

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 311.00

DATE: 01 June 2021

**SUBJECT: ENTRANCE SECURITY -
CONTRABAND INTERDICTION**

POLICY DIRECTIVE

PURPOSE:

To provide a safe and secure environment for all employees, the inmate/resident population, visitors, and the general public and to ensure appropriate security procedures are implemented to prevent the intentional or unintentional introduction of contraband.

REFERENCE:

WV Code §61-5-8; and State ex rel. McCamic v. McCoy, 166 WVa 572, 276 S.E. 2d 534 (1981).

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 DCR Policy Directive 311.00, dated 01 April 2019.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution and is to be made available for inmate/resident and visitor review.

DEFINITIONS:

Attorney: Person licensed to practice law in their respective state and authorized to perform both civil and criminal legal functions for clients, including drafting of legal documents, giving of legal advice, and representing such before courts, administrative

agencies, boards, and the like. For this policy, the word “attorney” refers to non-Division of Corrections and Rehabilitation assigned or appointed attorneys.

Dangerous Material: Any incendiary material or device, highly flammable or caustic liquid, explosive, bullet or other material readily capable of causing death or serious bodily injury.

Employee: Any person who works in or for the WV Division of Corrections and Rehabilitation facilities. For the purpose of this Policy, this includes but it is not limited to full time, part-time, temporary, provisional, probationary, and permanent status employees of the State of West Virginia; contractors and their employees; and volunteers.

Implement of Escape: A tool, implement, device, equipment, or other item which an inmate/resident is not authorized to possess, capable of facilitating, aiding, or concealing an escape or attempted escape by an inmate/resident.

Official Visitor: Any person (other than those defined herein) with official business to conduct at any DCR facility on short-term or regular basis including employees of all other government agencies.

Telecommunication Device: Any type of instrument, device, machine or equipment which is capable of transmitting telephonic, electronic, digital, cellular or radio communications or any part of an instrument, device, machine, or equipment which is capable of facilitating the transmission of telephonic, electronic, digital, cellular, or radio communications. The term includes, but is not limited to, cellular phones, digital phones, smart watches, and modem equipment devices.

Unofficial Visitor: Individuals who are not listed as official visitors and specifically inmate/resident visitors.

Weapon: An implement readily capable of lethal use and includes any firearm, knife, dagger, razor, other cutting or stabbing implement, or club. The term includes any item which has been modified or adapted so that it can be used as a firearm, knife, dagger, razor, other cutting or stabbing implement, or club. For the purposes of this definition, the term "firearm" includes an unloaded firearm or the unassembled components of a firearm.

POLICY:

- I. Any person who enters a Division of Corrections and Rehabilitation (DCR) facility that houses inmates/residents shall be properly identified; shall have approval to enter; and if not an employee; shall sign a logbook.
 - A. All DCR employees and contract service personnel/volunteers will present the identification card issued to them by the Division in accordance with DCR Policy Directive 129.20 Employee ID Cards.

- B. Visitors shall be required to present a valid government issued photo-identification. Acceptable examples of such identification include, but are not necessarily limited to, driver's/operator's license, non-driving identification card, U.S. Passport Book or U.S. Passport Card, and U.S. Military ID. Attorneys must also present their credentials.
- II. All prisons housing inmates with a custody level of IV or V and all jails shall ensure the establishment and posting of a security checkpoint within the immediate vicinity of the entrance into the secure portion of the facility for contraband control. Facilities with multiple entrances into the secure portion of the facility
- A. **All** persons entering the secure portion of the facility must successfully clear the security checkpoint prior to being granted access, this shall include *each time they enter the facility*. Facilities with multiple entrances into the secure portion of the facility shall establish security procedures for staff whose job assignment requires them to regularly enter or exit through entrances other than the main entrance. The Superintendent may direct that certain *official visitors* be exempt from these procedures during their visit. These exemptions will be logged in the security checkpoint daily log.
- B. The security checkpoint will consist of one or more of the following:
1. Random Canine Searches – A canine handler and canine will be posted at or near the checkpoint when available. They will conduct random searches of all personnel and belongings, prior to entering the secure portion of the facility. The individual is not to approach or touch the canine or engage the handler in any aggressive manner. If a positive indication for the possible possession/use of narcotics is indicated, the Shift Commander will immediately report to the scene and the individual will be escorted to another area where a pat down search, as well as search of all property will occur. The Shift Commander may also ask for consent to search their vehicle, if necessary, by utilizing **Attachment #1**. (The Shift Commander will then make the determination to allow an employee to enter the secure portion of the facility.) All involved parties will be required to submit incident reports regarding the situation. Anyone that refuses canine searching will not be allowed access to the secure portion of the facility.
 2. Magnetometer Scans – A walk-thru magnetometer will be set up at the checkpoint. A hand-held magnetometer will also be available as a back-up system to the walk-thru magnetometer. All employees assigned to operate the security checkpoint will receive appropriate training in the operation and use of the walk-thru and hand-held magnetometers. All persons entering the secure portion of the facility must successfully clear the magnetometer scan prior to being granted access. Good, correctional common sense should be used in utilizing this equipment. Any person who refuses magnetometer scan will be denied access into the secure portion of the facility and the Shift Commander will

be notified immediately. The scanline operator will file an incident report as to why access was denied.

- a. If any person has a medical reason (supported by written documentation from a physician) as to why they cannot submit to a walk-thru magnetometer scan, then the hand-held magnetometer will be utilized as well as a pat-down search.
 - b. If any person cannot clear the magnetometer scan and has written documentation or a visible surgical scar in a non-intrusive area of a surgically implanted device, and at the discretion of the Shift Commander, the scanline operator may utilize the hand-held magnetometer to scan the entire body, pin-point the area of alert and then view the surgical scar.
 - c. If any person cannot clear the magnetometer scan and there is no known reason why or surgical implant is in an intrusive area and cannot be visibly examined, then they shall be denied entrance to the facility.
3. X-Ray Machine – All persons entering the secure portion of the facility possessing hand carried items shall adhere to the following procedures. All hand carried items shall be placed on the conveyor belt of the X-Ray machine when available. If the X-Ray machine is unavailable, all hand-carried items shall be physically searched by the scanline operator. Once the items are searched and cleared by the scanline operator, they will be returned to the individual. If contraband is detected, the Shift Commander will report to the scene and an incident report will be completed by the scanline operator. Any person refusing to submit to placing hand-carried items through the X-Ray machine, or a physical search, will be denied access into the secure area of the facility.
 4. Pat-Down Searches – All persons entering the secure portion of the facility, with the exception of attorneys as designated below, may be subject to pat-down searches of their persons and hand carried property that they bring onto facility grounds. Employees will adhere to the principles of safety, being systematic, thorough, objective, and professional when performing a search. Any person refusing to submit to a pat-down search will be denied access to the secure portion of the facility.
- C. Due to personal and public safety concerns, the scanline operator will never assume the magnetometer, canine or x-ray machine is wrong and allow the individual to proceed without taking appropriate security action. Making such an assumption may place lives in jeopardy, including that of the individual if, for example, the individual has unintentionally, but nevertheless, forgotten that he/she is carrying some type of dangerous material, implement of escape, telecommunications device or weapon, or other substance the magnetometer, canine or x-ray is designed/trained to detect.

- III. Any prison housing inmates with a custody level of I, II or III and any juvenile facility may establish random and/or directed security checkpoints at any time using any of the aforementioned procedures.
- IV. Per exemption by order of the West Virginia Supreme Court of Appeals, attorneys are generally exempt from submitting to searches of their person and hand carried items. Attorneys visiting a facility will not be physically searched or their hand carried items searched, absent of reasonable suspicion.
 - A. Paperwork being brought into the facility by an attorney or his or her representative with the intention of leaving for or giving to an inmate/resident will be copied in the presence of the attorney (or attorney's representative). The attorney (or representative) will retain the original documents which will be removed from the facility by the attorney (or attorney's representative).
 - B. All attorneys shall be subject to successfully pass canine searches, magnetometer scan, and/or x-ray machines as described above. Activation of a magnetometer, detection by a canine or x-ray machine causes reasonable suspicion.
 - 1. If the attorney fails to pass a magnetometer, canine or x-ray scan, the Shift Commander will be notified and will report to the scene.
 - 2. Upon arrival on the scene, the Shift Commander will be briefed and then assist the attorney in completing an Attorney - Failure to Pass Magnetometer/Canine Search form (**Attachment #2**) and offer the attorney up to three (3) alternatives; request a pat down search of his/her person and inspection of hand carried items; request a non-contact consultation (if available at the facility); or decline to consult with his/her inmate/resident-client at that time.
 - 3. The Shift Commander will ensure incident reports are completed. The original completed form (**Attachment #2**) will be forwarded to the Superintendent with copies to the Chief of Security and the DCR Director of Security Services. The attorney will only be given a copy of the form he/she signed.
- V. All private or contract repair/maintenance workers shall be escorted at all times by DCR staff and be subject to successfully pass canine searches, magnetometer scan, x-ray machines (if available), and pat-down searches as described above.
- VI. Any group (e.g. group representing area academic institutions or civilian organizations with an interest in corrections/law enforcement) granted permission to tour the facility shall be escorted at all times by DCR staff and be subject to successfully pass canine searches, magnetometer scan, x-ray machines (if available), and pat-down searches as described above.
- VII. Upon entering the facility, all adult inmate/resident visitors shall be required to present a valid government issued photo-identification. Acceptable examples of such identification

include, but are not necessarily limited to, driver's/operator's license, non-driving identification card, U.S. Passport Book or U.S. Passport Card, and U.S. Military ID. Unacceptable forms of identification include but are not necessarily limited to Social Security Cards, credit cards, insurance cards, and identification which is or can be self-generated (including certain forms of identification which can be downloaded and printed from the internet). Birth certificates will only be an acceptable primary form of identification for minor children who are visiting an inmate while in the company of a parent, other adult member of the immediate family, or legal guardian.

- A. The Superintendent shall ensure the posting of the following notice in the lobby or other entrance area used by inmate/resident visitors, "*ALL INMATE (RESIDENT) VISITORS ARE SUBJECT TO SEARCH PRIOR TO BEING ALLOWED TO VISIT ANY INMATE (RESIDENT),*" or similar notice.
- B. All inmate/resident visitors along with hand carried items shall be subject to successfully pass canine searches, magnetometer scan, x-ray machines (if available), and pat-down searches.
 1. Allowable items for inmate/resident visitors to bring into a facility will be detailed by the Superintendent in the Operational Procedure for inmate/resident visitation.
 2. The inmate/resident visitor's property shall also be subject to a search.
 3. No visitor shall be strip-searched nor shall there be any search of body cavities by facility staff.
 4. Any prospective visitor may be denied the privilege of visiting or accompanying an inmate/resident if, in the judgment of the employee in charge of supervising visitation at the time, there exists sufficient facts to believe that the prospective visitor intends to transfer a contraband item to an inmate/resident. The employee shall immediately report the denied visit/accompaniment to the Superintendent/designee in charge of the facility.
 5. Should, at any time, contraband be found in the possession of a visitor, staff shall contact the Shift Commander and depending on the severity of the contraband item, the Shift Commander shall secure the contraband and contact the appropriate law enforcement agency.
 6. It shall be the policy of the DCR to seek full prosecution of any person attempting to introduce contraband into a correctional facility.
 7. Correctional staff are authorized to strip search inmates/residents immediately before and after any visitation. No inmate/resident shall be searched by any staff member other than a correctional employee of the same sex.

- VIII. The following items are allowable for employees/official visitors to carry into a facility. This list is not meant to be an exhaustive list of all allowable items but is meant to illustrate those commonly used items that are allowed.
- A. Non-glass/non-ceramic items.
 - B. Non-aerosol products.
 - C. Non-alcohol-based products.
 - D. Plastic containers (for food items) and appropriately sized lunch boxes (no metal).
 - E. Prescription/reading eyeglasses.
 - F. Prescription medications (must inform supervisor); non-narcotics and only what is needed for a 16-hour period.
 - G. Tobacco products and disposable lighter (only to be used during work breaks, in designated areas and out of view of inmates/residents). Facilities may, with the approval from the Commissioner, limit and/or prohibit any tobacco being taken inside the secure confines of the facility.
 - H. Food for shift meal breaks (not to be left past the end of shift). Factory sealed bags may be subject to opening and search.
 - I. Watch – excluding smart watches that can connect to a cellular device or the internet via cellular phone or wireless access point (Wi-Fi).
 - J. E-cigarettes (only to be used during work breaks and in designated areas). Facilities may, with the approval from the Commissioner, limit and/or prohibit any E-cigarettes being taken inside the secure confines of the facility.
 - K. Drink containers (water, pop, etc.).
 - L. Vacuum sealed hot/cold drink containers.
 - M. Umbrellas – small, retractable, plastic or fiberglass only.
 - N. Cash or change – not to exceed \$20.00.
- **Superintendents may authorize different/additional items; however, the DCR Director of Security Services is to be notified in writing of these instances.****
- IX. Telecommunication devices shall only be permitted inside any DCR facility in accordance with these guidelines.

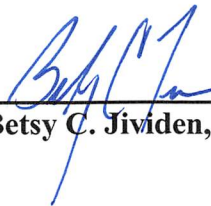
- A. When a telecommunication device is needed by an official visitor, attorney or private/contract repair/maintenance worker to conduct their work while inside of any DCR facility, it shall require the permission of the Superintendent and be considered a hazardous tool (Class A).
- B. Hazardous (Class A) tools, including telecommunication devices, require the following procedures.
 - 1. A written inventory verifying each item prior to it entering the facility and again upon exit from the facility to ensure that all items are accounted for and removed.
 - 2. An employee shall escort any person bringing telecommunication devices into and out of the facility.
 - 3. Any person bringing telecommunication devices into the facility will be under employee supervision.
- X. Upon discovery of an employee or visitor attempting to introduce any contraband/unauthorized item into the facility, the scanline operator/searching employee shall initiate the following steps:
 - A. The contraband/unauthorized item(s) shall be seized.
 - B. The Shift Commander shall be contacted and requested to report to the location.
 - C. The scanline operator shall initiate a receipt (**Attachment #3**) for the seized item(s) to be given to the Shift Commander upon his/her arrival.
 - D. The employee/visitor shall be denied access into the secured portion of the facility until so authorized by the Shift Commander.
 - E. Upon his/her arrival, the Shift Commander shall determine as to whether the item(s) shall be seized or returned to the employee/visitor. Should the item(s) be returned to the employee/visitor, they will be given instructions to secure the item(s) elsewhere (e.g. assigned locker or within personal vehicle) prior to being allowed access into the secured area. Once the employee/visitor returns, he/she will be processed through the scanline again.
 - F. In the event an individual is denied access under the above circumstances, the scanline operator shall be responsible for detailing the event on an incident report and the Shift Commander shall complete an After-Action Report (**Attachment #4**).
- XI. Violations of this Policy Directive shall be cause to deny access to the buildings and grounds of a facility. The Superintendent/designee may limit, postpone, discontinue, or terminate the facility access/activities of any employee, volunteer, volunteer group, or private citizen who impedes the security or orderly operation of the facility.

- A. There will be times when it becomes appropriate and necessary to suspend individuals from the grounds/buildings of DCR facilities. The Superintendent may suspend an individual from entering the facility for up to and including sixty (60) days.
- B. When a Controlled Dangerous Substance (CDS) canine gives a positive indication for the possible possession/use of narcotics on a visitor and all the following conditions are met, the individual that the canine indicated on shall be suspended from all DCR facilities for up to thirty (30) days for first offense and sixty (60) days for second offense.
1. A thorough pat-down search is completed;
 2. The visitor signs a written consent to have his/her vehicle searched; and
 3. No drugs are found on the visitor's person or in their vehicle.
- C. There will be times when it becomes appropriate and necessary to permanently ban individuals from the grounds/buildings of DCR facilities (e.g. CDS positive indication-third offense, refusal to allow pat-down search, refusal to allow search of vehicle, or when narcotics are found during search of visitor or search of vehicle). Each superintendent shall follow Policy Directive 129.04 Banning Individuals from DCR Grounds/Facilities to request this.
- D. West Virginia Code §61-5-8 prohibits certain items from being carried onto the grounds of DCR facilities or into facilities without the express authority and permission of the Superintendent or designee. These items include money or other thing of value, any written or printed matter, any article of merchandise, food or clothing, medicine, telecommunication device, utensil or instrument of any kind, alcoholic liquor, non-intoxicating beer, poison, implement of escape, dangerous material, weapon, or any controlled substance as defined by West Virginia Code Chapter 60A.
- E. If any person transports onto the grounds of any DCR facility or delivers to any inmate/resident any item listed above, as excerpted from state law, then that person is subject to being detained for commission of a misdemeanor or felony as described in West Virginia Code §61-5-8. The West Virginia State Police shall be notified in such cases.

ATTACHMENT(S):

- #1 Vehicle Consent to Search
- #2 Attorney – Failure to Pass Magnetometer/Canine Scan
- #3 Security Scan-Line Receipt
- #4 Shift Commander’s After-Action Report

APPROVED SIGNATURE:



Betsy C. Jividen, Commissioner

5-13-21
Date

**WEST VIRGINIA DIVISION OF CORRECTIONS
AND REHABILITATION**

Vehicle Consent to Search

I, _____ having been informed of my Constitutional right not to have a search made of my vehicle hereafter described without a search warrant and of my absolute right to refuse to consent to such a search, knowing that if any incriminating material is found it can be used against me in Court do hereby authorize _____, Correctional Officer, of the West Virginia Division of Corrections and Rehabilitation, to conduct a complete search of my vehicle described as _____.

The above-named officer is authorized by me to take from my vehicle any prohibited or illegal substance(s) which he/she may desire.

This written permission is given by me to the above officer voluntarily and without threats or promises of any kind.

(Signed)

(Date and Location)

Witnesses:

(Name, Title, Date and Location)

(Name, Title, Date and Location)

Comments:

ATTORNEY

Failure to Pass Magnetometer/Canine Scan

I understand that for safety and security reasons, including my own, I must successfully complete magnetometer and canine scans before I am admitted to the Attorney/Client Visiting Area to meet with my client.

I have been advised by the facility Shift Commander/designee _____
_____ (name) that due to my inability to successfully complete such scans I am being given the option of a pat down search by a Correctional Officer and a visual inspection of my carry-in items or a non-contact consultation visit.

I am requesting the following:

- Pat Down Search/Visual Inspection of Carry-In Items by a Correctional Officer
- Non-Contact Consultation (Note: not available at all locations)
- I am voluntarily declining to consult with my client today.

Name of Attorney _____ Phone No.() _____

Address _____

Client's Name _____ OID # _____

Date of Incident _____ Time of Incident _____

Facility _____

Signature of Attorney _____ Date _____

Signature of Shift Commander _____ Date _____

Original: Superintendent

Copies: Attorney Named Above
Chief of Security (Facility)
Director of Security Services (Central Office)

Security Scan-Line Receipt

In accordance with Division of Corrections and Rehabilitation Policy Directive 311.00, this form is to be utilized by the employee assigned to the scan-line to document the discovery, seizure, and disposition of any contraband or unauthorized items at that location.

DATE: _____

TIME: _____

FACILITY: _____

DESCRIPTION OF ITEM(S) FOUND AND SEIZED (to include description of location found, e.g. within a lunchbox, jacket pocket, briefcase, etc.).

Chain of Custody

From:

To:

Time/Date:

Printed Name & Title of Scan-line Operator

Signature of Scan-line Operator

Date

Printed Name & Title of Employee/Visitor

Signature of Employee/Visitor

Date

To be completed by the Shift Commander only:

Disposition (check appropriate option):

_____ Secured as Evidence

_____ Photographed & Returned to Employee/Visitor

Printed Name & Title of Shift Commander

Signature of Shift Commander

Date

Shift Commander's After-Action Report

When did the incident happen?

Where did the incident occur?

Who was involved?

What happened?

Why do you think the employee/visitor did this?

What steps do feel should be taken due to this violation?

Printed Name & Title of Shift Commander

Signature of Shift Commander

Date