

**GENERAL DISTRIBUTION**

**WEST VIRGINIA  
DIVISION OF CORRECTIONS  
& REHABILITATION**

**NUMBER: 700.07**

**EFFECTIVE DATE: 15 September 2022**

**SUBJECT: SEARCHES BY PAROLE  
SERVICES**

# **POLICY DIRECTIVE**

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**PURPOSE:**

To provide uniform guidelines for searches conducted by Parole Services staff.

**REFERENCE:**

WV Code §15A-7-5.

**RESPONSIBILITY:**

No additional written instructions on this subject are required.

**CANCELLATION:**

Any previous written instruction on the subject including DOC Policy Directive 700.07, dated 01 January 2004.

**APPLICABILITY:**

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

**DEFINITIONS:**

**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:** For the purpose of this Policy, any item or article which an offender is not permitted to possess under the conditions of supervision, including any item whose possession is forbidden by federal, state or local law or any item that can be used as evidence.

**Evidence:** Anything that supports a violation of supervision or an infraction of federal, state or local law.

**Exigent Circumstances:** Any set of temporary and unforeseen circumstances that require immediate action.

**Unclothed Body Search:** (commonly referred to as a “strip search”) A non-intrusive search of an offender which requires an offender 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. Offenders under supervision by Parole Services are required to abide by the laws governing their release and the rules and regulations as provided by the Commissioner of the Division of Corrections and Rehabilitation (DCR).
  - A. In accordance with State Code and as a condition of probation or parole, Parole Officers are permitted to search an offender and the offender’s residence or property, under his or her supervision.
  - B. Parole Officers may search property of a third party (person not under supervision), where contraband or evidence related to the offender may be concealed, with consent of the third party (**Attachment #1**). Signed forms will be uploaded to the offender’s file in the Offender Information System (OIS).
  - C. Searches must be reasonable in scope and manner conducted. They must fall within state and federal laws, court rulings, and agency policy.
  - D. Property not seized during a search will be left in the same condition as found as nearly as possible.
  - E. Searches shall not be conducted by a single Parole Officer unless the safety of the Officer or others is at issue.
  - F. Unclothed body (strip) searches will be conducted within the limits as described in the definitions of this policy for safety, security, or to recover contraband suspected to be on the offender’s person. Prior approval from a supervisor should be secured with exceptions as defined for exigent circumstances. Unclothed body searches will be performed in a private area, by at least two (2) Parole Officers of the same gender as the offender or by law enforcement personnel, if available. Cross gender and transgender unclothed body searches should be completed by an Officer of the same anatomical make-up and external genitalia as the offender unless exigent circumstances exist.
  - G. Manual or instrument inspection of body cavities (anal or genital openings) shall not be conducted.

- II. Contraband as defined by this Policy Directive will be handled in a manner which preserves the chain of custody by the use of evidence bags and evidence tags.
  - A. Itemized receipts (**Attachment #2**) will be completed with a signed copy given to the offender whose property is taken and a copy uploaded to OIS.
  - B. Suspected controlled substances will be turned over to law enforcement whenever possible.
  - C. Items seized will be stored in a secure evidence area of the Parole Office or by law enforcement.
  - D. Contraband no longer needed for evidentiary purposes will be disposed of after review by the Director of Parole Services. A request for disposal should be made in writing describing the circumstances that make disposal a proper course of action and the method of disposal suggested.
- III. Searches will be documented in a violation report/matrix in the Offender Information System (OIS). Searches revealing no contraband or violations will be reported in case notes in OIS.
- IV. Searches without law enforcement assistance can be halted whenever evidence of a crime is discovered that may include, but not limited to, large amounts of illegal drugs, stolen merchandise, weapons, or evidence that the offender or others have committed serious crimes. The Officer, upon discovery, can halt the search, secure the suspected crime scene and inform law enforcement of what was found.
- V. In all cases of a planned property search, the participants will meet beforehand and plan the search considering the area to be searched, the likely persons to be found at the search location, and contingencies for their actions and the safety of all concerned.
- VI. Location of offenders during a search will be determined by available personnel. The offender can be allowed to remain in the area of search if adequate personnel are available to monitor his/her actions.

**ATTACHMENT(S):**

- #1 Consent to Search
- #2 Search Inventory and Property Receipt

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

  
Brad Douglas, Acting Commissioner

  
Date

**WV Division of Corrections & Rehabilitation  
Parole Services**

**Consent to Search**

To be used, when necessary, for searches of third party (persons not under supervision) property, where contraband or evidence related to the offender may be concealed.

I, \_\_\_\_\_, hereby consent to permit  
\_\_\_\_\_, Probation & Parole Officer for the Division  
of Corrections & Rehabilitation to search my \_\_\_\_\_.

My consent is freely and voluntarily given, and I understand that I am not required to consent to the search but do so to facilitate the work of Parole Services.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Probation/Parole Officer Signature

\_\_\_\_\_  
Date

