SECURITY MEMORANDUM

SUBJECT: SEARCH OF INDIVIDUALS, PROPERTY, AND VEHICLES

AUTHORITY: Tex. Gov’t Code § 493.006(b); 37 Tex. Admin. Code § 151.25 (Tex. Dep’t of Criminal Justice, Texas Department of Criminal Justice Tobacco Policy)


PURPOSE: To establish policy and procedures for the search of employees, unit visitors, offender visitors, volunteers, their property and vehicles.

DEFINITIONS:

“Authorized Forms of Identification” is a pictured identification (ID) card, being one of the following valid forms of identification: (1) signed state driver’s license; (2) signed state Department of Public Safety (DPS) ID card; (3) Texas Department of Criminal Justice (TDCJ) employee ID card in accordance with PD-03, “Employee ID Cards;” (4) Armed Forces ID card; (5) passport; (6) ID card issued by the United States Department of Homeland Security, Citizenship and Immigration Services (USCIS) (Visa Border Crossing ID card [USA B1/B2, Visa BCC]); or (7) a TDCJ offender ID card in accordance with AD-03.75, “Offender Identification Cards.”
“Contraband” is, for the purpose of this policy, a specific, tangible item: (1) not issued to an employee for the performance of the employee’s duties and the employee has not obtained a supervisor’s permission to possess (other than those items which an employee is normally in possession of, such as car keys); (2) for which possession of (by an employee, offender visitor, unit visitor, volunteer, or an incarcerated offender, whichever is applicable) is not permitted by TDCJ policy, procedure or practice; (3) prohibited by law, or (4) altered, out-of-place, or an excess amount of authorized property, or any item which an offender is prohibited to possess or obtain while in TDCJ custody, unless received by the offender as the result of a state or federal court order or legitimately through the litigation process. These items include, but are not limited to: alcoholic beverages, controlled substances or any drug, firearms, or deadly weapons or any item brought with the intent to deliver to an offender, such as paper money, tobacco, lighters, matches, cell phones, smartwatches, pagers, laptop computers, cameras, digital recorders, or any other type of electronic or wireless device. Contraband is categorized into three sub-groups:

(1) “Dangerous Contraband” represents a threat to the security and safety of the unit, possession of which violates TDCJ rules, or state or federal law. Includes: items related to security threat groups; weapons; intoxicants; currency or negotiable instruments; tobacco products; tools; ammunition; explosives; combustible or flammable items; altered, damaged, or repaired internal components or electrical cords of electrical equipment; cell phones; cell phone components; pagers; computers; cameras; digital recorders; any electronic or wireless devices; controlled substances; and unauthorized medicine or medical devices.

(2) “Non-Dangerous Contraband” represents a threat to the management of the unit, possession of which violates TDCJ rules. Includes, but is not limited to: authorized property which has been altered, damaged, is in excess of allowable amounts or is out of place; any item not authorized for the offender to possess; and any item made from TDCJ property without authorization.

(3) “Documentary Contraband” includes documents not received through authorized channels as set forth in BP-03.91, “Uniform Offender Correspondence Rules;” documents or sensitive information held by the TDCJ which are not listed on the Attachment A, TDCJ Documents an Offender May Possess, of Chapter 3, “Incarcerated Offender Information,” of the Public Information Act Manual; received through authorized channels that were not detected by staff as a potential security risk; and legal materials not received through authorized channels.

“Employee” is an individual employed by TDCJ on a full-time, part-time, contract, or temporary basis.

“Law Enforcement Personnel” are persons elected, employed, or appointed as peace officers under Article 2.12 of the Texas Code of Criminal Procedure.

“Offender Visitor” is, for the purpose of this policy, an individual who may visit an offender in accordance with the TDCJ Offender Visitation Plan.
“Random” is, for the purpose of this policy, done, chosen, or occurring without an identifiable pattern, plan, system, or connection.

“Reasonable Suspicion” is when information or knowledge is sufficient to induce a prudent and cautious person to believe an employee, offender visitor, unit visitor, or volunteer has been, is being, or will be committing a crime or violating a TDCJ rule, policy, or procedure.

“Strip Search” is when an individual removes all clothing to permit a total visual inspection of the body. The individual may be instructed to run their fingers through their hair and any facial hair, and remove dentures or false teeth. All clothing shall be searched while the individual is disrobed.

“Unit Visitor” is, for the purpose of this policy, an individual who is not an employee, offender visitor, or volunteer, desiring to enter a TDCJ unit.

“Visual and Pat Search,” for the purposes of this policy, is when an individual is “patted” and “visually” inspected by a searching employee. Individuals shall be required to remove any outer protective clothing and headgear, which shall be visually and physically searched. This may include scanning by using a device that does not require disrobing.

“Volunteer” is an individual who has been approved through an application process, has completed orientation and volunteer training, in accordance with AD-07.35, “Administration of Volunteer Services,” and participates in a program or service, or volunteer activity on a regular basis.

PROCEDURES:

The Texas Department of Criminal Justice (TDCJ) has a zero tolerance policy regarding the introduction of weapons and dangerous contraband onto the premises of Correctional Institutions Division (CID) and contract units. All individuals entering TDCJ property are subject to search. Upon entering TDCJ property, an employee, offender visitor, unit visitor, or volunteer gives implied consent to a search of the individual, their property, and vehicle.

The following procedures regarding the search of employees, offender visitors, unit visitors, volunteers, their property, and vehicles are designed to assist correctional administrators in controlling the introduction of contraband onto the premises.

I. GENERAL SEARCH PROCEDURES

A. All searches shall be conducted in a courteous and professional manner with concerns for the dignity, safety, and privacy of all individuals involved.

B. All searches shall be conducted by TDCJ correctional officers of the same gender as the individual being searched, as notated on the individuals authorized form of
identification; however, metal detector screening may be performed by either gender.

C. All searching correctional officers shall follow search procedures as outlined below.

The searching correctional officer shall:

1. Require each individual to remove their jacket, smock, stab-resistant vest, headgear, belt, and footwear. After these items have been removed, physically search each item and set the item aside, or use the parcel scanner to search each item if a scanner is available;

2. Ensure each individual removes all items from their pockets and examine the contents along with all other items in the individual’s possession and then set them aside;

3. Search each individual using contraband detection equipment, such as a handheld or walk through metal detector, in accordance with SM-03.05, “Contraband Detection Equipment;”

4. Thoroughly pat search the individual; and

5. Instruct the individual to lift their feet so the bottom of each foot can be visually inspected or scanned with a handheld metal detector, in accordance with SM-03.05.

D. An individual may be required to submit to additional searches if reasonable suspicion exists. Individuals are expected to cooperate with TDCJ staff during a search of the individual and their property while on TDCJ premises.

E. If an individual objects to any portion of these procedures, the searching correctional officer shall immediately discontinue the search and contact a security supervisor while maintaining sight of the individual.

F. Any item deemed inappropriate, or that has the potential to jeopardize the security of a unit shall be confiscated. All confiscated items classified as contraband of a criminal nature shall be immediately turned over to the Office of the Inspector General (OIG), in accordance with AD-16.03, “Evidence Handling.”

G. If suspicious areas are noted on a person being searched, the searching correctional officer shall attempt to clear the area without having the individual remove any clothing items. If the suspicious area is not able to be cleared, a supervisor shall be notified. If the supervisor determines further investigation is warranted, the supervisor shall contact the warden. If the warden agrees further investigation is warranted, a supervisor of the same gender as the person being searched, as notated
on the individual’s authorized form of identification, shall take the individual to a private area and allow the individual to remove sufficient clothing to resolve the issue. For all such instances, the warden shall report the incident, via email, to the office of the deputy director for Prison and Jail Operations, or to the deputy director for the Private Facility Contract Monitoring/Oversight Division (PFCMOD), and cc the respective regional director providing the following information:

1. Unit name and location where the search was performed;
2. Date and time of search;
3. Name of the individual(s) performing the search;
4. Name of the individual being searched;
5. Items found, if any; and
6. Resolution of the search.

II. VEHICLE AND PROPERTY SEARCHES

A. All vehicles on TDCJ property are subject to search. All individuals shall ensure vehicle doors, windows, and trunks are secured and locked. The beds of trucks shall be free of all tools, clothes, or anything that could be used as a weapon or aid in an escape. All tools in the bed of the truck shall be secured. If there is a tool box in the bed of a truck, it must be locked and secured. Law enforcement vehicles and OIG vehicles are not subject to search, unless the vehicle enters the secure perimeter.

B. Intoxicating beverages or other contraband items shall not be left in any vehicle parked on TDCJ property.

C. Tobacco products and weapons shall be stored in accordance with Board Rule 151.25, “TDCJ Tobacco Policy,” and AD-02.95, “Storage of Firearms.”

D. A positive alert on a vehicle, item, or package by a narcotic detection canine shall be considered reasonable suspicion and subjects the individual, the individual’s property, and vehicle to a search.

III. EMPLOYEE, UNIT VISITOR, AND VOLUNTEER SEARCHES

A. All employees, unit visitors, volunteers, their property and vehicles are subject to search when entering TDCJ property. Once an individual enters TDCJ property where searches are being conducted, they shall not be permitted to exit without being searched and cleared by the searching officer.
B. All employees, unit visitors, and volunteers entering a unit with high contraband detection, as designated by the CID director, shall be searched when entering the unit.

C. Random searches of employees, unit visitors, and volunteers at all other units shall be conducted daily at locations designated by the warden.

1. The warden shall ensure a sufficient number of trained correctional officers are assigned to the search area.

2. Employees whose duty assignment is located outside the perimeter fence of the unit, such as agriculture, facilities, maintenance, and other similar areas, shall be searched randomly as outlined in this policy, with a minimum of two areas searched per month.

3. Wardens shall ensure random searches are conducted during high employee traffic times, such as correctional officer arrivals prior to shift change, meals, breaks, and other similar high traffic times. Searches shall be performed as follows:
   a. Correctional officers assigned to conduct searches shall be deployed to the designated search area prior to the targeted high traffic time. Correctional officers assigned to the designated search area may be reassigned to assist in other shift duties after the targeted traffic has cleared the search point.
   b. The warden or duty warden shall determine the search frequency, such as every person, every other person, every third person, or any other similar search frequencies.
   c. A log shall be maintained of all random searches to include the search date, duration (beginning and ending time) of the search, and names of correctional officers conducting the search.

4. The warden shall ensure random searches are conducted on employees, unit visitors, and volunteers entering the back gate. The schedule and frequency shall be determined by the warden.

5. The warden or designee shall perform periodic unannounced searches of Bachelor Officer Quarters (BOQ) and dormitory rooms.

6. The warden shall ensure searches of individuals exiting the unit are conducted at least twice per month. The schedule and frequency shall be determined by the warden.
D. If the procedures located in Section I.D. do not reveal contraband, and there is reasonable suspicion an employee, unit visitor, or volunteer is concealing contraband in their body cavity or it is suspected that they have ingested contraband orally, the individual shall not be allowed into the unit and OIG shall be notified immediately.

E. If suspicious items are not found during the search, all personal items shall be returned to the employee, unit visitor, or volunteer.

F. Employees found in possession of contraband may be subject to disciplinary action in accordance with PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees,” possible arrest, and prosecution.

IV. OFFENDER VISITOR SEARCHES

All offender visitors, their vehicles and property are subject to search when entering TDCJ property. Offender visitors who are found to be in possession, of contraband including on their person, in their clothing, or in their vehicles, may be removed from an offender’s Visitors List and placed on the Disapproved Visitors List by designated unit staff.

Each unit with vehicle check-in points shall have a sign listing these procedures posted in both English and Spanish at the vehicle check-in point.

The searching correctional officer shall:

A. Ensure all offender visitors leave any metal objects or material capable of causing injury, abetting escape, or otherwise causing a threat to the safety or security of the unit in secured vehicles. The duty warden has the authority to make a final determination whether an object is prohibited. All hand-carried items shall be searched in accordance with SM-03.05;

B. Ensure visitors are pat searched by correctional staff prior to entering the visitation area, in accordance with the TDCJ Offender Visitation Plan. All searches of visitors shall be conducted by staff of the same gender as the visitor, as notated on the visitor’s authorized form of identification, with the exception of metal detector screening, which may be performed by either gender. Offender visitors shall be screened in a sheltered area, if available, when inclement weather exists;

C. Inform parents, guardians, or accompanying adults that they shall be responsible for ensuring visiting children are free of any contraband prior to entering TDCJ premises. The parent or guardian will be instructed that the child must empty their pockets;
D. Ensure children under 18 are neither pat nor strip searched, but screened by a correctional officer using a handheld or walk through metal detector in accordance with SM-03.05;

E. Immediately contact the Family Liaison Officer (FLO) if an offender visitor refuses search procedures. If the offender visitor continues to refuse search procedures, the offender visitor shall be required to leave TDCJ property;

F. Ensure internal body cavity searches of visitors are not conducted. Strip searches of an offender visitor shall only be conducted if the offender visitor agrees in writing using the Consent to a Strip Search form, Attachment B, of the TDCJ Offender Visitation Plan. The FLO shall obtain approval through the senior warden, regional director, PFCMOD deputy director, or deputy director of Prison and Jail Operations prior to conducting a strip search of an offender visitor based on reasonable suspicion. OIG shall be notified prior to conducting a strip search of an offender visitor;

G. Notify the FLO if contraband is found during an approved strip search of an offender visitor. The duty warden shall notify the Emergency Action Center (EAC) when contraband is found during an approved strip search of an offender visitor. Notification shall be made in accordance with AD-02.15, “Operation of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents;”

H. Confiscate any items not allowed on TDCJ property that are found in the clothing or on an offender visitor during a pat or strip search. The duty warden or designee shall notify OIG or local law enforcement authorities regarding any confiscated items in accordance with AD-16.03. At the duty warden or designee’s discretion, OIG or local law enforcement authorities may be notified regarding items found, but not confiscated;

I. Immediately notify the warden or designee if any items not permitted on TDCJ property, such as unauthorized medication, controlled substances, alcohol, or unauthorized weapons are found during a search of an offender visitor’s vehicle, and ensure the offender visitor is not allowed entrance. The warden or designee shall notify the unit OIG investigator, and local law enforcement, if applicable, in accordance with AD-16.03; and

J. Complete a written report in the event a strip search is conducted, or contraband is found in the visitor’s vehicle, clothing, or on their person. The report shall contain all of the following information:

1. Date, location on unit, unit name, and time of the search;

2. Name and TDCJ number of the offender to be visited;
3. Name, phone number, relationship, and physical address of each offender visitor searched;

4. Names of the officials who authorized the search;

5. Reasonable suspicion for the search;

6. Name and gender of the correctional officer who performed the search;

7. Results of the search;

8. If contraband was found, was it confiscated and was the Emergency Action Center (EAC) report submitted in accordance with AD-02.15;

9. Make, model, and license plate number of the offender visitor’s vehicle; and

10. A completed and signed Consent to a Strip Search form for each offender visitor who was strip searched and attach a copy to the written report.

V. REGIONAL SEARCH TEAMS

Regional search teams shall be used to target areas of concern as recommended by a senior warden and approved by the regional director.

VI. SEARCH REFUSALS

A. An employee who refuses to voluntarily submit to a search will be in violation of this policy and may be subject to disciplinary action in accordance with PD-22, and shall be denied entry into the unit.

B. Offender visitors, unit visitors, and volunteers who refuse to be searched shall be required to leave TDCJ property.

VII. PERMISSIBLE ITEMS

A. Items allowed inside a unit by an employee, unit visitor, and an approved volunteer are listed in Attachment A, Employees, Unit Visitors, and Approved Volunteers Permissible Items.

B. Items allowed inside a unit by an offender visitor are listed in Attachment B, Offender Visitors Permissible Items.

C. In addition to the items allowed in Attachment A, additional items shall be permitted inside a unit by TDCJ Offender Transportation officers and TDCJ truck
drivers as listed in Attachment C, TDCJ Offender Transportation Officers and TDCJ Truck Drivers *Permissible Items*.

D. The warden or duty warden shall be contacted regarding any other items not listed on the applicable attachment.

VIII. **Exceptions**

A. Parole commissioners, law enforcement officers, and OIG investigators shall be allowed to bring a professional briefcase into a unit. Briefcases of parole commissioners and law enforcement officers shall be thoroughly searched. OIG investigators may also bring a computer case, equipment case, crime scene case, and a backpack into the unit, which are not subject to search.

B. An attorney or designated representative may bring briefcases, attaché cases, laptop computers, tape recorders and personal digital assistants into a unit. A tape recorder shall only be used for taking notes during an interview with the offender, and for recording the conversation between the attorney or designated representative and the offender.

1. Attorneys and designated representatives are prohibited from bringing cell phones, broadcast or transmission equipment, or any wireless communication devices used to communicate with a third party into the unit; however, with good cause, the warden or designee may permit the use of certain electronic equipment.

2. The warden or designee may open and inspect any item, such as briefcases, attaché cases, and tape recorders, but only in the attorney’s or designated representative’s presence and only for the purpose of detecting contraband. For additional procedures regarding attorney visits, refer to BP-03.81, “Rules Governing Offender Access to the Courts, Counsel, and Public Officials.”

C. If the warden identifies additional persons who have a need to bring briefcases into the unit, an authorized briefcase list shall be maintained and copies of the list shall be available at the unit entry points. The warden or designee may open and inspect these briefcases.

D. Parole and classification file containers shall be allowed. The containers and files shall be thoroughly searched.

E. Windham School District (WSD) employees shall be allowed to bring locked General Educational Development (GED) test boxes into the unit. In the event that a locked GED test box requires inspection, the box shall be opened and inspected in a secure location in the presence of the WSD employee and the warden or designee.
F. Internal Audit employees shall be allowed to bring a digital camera into the unit for the purpose of obtaining audit documentation.

G. All individuals shall leave their personal cell phones, pagers, or similar personal electronic communication devices securely locked in their vehicles. If an exception needs to be made, the warden shall have the exception approved by the appropriate regional director, and provide the unit entry points with written approval. All authorized cell phones entering a unit must be documented, to include the following:

1. Date;
2. Individual’s name;
3. Name of wireless service provider;
4. Name of represented agency or entity;
5. Destination on unit; and
6. Time in and out.

H. TDCJ Offender Transportation officers and TDCJ truck drivers shall be allowed to bring their TDCJ issued cell phones inside the unit without the written approval from the warden or regional director. These cell phones shall be documented in accordance with this section.

IX. MEDICAL WAIVERS

A. Individuals with a medical condition that may cause a metal detector alert, or with a medical device that may malfunction as a result of screening with contraband detection equipment, shall present written documentation from a physician or medical implant manufacturer to the warden, detailing the condition or device that may malfunction or cause the alert, in accordance with SM-03.05.

B. Medically approved items that are removable shall be removed and searched.

C. Employee possession of prescription drugs shall be in accordance with PD-17, “Drug Free Workplace.”

X. DRUG ENFORCEMENT PROCEDURES

A. All information concerning employee involvement with illegal drugs shall be forwarded to the unit OIG investigator.
B. Employees having knowledge of other TDCJ employees engaging in illegal drug activity shall immediately report this information to the warden, department head, or unit OIG investigator.

C. The unit human resources department shall forward a copy of all employee disciplinary reports concerning any drug investigation to the unit OIG investigator.

D. The unit OIG investigator shall conduct all drug investigations, both administrative and criminal.

XI. EMPLOYEE TIME

It is the responsibility of each employee to meet scheduled shift times; overtime shall NOT be paid for an employee to clear a search point.

XII. MULTIPLE ENTRY FACILITIES

A. The warden or regional director shall determine whether an employee shall be allowed to enter a unit at an entry point other than the front gate. The warden shall ensure a list of authorized employees is posted and available to correctional officers at designated unit entry points.

B. An employee approved by the warden and regional director to enter the unit at alternate entry points shall adhere to the procedures outlined in this policy.

___________________________________
Lorie Davis, Director
Correctional Institutions Division
EMPLOYEES, UNIT VISITORS, AND APPROVED VOLUNTEERS

PERMISSIBLE ITEMS

- $25 cash
- Binders/Books/Folders (Must be work related)
- Bottled beverage (Must be unopened, clear plastic and not larger than 1 liter)
- Additional bottled water(s) shall be permitted during extreme temperatures
- Briefcase (Must be on authorized briefcase list or authorized through SM-02.01)
- Candy bar (Must be removed from wrapper and placed in clear Ziploc® type bag unless original wrapper is clear)
- Clear purse/bag (Available in unit commissaries or Ziploc® type)
- Coffee/Coffee creamer (Must be in clear Ziploc® type bag)
- Comb/brush
- Contact lens drops/Cleaner/Eye drops (Travel size)
- Diabetic testing supplies/Glucometer
- Empty cup (No larger than 32oz)
- Empty thermos type bottle/Insulated cup (No larger than 1qt)
- Facial tissue (Must be removed from original packaging and placed in clear Ziploc® type bag unless original packaging is clear)
- Fast food (Must be able to inspect and pass through metal detector)
- Feminine hygiene products
- Fixodent®/Denture adhesive (Trial size)
- Jump/USB flash drive (Must be approved by the warden, with the exception of medical staff who may bring in a jump drive without the warden’s approval)
- Flashlight (9 inches or smaller)
- Gum/Candy/Cough drops (Must be able to inspect)
- Fruits/Vegetables
- Hand lotion (Trial size)
- Hand sanitizer (Trial size)
- Handkerchief
- Lip balm, Lipstick
- Non-prescription medication (Must be in original packaging)
- Authorized identification
- Electronic devices with medical notes and no internet service (Must be approved by the warden)
- Paper pocket size calendar
- Pens/Pencils
- Prescription medication (Must follow PD-17)
- Raincoat/Slicker
- Search gloves
- Small notepad
- Spoon/Fork (Plastic only)
- TDCJ owned/TDCJ approved/TDCJ issued cell phone
- Sunglasses
- Sunscreen lotion (trial size)
- Microwavable dinner with clear wrap (Must pass through metal detector)
- Tupperware® type container (Must be clear plastic and no larger than 1 gallon)
- Umbrella (Must be left at designated area at the front of the unit)
- Wash cloth size rag
- Wipes (Must be removed from original packaging and placed in clear Ziploc® type bag unless original packaging is clear)
OFFENDER VISITORS
PERMISSIBLE ITEMS

• A small wallet, clear plastic bag (Ziploc® type), or change purse
• Coin money in an amount not to exceed $25
• A small blanket for infants during cold weather
• Offender visitors with infants or small children may bring no more than three diapers, a supply of baby wipes, and two baby bottles (“sippy” cup for toddlers). These items shall be stored in a clear plastic bag.

VISITANTES DE OFENSOR
ARTICULOS PERMITIDOS

• Una billetera pequeña, bolsa de plástico transparente (tipo Ziploc®), o monedero
• Dinero en moneda que no exceda de $25
• Una cobija pequeña para infantes durante clima frío
• Visitantes de ofensor con infantes o niños pequeños no pueden traer más de tres pañales, un suministro de toallitas húmedas para bebés, y dos botellas para bebe (taza “sippy” para infantes mayores). Estos artículos deben ser guardados en una bolsa de plástico transparente.
TDCJ OFFENDER TRANSPORTATION OFFICERS
AND TDCJ TRUCK DRIVERS

PERMISSIBLE ITEMS

The following items shall be allowed:

- Billfolds (wallets) along with the contents (which may include more than $25). (A visual search of the contents shall be performed in the presence of the owner.)
- TDCJ issued cell phones
- Offender water coolers, which shall remain on TDCJ Offender Transportation vehicles.

The following items shall be secured at the back gate prior to entering the unit:

- Tobacco
- TDCJ-issued tools
- One gallon TDCJ-issued container with water for staff
- Personal cell phones