
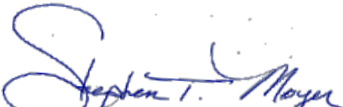
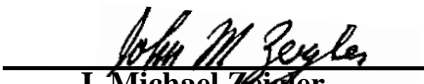


# Executive Directive



<b>Title:</b> Search Protocol — Visitors	<b>Executive Directive Number:</b> OPS.110.0049
<b>Related MD Statute/Regulations:</b> Correctional Services Article, §2-103, Annotated Code of Maryland	<b>Supersedes:</b> EmD.DOC.110.0026 dated April 30, 2009; DPDS.110.0026 dated April 30, 2006
<b>Related ACA Standards:</b> 4-4156, 4-4275 4-ALDF-5B-01 and 04 2-CO-5D-01	<b>Re</b>  <b>Ex</b> Services
<b>Related MCCS Standards:</b> .01J	<b>Effective Date:</b> November 1, 2016 <b>Number of Pages:</b> 9

  
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Secretary

  
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Deputy Secretary  
for Operations

## .01 Purpose.

This directive updates Department of Public Safety and Correctional Services (Department) policy and procedure related to detecting contraband by searching a visitor and property in the possession of the visitor.

## .02 Scope.

This directive applies to all units of the Department responsible for the custody and security of an individual under the authority of the Department.

## .03 Policy.

- A. The Department shall protect Constitutional guarantees and statutory and regulatory rights of facility visitors when conducting a search of the visitor or property in the possession of the visitor.
- B. The Department shall maximize efforts to maintain a safe and secure facility free of contraband.
- C. The Department shall ensure that searches are authorized and conducted in a courteous and professional manner by properly trained correctional officers.

## .04 Definitions.

- A. In this directive, the following terms have the meanings indicated.
- B. Terms defined.
  - (1) Assisted Mobility Device (AMD).
    - (a) “Assisted Mobility Device (AMD)” means medical equipment used to facilitate an individual’s movement.

- (b) “Assisted Mobility Device (AMD)” may include, but may not be limited to, the following items:
  - (i) Cane;
  - (ii) Crutch;
  - (iii) Walker;
  - (iv) Rollator; or
  - (v) Wheelchair.
- (2) “Attorney of Record” means an individual licensed to practice law in any state or federal jurisdiction and appeared in court, signed legal documents, or otherwise represented an inmate in a criminal or civil legal matter.
- (3) Contraband.
  - (a) “Contraband” has the meaning stated in Correctional Services Article, §10-801, Annotated Code of Maryland.
  - (b) “Contraband” as used in this directive:
    - (i) Refers to a specific item or substance that an individual is not authorized to possess in a correctional or detention facility.
    - (ii) Does not include quantities greater than an established limit for an authorized item or substance.
- (4) “Cross-gender search” means a search in which one or more search officers is or are not of the same gender as the individual being searched.
- (5) “Frisk search” means a non-intrusive examination performed by running hands over the clothed body while applying gentle pressure to determine if contraband is being concealed.
- (6) “Internal medical device” includes items such as a pacemaker or defibrillator, artificial joint, pin, stent, and plate.
- (7) “K-9 search” means deployment of a dog and handler contraband detection team, operating under the Department’s K-9 Unit Operations Manual.
- (8) “Managing official” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.

(9) OCMS — Events Module.

- (a) “OCMS — Events module” means a component of the Department’s Offender Case Management System (OCMS) automated inmate information system used to record information concerning an inmate under the authority of the Department.
- (b) “OCMS — Events Module” includes data systems previously referred to as “FIRM” and “OBSIS I and II”.

(10) “Prosthesis” means an artificial device that replaces or augments a missing or injured body part.

(11) "Reasonable suspicion" means the apparent state of facts or circumstances which would lead a reasonably prudent individual to:

- (a) Believe that something is wrong; and
- (b) Have an apprehension or to imagine that a violation has been, is being, or will be committed by a specific individual based on only slight evidence which does not amount to proof.

(12) Regular Visit.

- (a) “Regular visit” means when an individual who is on an inmate’s approved visitor list meets with the inmate.
- (b) “Regular visit” does not include a visit by:
  - (i) The inmate’s attorney of record;
  - (ii) An authorized religious visitor; or
  - (iii) A special visitor.

(13) “Relative” means an individual who is not immediate family, but otherwise related to the inmate such as an aunt, uncle, or cousin.

(14) Scan or Detector System.

- (a) “Scan or detector system” means a non-invasive device used to detect metal objects or the presence of illegal or contraband substances on an individual’s person or among items in the individual’s possession.
- (b) “Scan or detector system” may refer to:
  - (i) A handheld wand passed over the body;
  - (ii) A stationary pass through metal detector that, in conjunction with a computer and digital camera, identifies areas concealing metal.
- (c) “Scan or detector system” does not include a “BOSS chair.”

- (15) "Special visitor" means an individual authorized to enter a correctional or detention facility as an exception to normal inmate visiting procedures.
- (16) "Visitor" means an individual, other than an employee assigned to work at the correctional or detention facility, entering a correctional or detention facility who is authorized by the managing official to meet with an inmate or otherwise conduct business at the facility, including:
  - (a) Regular inmate visitor (family, friend, associate);
  - (b) Professional inmate visitor (attorney, clergy, Department official, social worker);

**.05 Responsibility.**

A. A scan or detector system used in a Department correctional or detention facility shall:

- (1) Comply with established or recommended safety standards; and
- (2) Be rated safe for all individuals regardless of age, sex, or medical conditions including:
  - (a) Children;
  - (b) Pregnant women;
  - (c) Medical radiation therapy patients; and
  - (d) An individual wearing an internal medical device.

B. The managing official shall ensure that:

- (1) A scan or detector system used in the facility:
  - (a) Receives scheduled maintenance, testing, and inspections recommended by the manufacturer; and
  - (b) Has all appropriate warning and caution labels affixed to the device.
- (2) Signs providing the following warning are posted at each visitor entrance:

*It is a crime in the State of Maryland to bring upon a place of confinement grounds any firearm, destructive device, ammunition, other objects designed to be used as a weapon or affect an escape, narcotic drugs, tobacco products, smoking materials, controlled substances, alcoholic beverages, cellular phones or any other object that threatens the security, order and discipline of a place of confinement or the life, health or safety of a person without the knowledge and written consent of the managing official.*

*Criminal Law Article §§ 9-412, 9-413, 9-415 and 9-416, provide penalties of imprisonment for up to ten (10) years, a fine not exceeding \$5,000, or both, to a person who provides, or attempts to provide, to a person detained or confined in a place of confinement, any prohibited object or assists*

*in an escape. All persons entering upon these premises are subject to K-9, drug detection device, visual mouth, and routine searches of their person, property (including vehicles) and packages. The managing official, upon reasonable suspicion that a person may be introducing contraband or demonstrating actions that might otherwise endanger a place of confinement's safety, security, or good order, may request the person, as a prerequisite to entry, to submit to a visual/pat search, Breathalyzer test, or other comparable test. A visitor has the option to refuse any of the search, or test, or entrance procedures, with the result that the visitor will not be permitted entry to the place of confinement.*

C. Searches — General. A managing official, or a designee, shall ensure that searches are conducted:

- (1) In accordance with procedures established under this directive.
- (2) Thoroughly and professionally, with safety and security being the paramount concerns.
- (3) By correctional staff of the same gender as the visitor. (If a search observer is required, the observer may be a correctional officer of either gender).
- (4) When appropriate, providing for a visitor with a disability or medical condition that may require a reasonable accommodation authorized by the managing official, or a designee, in order to properly conduct the search.

D. Search of a Visitor with a Disability or AMD.

- (1) A visitor who has a disability, prosthesis, metal implant, AMD, or other device that prevents using standard search methods:
  - (a) Shall submit to protocols for visitor search reporting, documentation, and contraband management; and
  - (b) May not be admitted until correctional staff employed the proper search techniques authorized under this directive to determine that contraband is not on the visitor or concealed in the prosthesis or AMD used by the visitor.
- (2) Search Requirements for a Visitor with an AMD.
  - (a) If the visitor voluntarily consents to stand for a scan or detector search of the visitor's person and a scan or search of the AMD, correctional staff shall follow authorized search procedures for scan or detector systems and property search, considering the visitor's mobility, stamina, and personal safety.
  - (b) If the visitor claims an inability to stand independent of the AMD, correctional staff shall:
    - (i) Request the visitor to sign a consent form authorizing conducting a K-9 search, scan or detector search, and a frisk search.
    - (ii) If the visitor refuses to sign or signs, but later refuses to comply with a search, correctional staff shall immediately stop the process and notify the shift commander, or a designee, who

shall deny the visit, conclude the incident, and document the incident using the appropriate forms or in a format approved by the managing official.

- (c) If the visitor claiming an inability to stand independent of the AMD properly signs a consent form and voluntarily submits to a search, the correctional officer conducting the search shall ensure that the K-9, scan or detector, or frisk search is conducted in compliance with this directive.
- (3) A regular inmate visitor who is unable to clear a scan or detector search based on a claim of a metal implant, prosthesis, or AMD:
  - (a) Is responsible for providing current and verifiable medical documentation regarding the metal implant, prosthesis, or AMD; and
  - (b) Shall complete and provide to facility a consent to search form and a visitor awareness form, acknowledging receipt of the facility's policy regarding visits; and
  - (c) After providing written consent to be searched, submit to a search authorized and conducted as required under this directive, whereby, correctional staff determines that the visitor or prosthesis, or AMD and items in the visitor's possession do not contain contraband.

E. Standard Visitor Search.

- (1) Except for provisions under §.05D(1) of this directive, each visitor is subject to a scan or detector search when entering the secure perimeter of a correctional facility that does not require:
  - (a) Reasonable suspicion; or
  - (b) Prior written authorization.
- (2) Correctional staff shall ensure that visitor searches are conducted as follows:
  - (a) A regular inmate visitor.
    - (i) Has two attempts to successfully clear a scan or detector, before being denied entry.
    - (ii) After two unsuccessful attempts, the visitor may not be permitted to enter the facility.
  - (b) Law enforcement visitor.
    - (i) Shall submit to a scan or detector search.
    - (ii) Is required to secure all weapons, ammunition, and chemical agents in a designated locker before proceeding to a scan or detector search.
    - (ii) Correctional staff shall immediately notify a supervisor of an unexplained alert, repeated alerts, or question or concern; and the supervisor shall take appropriate measures to make a final determination with regard to the visitor entering the facility.

(c) Professional, administrative, and contract visitors.

(i) Shall submit to a scan or detector search.

(ii) Correctional staff shall immediately notify a supervisor of an unexplained alert, repeated alerts, question or concern, who shall take appropriate measures to make a final determination with regard to visitor entering the facility.

(3) A scan or detector search shall be conducted by correctional staff trained and proficient in procedures consistent with manufacturer's instructions for a safe and accurate search of an individual and items in the individual's possession.

F. A visitor is only authorized to enter a facility with items authorized by the facility managing official that are:

(1) Subject to search, inspection, and approval by correctional staff.

(2) Logged prior to entering for the visit and inspected and accounted for before the visitor leaves the facility.

(3) Identified as, but may not be limited to:

(a) For a law enforcement visitor, audio and visual recording devices, evidentiary materials and written or printed documents.

(b) For a legal visitor, written or printed legal materials (considered confidential and may not be read, but inspected for contraband).

(c) For a clergy visitor, religious articles (supervisor or chaplain shall be consulted).

(d) For an administrative visitor, materials approved by the managing official consistent with the needs of the event or function attended by the visitor.

G. Scan or Detector Search.

(1) A visitor and items in the visitor's possession are subject to a scan or detector search each time a visitor attempts to enter a correctional facility and does not require:

(a) Reasonable suspicion; or

(b) Prior authorization.

(2) A scan or detector search may be conducted independently or in conjunction with other authorized visitor search methods.

(3) A scan or detector search shall be conducted by correctional officers who are trained and proficient in procedures consistent with manufacturer's instructions for a safe and accurate use to search a visitor and items the visitor possesses.

H. A frisk search of a visitor is conducted as follows:

- (1) Except under provisions of §.05H(2) of this directive, a frisk search of a visitor may only be conducted after the visitor provides written consent to be frisk searched.
- (2) If reasonable suspicion exists to believe a visitor who is within the secure perimeter of a correctional or detention facility possesses contraband, the visitor is subject to an announced scan or detector search, K-9 search, or frisk search, which require:
  - (a) Prior authorization by the managing official, or a designee; and
  - (b) Documenting the incident.
- (3) A frisk search of a visitor shall be conducted by a correctional officer of the same gender as the visitor being searched.
- (4) A correctional employee conducting a visitor frisk search shall advise the visitor that a frisk search is to be conducted and:
  - (a) Describe the conduct of the frisk search;
  - (b) Direct the visitor to:
    - (i) Empty all pockets placing the contents in the container provided;
    - (ii) Leave empty pockets turned inside out;
    - (iii) Remove and submit for inspection items such as, a jacket, coat, scarf, or headgear;
    - (iv) Remove shoes or other footgear;
    - (v) Open mouth and lift tongue; and
    - (vi) Submit for inspection additional items in the visitor's possession, such as a package, briefcase, lunch box, or back pack.
  - (c) Conduct the frisk search by passing hands over, except the genital and breast areas, the entire clothed body of the visitor being searched, applying gentle pressure to detect concealed items.
  - (d) Thoroughly search items submitted for inspection as required under §05H(4)(b) of this directive taking reasonable care not to damage the visitor's property.
  - (e) Conclude the search by returning non-contraband items to the visitor who was searched.
  - (f) Confiscate and process contraband in accordance with procedures established for handling and disposition of property.
  - (g) Document the search in accordance with requirements established under §.05I of this directive.



**I. Reporting and Response Requirements.**

- (1) Correctional staff shall document each search in compliance with established reporting protocol.
- (2) For each visitor search resulting in the recovery of contraband, correctional staff shall notify a correctional supervisor and prepare a written report that includes, at minimum:
  - (a) Name of the visitor found in possession of contraband and others accompanying the visitor;
  - (b) If applicable, the name and number of the inmate being visited;
  - (c) Name and rank of correctional officer conducting the search;
  - (d) Date, time, location, search method, and when applicable, information regarding search authorization, such as for a planned or responsive use of force, or referral to infirmary; and
  - (e) Search results, to include the disposition of the visitor and contraband recovered.
- (3) Upon notification that contraband was recovered from a visitor, the correctional supervisor shall take appropriate action which may include:
  - (a) Notifying the managing official and documenting notification and a response received;
  - (b) Instructions to the search officer regarding the disposition of the visitor found to be in possession of contraband;
  - (c) Ensuring accurate and thorough documentation of the contraband and disposition in accordance with applicable Department and facility directives; and
  - (d) Disallowing the visitor to enter the facility.

**.06 Attachments/Links.**

There are no attachments or links to this directive.

**.07 History.**

This directive supersedes applicable portions of EmD.DOC.110.0026, Search Plan, dated April 30, 2009, DPDS.110.0026, Search Procedures, dated April 30, 2006 that relate to searches of visitors and provisions of any other prior existing Secretary's, Department, or facility communication with which it may be in conflict.

**.08 Correctional Facility Distribution Code.**

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S — Custody and Security Staff