be offered a laxative. Under no circumstances will the offender be force medicated.
 - (c) A mattress, pillow and blanket will be provided. The offender will remain clothed (shirt/t-shirt, underwear, pants, socks) or placed in a jumpsuit. No other property is authorized.
 - (d) Restraints will not normally be used during the period of confinement. However, the facility head, after consultation with medical staff, may require the offender to be placed in four/five point restraints in accordance with [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents" if there is belief that a weapon may be involved, or for other substantial reasons as set forth in departmental policy.
- (4) Inspection/Retrieval
- (a) Upon observation of the offender using the toilet facilities, staff will utilize appropriate protective gear; at a minimum to include a pair of disposable latex gloves and mask. The offender will be restrained and removed from the room/cell in accordance with [OP-040204](#) entitled "Segregation Measures." Designated staff will enter the room/cell to observe the contents of the toilet. If a fecal specimen has been produced, it will be inspected by physically probing the specimen with a suitable instrument. If contraband is found, a pair of tongs or similar instrument will be used to remove the contraband from the specimen. The contraband will be cleaned as well as possible and placed in a clear biohazard bag in accordance with [OP-140125](#) entitled "Bloodborne Pathogen Exposure Control Program."
 - (b) Any contraband found will be handled in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence."

- (5) Release
 - (a) If a specimen has been produced and no contraband is found, the offender may be released to general population upon approval of the facility head.
 - (b) Duration of dry cell confinement will not normally exceed 72 hours, unless approved by the facility head after consultation with medical staff.
- g. Contraband detection by use of x-ray may be ordered in instances where reasonable suspicion exists that an offender is concealing contraband in a body cavity. The following criteria will be met prior to the x-ray being ordered:
 - (1) Reasonable suspicion is established by the detection of the presence of metal by both the Boss Chair and the Adams 3000 Handheld Metal Detector or by articulable facts indicating the presence of a weapon or contraband;
 - (2) When dry cell procedures have been ineffective; and
 - (3) When the facility medical provider has been consulted and an x-ray is ordered.
- h. If the above criteria is met and the facility head determines an x-ray of the offender is needed, the appropriate division manager will be contacted. If in agreement, the affected division manager will contact the division manager of Health Services who will advise the chief medical officer that an x-ray has been ordered and is to be conducted.
 - (1) By 10:00 a.m. the next working day, a report will be completed by the facility head and submitted to the associate director of Field Operations and division manager of Health Services, through the appropriate chain of command. If the x-ray is completed after normal business hours, during a holiday or on a weekend, the report will be sent by 10:00 a.m. the next business day. The report shall include the following:
 - (2) The offender(s) involved;

- (3) Information regarding reasonable suspicion requiring an order for an x-ray;
- (4) The ordering physician's name;
- (5) The results of the x-ray; and
- (6) Any action taken with the offender(s) following the x-ray.

2. Visitors (4-4503, 4-ACRS-2C-04)

(Revision 09/19/14) Visitor searches will be conducted at the designated point of entry into the facility. All searches of a visitor will be conducted by trained staff in accordance with this procedure. Visits by verified law enforcement officers, for the purpose of serving legal documents and/or delivering/accepting will be granted an exception to this search procedure by the facility head.

a. Searches by Security Level

- (1) All visitors entering the grounds of a minimum security facility will be subject to pat down, frisk and personal property searches. If warranted, visitors may be subject to a strip search, as outlined in Section II. D. 2 item b. Prior to the search, the visitor will be informed of the type of search to be performed and of their option to refuse to be searched.

- (2) Medium/Maximum Security

(Revision 09/19/14) All visitors entering the internal secure perimeter at a medium or maximum security facility will be pat down searched, to include a personal property search, (electronic/metal detector/xray) and may be subject to a strip search in accordance with Section II. D. 2. item b. Prior to the search, the visitor will be informed of the type of search to be performed and of their option to refuse to be searched.

b. Strip Searches

(Revision 08/27/14) If the planned search is to be a strip search, the visitor must give consent in writing to be strip searched, unless a search warrant has been obtained and a peace officer is present. In the absence of a search warrant, any person not giving permission to search upon request will

be required to leave the facility grounds. This refusal will be the basis for further denial of future entry.

- (1) Strip searches may only be conducted as follows:
 - (a) There is reasonable suspicion that the person may be carrying contraband.
 - (b) The person is notified of the right to refuse to be searched and gives written approval to be searched in accordance with the "Oklahoma Department of Corrections Consent to Search" form ([DOC 040110A](#), attached).
 - (c) The search is conducted by two staff members trained in conducting searches and of the same gender as the person being searched.
 - (d) The search is conducted in a private area as near the perimeter entrance as possible.
- (2) There will be no random strip, visual body cavity, or intrusive body cavity searches of visitors by DOC staff.
- (3) In the absence of consent, visual and intrusive body cavity searches of visitors require a search warrant. After obtaining a search warrant, its execution will be conducted by a licensed medical professional acting within the scope of his or her license and the peace officer named in the warrant. All visual and intrusive body cavity searches of visitors require prior approval by the appropriate division manager.
- (4) DOC medical staff will not participate in a nonconsensual visual or intrusive body cavity search of a visitor.

4. Searches of Juvenile Visitors

- a. For the purpose of searches, a juvenile will be defined as any person who has not reached their 18th birthday and who has not been emancipated from their parent or guardian.
- b. (Revision 08/27/14) At no time shall staff pat down, frisk or strip search any juvenile visitor.
- c. If staff has a reasonable suspicion or probable cause to believe that a juvenile is in possession of contraband or

evidence of a crime, local law enforcement officials will be notified of the information, and the visit will be denied.

5. Staff Searches

All staff, including volunteers, contractors and subcontractors, etc., are subject to pat search, frisk search, strip search and visual body cavity search by trained staff the same gender as the person being searched in accordance with [OP-040102](#) entitled "Master Roster and Post Order Guidelines."(4-4193) Intrusive body cavity searches, when authorized, may not necessarily be done by a person of the same gender.

a. Search of Staff by Security Level

(Revision 09/19/14) All staff, including volunteers, contractors and subcontractors, etc., entering the grounds of a minimum security facility may be subject to pat down, frisk, strip search, or visual or intrusive body cavity searches.

- (1) Pat down searches may be conducted randomly or with reasonable suspicion or probable cause.
- (2) (Revision 08/27/14) Staff may be subject to a strip search only if the division manager, facility head or Inspector General determines reasonable suspicion or probable cause exists and authorizes the search.
- (3) Strip searches will be conducted in the same manner as required for strip searches of visitors in accordance with this procedure.
- (4) There will be no random strip searches of staff.
- (5) Visual and intrusive body cavity searches of staff may only be conducted with a search warrant. After obtaining a search warrant for an intrusive body cavity search, its execution by a medical professional and the peace officer named in the warrant will be approved by the appropriate division manager. (4-4193, 4-4194)
- (6) (Revision 08/27/14) Refusal by any staff person to submit to a search will result in the facility collecting the employee's departmental identification and immediately escorting the employee from the facility grounds pending corrective discipline up to termination. The employee will be placed on suspension with pay pending disciplinary action.

E. Personal Property/Parcels Searches

1. (Revision 09/19/14) All personal property of an offender or visitor brought into the external perimeter of a facility will be searched. Medium security facilities and above will utilize the parcel x-ray machines.
2. (Revision 09/19/14) Any search of the personal property of an offender, or a visitor and parcels brought in by staff and/or visitors (volunteers, delivery persons, etc.) must be done in their presence unless security concerns or circumstances dictate otherwise.
3. In the case of a search of personal property of an offender who is unavailable, the unavailability will be documented, and one staff member will conduct the search while another staff member witnesses the search unless circumstances dictate otherwise.
4. (Revision 09/19/14) If a visitor refuses to allow a personal property/parcel search, he or she will be directed to leave facility grounds. A refusal to a search may be used as evidence to deny entry into the facility at a later time.
5. Refusal by any staff person to submit to a search may be grounds for corrective discipline, including termination and will require that the staff person leave the facility grounds immediately.

F. Living Quarter Searches

1. Offender institutional living quarter searches may be conducted on periodic and random basis, as well as based on individual reasonable suspicion or probable cause. Periodic and random searches will be considered non-suspect. Searches will be documented utilizing the "Cell Search Report" ([DOC 040110B](#), attached). The "Cell Search Report" will be submitted to the shift supervisor at the end of each shift.
2. Searches of staff housing or staff out buildings on facility grounds may only be conducted with a search warrant or by written permission of the employee or upon exigent circumstances and probable cause.

G. Searches of Vehicles

1. All vehicles and their contents will be searched upon entering and exiting through the secure perimeter of maximum and medium security facilities.

2. Private vehicles and their contents may be subject to search upon entering the grounds of any facility.

a. Searches of Visitors/Volunteers' Vehicles

Searches of visitors/volunteers' vehicles will be conducted:

- (1) (Revision-04 10/28/15) Upon reasonable suspicion of criminal activity when conducted by a correctional officer or a peace officer;
- (2) Routinely on all visitors/volunteers' vehicles upon entering prison grounds and being parked in an area that is routinely accessible to offenders at the prison. The owner/operator will be required to watch the search;
- (3) If consent to search is requested and the authorized owner/operator of a privately owned vehicle refuses to grant permission for the search, entry to the facility property will be denied and may result in denial of future access to the facility; and
- (4) A search of a visitor/volunteer's vehicle is also permitted if probable cause exists to believe that evidence of a crime is present inside the vehicle and a peace officer is present.

b. Staff Personal Vehicles

- (1) Staff personal vehicles that may be routinely accessible to offenders may be searched by uniform random selection, or when there is reasonable suspicion that the vehicle contains contraband.
- (2) (Revision-04 10/28/15) Staff personal vehicles routinely inaccessible to offenders may only be searched with consent by a correctional officer, or upon a search warrant, or upon exigent circumstances and probable cause by a peace officer.
- (3) Staff members will be present during a search of their vehicle, unless circumstances dictate otherwise.
- (4) Staff personal vehicles may be searched any time probable cause exists to conduct the search and a peace officer is present.

3. All state owned vehicles may be inspected at any time at the discretion of the facility head. An inspection or inventory of state vehicles is not a search. When a criminal act is suspected, a search should be with a search warrant but, a warrantless search of an employee's permanently assigned state owned vehicle for fruits of a criminal act may be conducted when reasonable suspicion and exigent circumstances are present and documented.

H. Searches of Compounds, Perimeters, Grounds, or Any Area Owned or Under the Control of the Department of Corrections

1. Searches of these described areas will be conducted as determined by the facility head or designee.
2. Offices, desks, state issued cell phones and lockers may be searched when a supervisor has reason to believe that the employee has committed some work related job discrepancy or violation of operations memorandum or field memorandum, to ensure compliance with established procedures. Inventories and inspections are not searches.
3. When a criminal act is suspected, a search should be with a search warrant but, a warrantless search of an employee's individual desk/locker for fruits of a criminal act may be conducted when reasonable suspicions or probable cause and exigent circumstances are present and documented.

I. Use of Canine Drug Detection

1. Vehicles
 - a. (Revision-04 10/28/15) Canine drug detection screening may be performed uniformly or by systematic random selection on vehicles inside secured perimeters or in areas to which offenders have access. Upon "alerting," (the dog's signal that it has detected the presence of illegal contraband) probable cause exists to search the vehicle for contraband. If the owner/operator of said vehicle signs a consent to search, a correctional officer may search. However, if consent is denied, a peace officer will be requested prior to searching on probable cause alone. If other contraband is found, it may also be confiscated.
 - b. (Revision-04 10/28/15) Canine drug detection screening of vehicles parked on facility property in areas inaccessible by offenders may also be performed uniformly or by systematic random selection. Upon "alerting," probable cause exists to conduct a search of the vehicle. If the owner/operator of said vehicle signs a consent to search, a correctional officer may

search. However, if consent is denied, a peace officer will be requested prior to searching on probable cause alone. Such a search must be done according to Section II. item E. of this procedure.

2. Persons

(Revision 08/27/14) All persons, including employees, entering the grounds are subject to canine drug detection screening. If the dog "alerts" on a particular person, there is probable cause to search further, including a strip search. Only the division manager, facility head or Inspector General can approve a strip search.

- a. (Revision 08/27/14) Failure to submit to a search by an employee after a canine "alert" will result in the facility collecting the employee's departmental identification and immediately escorting the employee from the facility grounds pending corrective discipline up to termination.
- b. (Revision 08/27/14) Should the employee consent to a strip search with the result being nothing located as a result of the strip search, the employee will be directed to immediately report for the drug testing as outlined in [OP-110602](#) entitled "Reasonable Suspicion Drug and Alcohol Testing Program."
- c. (Revision 08/27/14) Failure to submit to a search by a visitor/volunteer will result in denial of entrance to include the visitor/volunteer being required to leave the facility grounds. This refusal will be the basis for further denial of future entry. At no time shall staff strip search a juvenile visitor.

3. Living Quarters, Grounds, Buildings and Offices

- a. Canine drug detection screening may be performed uniformly or by random selection of all DOC facilities.
- b. Upon "alerting," reasonable grounds arise to search the location for contraband.

4. Privately owned canines are not authorized for use by staff.

III. Searches of Offenders Arrested/Apprehended in the Community

- A. (Revision 08/27/14) Additional Guidelines for Probation and Parole Officers, CERT Members, and Fugitive Apprehension Agents (4-APPFS-3B-11)

In addition to the guidelines listed in Section I. item A. of this procedure, probation and parole officers, CERT members, and fugitive apprehension

agents conducting searches of offenders under community supervision, or when conducting an arrest or apprehension will be in accordance with the following:

1. Will not unreasonably invade the privacy of a third party not under DOC supervision. When conducting a search where the offender is a cohabitant, the search will entail only those areas under joint control of the cohabitant and single control of the offender;
2. Private areas/rooms within the residence, not under control of the offender, will not be searched unless the third party agrees to a search of their area by signing "Oklahoma Department of Corrections Consent to Search" ([DOC 040110A](#));
3. Upon making an arrest or apprehension, a protective sweep search is authorized to ensure the safety of the officer and to inform habitat occupants of the official business if there is reason to believe other persons are present in the residence and that said persons pose a danger to the staff present;
4. Officers are not authorized to break and enter an offender's residence or business to conduct a warrantless search without exigent circumstances; and
5. Warrantless searches will be executed reasonably and with particularity regarding the premises being searched and the item or contraband to be seized, and within a reasonable time after approval (usually within 24 hours unless special circumstances and with permission of a supervisor providing for an extension of time).

B. Person Search

1. Any time an arrest/apprehension is made, the person arrested will be pat searched. The search will be limited to the person being arrested/apprehended and the immediate area under the person's control that is described as the area within reach of the person arrested.
2. When an arrest/apprehension is not being made but there is reasonable suspicion to believe that an offender may possess contraband on his/her person, a pat search may be conducted.
3. Any contraband/evidence found on the person will be handled in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence."

C. Transporting of Offenders

Offenders being transported from one custody site to another will be searched according to [OP-040111](#) entitled "Transportation of Offenders."

D. Vehicle Searches

A vehicle owned by, or under the control and/or possession of an offender, may be searched upon reasonable suspicion that contraband or evidence is present in the vehicle.

E. Seizures Conducted by Probation and Parole Officers (4-APPFS-3B-11)

1. If any items are seized during searches, officers conducting the search will prepare a seizure report in the following manner:
 - a. Date, time, specific location, specific description of items seized;
 - b. Authority for conducting the search;
 - c. Officers conducting the search;
 - d. Names and addresses of any witnesses or persons present;
 - e. Disposition of seized property; and
 - f. Inventory of seized property.
2. Chain of custody for seized items will be in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence."
3. If a seizure occurs and the item seized is turned over to another law enforcement agency, the probation and parole officer will complete a seizure report and forward the report through the chain of command to the district supervisor.
4. A copy of the inventory of seized property will be given to the suspect or an adult at the scene.

F. Field Visits/Home Visits

A probation and parole officer may enter an offender's place of residence or business under the following authorities:

1. Rules and Conditions
 - a. A residence or business entry that is authorized by either:
 - (1) The court order as a rule or condition of probation or which incorporates by reference the department's

rules for supervising a probationer;

- (2) The parole certificate as a rule or condition of parole or which incorporates by reference the department's rules for supervising a parolee;
- (3) The rules and conditions of the department for those offenders assigned to PPCS, GPS or similar program; or
- (4) The offender is an adult with apparent authority and extends an invitation to enter the residence or business.

- b. A home or business visit may expand into a search, if reasonable suspicion or probable cause to conduct a search arises during the visit. If circumstances prevent the officer from seeking supervisor approval prior to the search, a supervisor will be notified upon the officer departing the offender's residence. The officer will submit a written report outlining all action taken regarding the search and the reason for conducting the search.

2. Warrantless Search with Prior Notification

a. Evidence of a Rule Violation or Evidence of a Crime

Where there is a reasonable suspicion that an offender under supervision by DOC and located in the community is in violation of a rule or condition or in violation of the law, a warrantless search may be conducted for evidence of a rule or law violation if compliance with all the following factors is demonstrated:

- (1) A conference is held with the district supervisor or designee granting approval which is documented in the chronological file of the offender wherein the following criteria is weighed:
 - (a) Failure to search may result in a threat to the public, employees, or offender;
 - (b) Any activity or information provided by the offender that is relevant to whether the offender has violated a rule or condition and possesses contraband;
 - (c) Any prior seizures of contraband from the offender;

- (d) The supervising officer's experience with the offender has documented a need for close supervision;
- (e) The reliability of the informant and the information provided when weighing the totality of the circumstances;
- (f) Present and/or past offenses for which the offender is under supervision along with the experience of the officer with the offender or any similar experiences in addition to reliability of the informant information (i.e., offender on supervision for drug and/or weapon offense and information received that the offender may be in possession of illegal substances and/or weapons); and
- (g) The search is not the result of an assistance request from other law enforcement officers who have been unable to obtain a search warrant.

3. Warrantless Search without Prior Notification

A warrantless search may be conducted without prior notification of the district supervisor or designee only when emergency circumstances demand the immediate search to protect the officer against the loss of life or serious bodily injury. The district supervisor will be notified at the first available opportunity after the search begins.

4. Search Warrant

Staff may obtain a search warrant through the court of proper jurisdiction. If this is obtained, staff will enlist the cooperation of the proper law enforcement authority to assist in the search. This does not preclude staff from conducting the search if other law enforcement officials are unavailable.

5. Consent Search

If none of the above provisions of Section III. F. items 2. or 3. of this procedure apply, and if an offender verbally agrees to a search, a "Oklahoma Department of Corrections Consent to Search" form ([DOC 040110A](#)) will be signed by the offender before a search of an offender's residence or business property is performed.

6. Reports

Every time an offender's residence, business or vehicle is searched, the officers participating will prepare a report setting forth the facts requiring the search. The report will be submitted through the chain of command to the district supervisor or designee and will be made a part of the offender's field file. If the search is incident to an arrest, this information may be submitted in the arrest report.

IV. References

Policy Statement No. P-040100 entitled "Security Standards for the Department of Corrections"

OP-030118 entitled "Visitation"

OP-040102 entitled "Master Roster and Post Order Guidelines"

OP-040109 entitled "Control of Contraband and Physical Evidence"

OP-040111 entitled "Transportation of Offenders"

OP-040204 entitled "Segregation Measures"

OP-050108 entitled "Use of Force Standards and Reportable Incidents"

OP-140125 entitled "Bloodborne Pathogen Exposure Control Program"

Art. 2 § 27, Oklahoma Constitution

4th Amendment, U.S. Constitution

21 O.S. § 445

22 O.S. § 1221 et seq

22 O.S. § 1327

57 O.S. § 21

63 O.S. § 2-507 and 2-508

70 O.S. § 3311.B.9

Samson v. California, 126 S. Ct. 2193 (2006)

Pennsylvania Board of Probation and Parole v. Scott, 118 S. Ct. 2014 (1998)

Romo v. Champion, 46 F.3d 1013 (10th Cir. 1995)

United States v. Knights, 121 S.Ct. 1955 (2001)

Boren v. Deland, 958 F.2d. 987 (10th Cir. 1992)

Griffin v. Wisconsin, 107 S.Ct. 3164 (1987)

Law Enforcement Employees v. Carey, 737 F.2d 187 (2d.Cir. 1984)

Ohio Civil Service Employees v. Seiter, 858 F.2d. 1171 (6th Cir. 1988)

O'Connor v. Ortega, 107 S. Ct. 1492 (1987)

State v. King, 868 P.2d 743 (Okla. Cr. 1994)

V. Action

All division managers will ensure their respective units are compliant with this procedure.

The General Counsel is responsible for the annual review and revisions.

Any exceptions to this procedure require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-040110 entitled "Search and Seizure Standards" dated November 8, 2012

Deleted: Operations Memorandum No. OP-040110-01 dated April 24, 2014

Distribution: Policy and Operations Manual (4-ACRS-2C-01)
Department Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 040110A	"Oklahoma Department of Corrections Consent to Search"	Attached
DOC 040110B	"Cell Search Report"	Attached
<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	"Search Definitions"	Attached
Attachment A	"Incident/Staff Report"	OP-050109

