

**GENERAL DISTRIBUTION**

**WEST VIRGINIA  
DIVISION OF CORRECTIONS  
& REHABILITATION**

**NUMBER: 308.00**

**EFFECTIVE DATE: 15 June 2022**

**SUBJECT: CONTRABAND CONTROL &  
PRESERVATION OF  
PHYSICAL EVIDENCE**

# **POLICY DIRECTIVE**

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**PURPOSE:**

To further the safe, secure, orderly operation of Division of Corrections and Rehabilitation (DCR) facilities by providing for searches of facilities, inmates and residents, and other individuals to systematically locate contraband, deter its introduction and movement, provide for its disposition; and to provide guidelines for the preservation, control, and disposition of all physical evidence.

**REFERENCE:**

WV Code §61-5-8; and Prison Rape Elimination Act (PREA) §§115.15 and 115.315.

**RESPONSIBILITY:**

Superintendents shall be responsible for enacting Operational Procedures and Post Orders to ensure compliance with this Policy Directive.

**CANCELLATION:**

Any previous written instruction on the subject including DOC Policy Directive 308.00, dated 01 August 2013; DOC Policy Directive 308.01, dated 01 July 2011; DOC Policy Directive 308.04, dated 01 August 2013; DOC Policy Directive 308.11, dated 01 July 2011; DOC Policy Directive 314.01, dated 01 July 2004; DOC Policy Directive 333.00, dated 01 January 2004; RJA Policy 9002, dated 03 September 2015; RJA Policy 9036, dated 09 July 2012; and DJS Policy 308.00, dated 01 January 2016.

**APPLICABILITY:**

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution.

## **DEFINITIONS:**

**Chain of Custody:** A chronological written record reflecting the release and receipt of evidence from initial acquisition until final disposition.

**Clothed Body Search:** (commonly referred to as a “pat search”) A search of an individual by running of the hands over the clothed body to determine whether the individual possesses contraband.

**Contraband:** Any item or article which is not specifically authorized in writing by the Commissioner or Superintendent for inmate/resident possession, or an authorized item which has been altered, or which has been obtained from any unauthorized source.

**Evidence:** Anything that help ascertain the truth of the matter or gives proof of fact. Evidence may be physical or testimonial. This Policy addresses only physical evidence.

**Exigent Circumstances:** Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

**Medical Practitioner:** Is a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his/her professional practice.

**Secure Area:** Designated areas where limited, controlled access/egress (exit) is necessary to provide security and safety for the public, employees, inmates/residents, visitors and official visitors. Various means will be utilized to help define and control access/egress to these secured areas. These means include fencing or other barriers, card access, alarms, signage, security posts and other means of securing the area.

**Unclothed Body Search:** (commonly referred to as a “strip search”) A non-intrusive search of an inmate or resident which requires an inmate/resident to remove or arrange some or all clothing so as to permit a visual inspection of the areas around the person’s breasts, buttocks, genitalia, or any large folds of skin that may permit the hiding of contraband.

## **POLICY:**

- I. The control of contraband is an essential component of fulfilling the agency’s public safety mission. Contraband control is the responsibility of **all** employees. Within DCR facilities, the control of contraband consists of several interlocking core components. Due to differences in institutional designs, layouts, and security levels, each Superintendent shall ensure appropriate security practices, including designation of secure areas, evidencing an ongoing system designed to detect contraband, prevent its introduction and remove it when found. Facility security practices will be based upon the highest security/custody level of inmates or residents housed therein.

- II. In addition to the guidelines provided in this Policy Directive, contraband control shall consist of interlocking core components as delineated in the following DCR Policy Directives:

- 129.04 Banning Individuals from DCR Grounds/Facilities
- 304.00 Patrols and Inspections
- 308.03 Drug Testing
- 308.06 Alcohol Abuse Testing
- 308.12 X-Ray Scanning Machines
- 308.13 Full Body Security Scanning System
- 311.00 Entrance Security Contraband Interdiction
- 311.06 Workplace Security
- 314.06 Positive Indication for Drugs by a CDS Canine
- 400.01 Inmate Admission Procedures at Jails & Short-Term Holding Facilities
- 400.03 Inmate's Personal Property

- III. All **searches** will be conducted in accordance with training provided by the Bureau of Training and Staff Development (BTSD) which provides effective search techniques that protect both staff and inmates/residents from bodily harm.

- A. Personnel will adhere to the principles of safety and courtesy, being systematic, thorough, objective and professional when conducting searches. Searches will respect the right of inmates/residents and others in regard to authorized personal property.
- B. All persons, except attorneys, are subject to clothed body (pat down) searches and searches of any hand-carried items. Except in exigent circumstances, clothed body searches shall be conducted by staff of the same gender. Cross gender and transgender clothed body searches should be completed by a staff member of the same anatomical make-up and external genitalia as the individual.
- C. All inmates/residents are subject to unclothed body (strip) searches. Unclothed body searches will be performed by staff of the same gender as the inmate/resident, except in cases of exigent circumstances. Cross gender and transgender unclothed body searches should be completed by a staff member of the same anatomical make-up and external genitalia as the inmate/resident unless exigent circumstances exist. All unclothed body searches performed by personnel of the opposite gender as the inmate/resident shall be documented.
- D. Each Chief of Security/Chief Correctional Officer shall ensure that an ongoing system of daily area searches is implemented and maintained that provides for the unannounced and irregularly timed search of inmate/resident housing, work assignment areas, common areas and staff areas. The purpose of these searches is to detect contraband, prevent escapes, maintain sanitary standards and eliminate fire, safety and environmental hazards. Staff may search an inmate's/resident's housing, work, or program area and personal items contained in those areas without notice to or prior approval from the inmate/resident and without the inmate's/resident's presence. Staff

conducting area searches shall leave the area as nearly as practicable in its original order. Staff shall complete an incident report to document each area search conducted.

- E. Living areas (cells, cuts, rooms, etc.) will be searched and inspected and documented in the daily log prior to occupancy by a new inmate/resident
  - F. All personal and delivery vehicles shall be searched before and after being permitted to pass into or out of the secure area of the facility. Searches of vehicles on facility grounds may be conducted at other times upon the documented authorization of the Shift Commander or higher authority.
  - G. Manual or instrument inspection of body cavities (anal or genital openings) shall be conducted only when there is reason to do so and when authorized by the Superintendent/designee. The inspection shall be conducted in private by medical practitioners.
  - H. Searches directed at solving a possible new crime shall include provisions for the preservation of evidence as well as the legal protection of individual rights afforded under the Fourth Amendment of the U. S. Constitution.
- IV. **Magnetometer scans** by means of walk-thru and hand-held magnetometers (metal detectors) are a non-intrusive search technique and as such may be used with all persons, with the exception of certain persons with medical implants made of metal. If any person has medical reason (supported by written documentation from a medical practitioner) as to why they cannot submit to a walk-thru magnetometer scan, then a hand-held magnetometer will be utilized as well as a pat-down search.
- V. The Director of Security Services shall coordinate with the Deputy Commissioner, Assistant Commissioners, and Superintendents regarding unannounced **contraband sweeps** during which all employees, their hand carried items and vehicles are subject to search. This does not preclude Superintendents from initiating a contraband sweep at the local level.
- VI. Each Superintendent of facilities providing inmate/resident housing and/or work assignments shall ensure that a comprehensive contraband **shakedown** is performed of their facility at least once every eighteen (18) months. Correctional Industries Headquarters and the Academy are included in this requirement. The Superintendent may request through the Director of Security Services activation of Special Operations personnel from other facilities to assist completing a shakedown in a reasonable period of time. The Director of Security Services will be notified of all comprehensive shakedowns and receive after action reports related to them.
- VII. Scans by the **Canine Unit** trained in the detection of a variety of serious contraband items are a non-intrusive search technique and as such may be used with all persons, carried items, areas and vehicles. The Director of Security Services shall ensure that an agency-wide program of unannounced canine scans is implemented and maintained.

- VIII. The Director of the Corrections Investigations Division will ensure that cases involving trafficking in serious contraband receive high investigative priority. It is DCR policy that all cases involving the trafficking of serious contraband will be referred to the appropriate authorities for criminal charges.
- IX. All contraband finds shall be documented in an incident report.
- A. Superintendents shall identify a location and means in which contraband items (pending final disposition) may be secured and safeguarded from tampering, loss, theft, cross-contamination, etc. and establish and maintain procedures which address at a minimum:
1. Approved packaging and sealing;  
(Items which may require future laboratory examination for detection or identification of bodily fluids, or to analyze other substances whose evidentiary value may be degraded or destroyed by storage in a "sealed" container will be placed in a clean, brown paper bag that is sealed and marked for future identification. The bag should be clearly marked "POSSIBLE BIOHAZARD.")
  2. Labeling of items for easy identification and retrieval;
  3. Inventory; and
  4. Means of disposal of any items of contraband that would ensure reintroduction of the contraband item(s) into the inmate/resident population would not occur.
- B. Contraband money shall be deposited in the Inmate/Resident Benefit Fund.
- C. An Evidence/Property Seizure Receipt (**Attachment #1**) shall be completed if the found contraband is physical evidence in connection with a violation of law, DCR rule violation and/or violation of any facility regulation.
1. The chain of possession will be maintained on all seizure receipts.
  2. Contraband deemed to be evidence will be maintained in a safe and secure manner throughout any investigation, institutional hearing procedure, and/or criminal proceeding, or any subsequent appeal process until such time it no longer holds any evidentiary value, at which time final disposal may take place.
- D. For controlled substances which hold no evidentiary value (or no longer hold evidentiary value), the WV State Police will be contacted for proper disposal.

**ATTACHMENT(S):**      #1      Evidence/Property Seizure Receipt

**APPROVED SIGNATURE:** \_\_\_\_\_

  
Betsy C. Jividen, Commissioner

  
Date

1. DATE: DAY MONTH YEAR		2. TIME:	3. DISCIPLINARY INCIDENT REPORT: <input type="checkbox"/> YES <input type="checkbox"/> NO	4. RULE NUMBER:
5. INMATE'S/RESIDENT'S NAME: LAST FIRST M.I.			6. OID NUMBER:	7. CHARGE NUMBER:
8. TYPE OF SEARCH: <input type="checkbox"/> CLOTHED BODY <input type="checkbox"/> STRIP <input type="checkbox"/> CELL/BUNK _____ NUMBER <input type="checkbox"/> OTHER – DESCRIBE: _____ _____ _____ _____			9. DESCRIBE PLACE FOUND: _____ _____ _____	
			10. VICTIM(S) IF ANY: 1. _____ 2. _____ 3. _____	
11. DESCRIPTION OF ITEMS SEIZED: _____ _____ _____ _____				
12. EMPLOYEE'S NAME: LAST FIRST M.I.			13. RANK/TITLE SIGNATURE:	
14. WITNESSING EMPLOYEE'S NAME: LAST FIRST M.I.			15. RANK/TITLE SIGNATURE:	
16. DISPOSITION: <input type="checkbox"/> PLACED IN EVIDENCE LOCKER <input type="checkbox"/> DESTROYED AT INMATE'S REQUEST <input type="checkbox"/> SENT TO PROPERTY OFFICER <input type="checkbox"/> OTHER – DESCRIBE: _____ _____				
17. SHIFT COMMANDER'S RANK/SIGNATURE:				
18. CHAIN OF POSSESSION (SIGNATURE REQUIRED): FROM TO DATE/TIME _____ _____ _____ _____ _____ _____				