
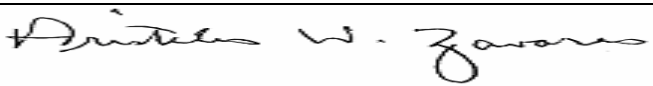


<u>ADMINISTRATIVE REGULATION</u>		REGULATION NUMBER 300-06	PAGE NUMBER 1 OF 11
		CHAPTER: Facility Security	
COLORADO DEPARTMENT OF CORRECTIONS		SUBJECT: Searches and Contraband Control	
RELATED STANDARDS: ACA Standards 2-CO-3A-01, 2-CO-3C-01, 4-4192 through 4-4194, 4-4207, 4-4282 and 4-4494		EFFECTIVE DATE: September 24, 2010	
		SUPERSESION: 11/20/09	
OPR: DRDC	REVIEW MONTH: March	 Aristedes W. Zavaras Executive Director	

I. POLICY

***It is the policy of the Department of Corrections (DOC) to provide for searches of facilities and offenders to control contraband and provide for its disposition. [2-CO-3A-01] [2-CO-3C-01] [4-4192]***

II. PURPOSE

The purpose of this administrative regulation (AR) is to define contraband, contraband disposition, and various types of searches, and provide ***guidelines for conducting searches. [2-CO-3C-01] [4-4494]*** ***The DOC provides for preservation, control, and disposition of all physical evidence obtained in connection with a violation of law and/or facility regulation. [4-4207]***

III. DEFINITIONS

- A. Body Cavity Search: Consists of a manual or instrument inspection of an offender's body cavities.
- B. Canine (K-9) Search: A search utilizing canines provided by the Inspector General's Office (IGO) K-9 Unit.
- C. Contraband: Any item that a DOC employee, contract worker, volunteer, visitor, or offender is not specifically authorized to have in his/her possession; any item that has been altered and/or is being used for other than its intended purpose (this does not include reading materials, refer to AR 300-26, *Offender Reading Material*); any item(s) over the three cubic foot allowable personal property limit; any item listed in the "Consent to Search Authorization"; any item listed in the Code of Penal Discipline; any item listed on the administrative head's "Declaration of Contraband"; and any item that may threaten the safety and security of a DOC facility, DOC employees, contract workers, volunteers, offenders, or visitors or any item listed as contraband in an administrative regulation, implementation/adjustment or operational memorandum.
- D. Contraband Custodian: Each administrative head will designate a DOC employee who maintains custody or care of all physical evidence, excluding crime related physical evidence, dangerous contraband, and dangerous drugs. The contraband custodian is the inventory record keeper of the items held in custody and ensures documentation of the chain of evidence is secure and properly completed.
- E. Contract Worker: Any person employed under contractual arrangement to provide services to the DOC: any person employed by private or public sector agencies who is serving under DOC special assignment to provide services or support to DOC programs. The employee/employer relationship lies with the contractor. All Department agreements are for a specified period and are renewable.
- F. Crime Related Physical Evidence: Dangerous contraband and dangerous drugs are considered crime related physical evidence. Each inspector general (IG) investigator is the custodian of the crime related physical evidence.

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- G. Disability: Pursuant to the Americans with Disabilities Act (ADA) and Rehabilitation Act, the term “disability” means “(1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment.” 42 USC § 12102(2); 29 USC § 29 USC § 794(d); 29 USC § 705(9)(B).
- H. DOC Employee: Someone who occupies a classified, full or part-time position in the State Personnel System in which the Department has affect over pay, tenure, and status.
- I. Dry Cell: A cell designated to securely house an offender without plumbing fixtures or plumbing fixtures that are capable of being shut off.
- J. Dry Cell Watch: The process of continuous observation of an offender by Custody/Control in an effort to obtain and search an offender’s bodily wastes to determine that an offender may have ingested/swallowed contraband or otherwise concealed contraband within his/her body.
- K. General Area Search: Search of any area such as visiting areas, living units, work rooms, corridors, classrooms, elevators, storage areas, grounds, or any common areas not specifically assigned to an offender.
- L. Health Care Appliances: Property items that are for the specific purpose of treating an illness, aid in treating an illness, or adapting to an illness or handicap. These items must be ordered and/or approved by Clinical Services. Health care appliances include, but are not limited to: orthopedic prostheses, orthopedic braces or shoes, crutches, canes, walkers, hearing aids, prescription eyeglasses, artificial eyes, dental prostheses, breathing devices, personal wheelchairs, and gloves for wheelchair use only.
- M. Intimate Parts: The external genitalia, perineum, anus, buttocks, pubes, or the breast of any person. For the purposes of this administrative regulation and the implementation of strip search, intimate parts as cited in 18-3-401(2), CRS (2008), breasts are considered intimate parts of female and transgender offenders, but not male offenders.
- N. Metal Detector Search: Search by any stationary or hand held electronic metal or substance sensing device used for detection of contraband.
- O. Pat Search: Consists of the removal of outer protective clothing, the emptying of pockets, the physical search of an offender or visitor, screening by any device that does not require disrobing, and the inspection of papers, bags, books, or other items being carried. Pat searches of male offenders may be conducted by DOC employees or contract workers of either sex; female offenders may only be pat searched by female DOC employees or contract workers, unless a cross-gender pat search is necessitated by an emergency or immediate security concern.
- P. Perimeter Search: Search of areas outside of the correctional facility such as parking lots, delivery areas, reception areas, yards, fields, and perimeter fence areas.
- Q. Physical Evidence: Any physical material that may serve as proof in establishing that a crime or violation of the Code of Penal Discipline has been committed.
- R. Strip Restraints: Specifically manufactured hand restraints attached to a belly chain and secured to the offender with a padlock. These restraints limit the range of motion of the offender’s arms.
- S. Strip Search: Consists of an offender removing all clothing to permit a visual inspection of all body cavities (mouth, under the tongue, nose, ears, and anus), genitals, breasts, buttocks, bottoms of the feet, and hair.
- T. Vehicle Search: The visual and physical search of a vehicle.
- U. Volunteer: A person approved by Faith and Citizen Programs and the respective facility administrative head/designee to provide services without compensation for DOC correctional programs.

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#### IV. PROCEDURES

##### A. General

1. Searches are conducted to detect and prevent the introduction of contraband, to recover missing or stolen property, and to prevent escapes and other disturbances.
2. Frequent, unannounced searches of offenders, housing units, and other areas of the facility will be conducted, as often as necessary, to ensure the safety and security of the facility.
3. Searches will be accomplished respectfully and conducted in a manner to avoid unnecessary force, destruction of property, or embarrassment to the public, visitor, or offender.
4. DOC employees may conduct and log searches of any areas of the facility or DOC property, as determined by the appointing authority, or designee.
5. Offenders who have a disability that prevents the employment of standard search methods shall be afforded reasonable accommodation under the direction of the supervisor in charge. Such searches shall be thorough and professional, with safety and security being the paramount concern. If a search requires removal of a health care appliance, a compliant offender shall be allowed to remove the appliance and render it to the DOC employee doing the search. If forcible removal of an appliance is necessary, it shall be removed in the presence of qualified medical DOC employees or contract workers, unless the situation involves an emergency.

##### B. Consent to Search

1. All persons entering DOC facilities will sign a "Consent to Search Authorization" form (see AR 300-01, *Offender Visiting Program*, Attachment "B") prior to facility entry.
2. All DOC employees, contract workers, and volunteers are required to have a signed "Consent to Search Authorization" form on file.
3. Visitors of offenders will obtain the "Consent to Search Authorization" form from the processing area.
4. Failure to sign the "Consent to Search Authorization" form shall prohibit that person from entering DOC facilities.

##### C. Searches Related to Crimes

1. ***The DOC shall govern all searches and the preservation of evidence when an offender is suspected of a new crime. Such searches are authorized only by the administrative head, or designee, unless immediate action is necessary. In such cases the administrative head, or designee, is fully informed as soon as possible after the search. [4-4282]***
2. The crime scene area will be immediately secured, contained, isolated, and treated as a crime scene until IG investigators take control of the scene, are able to conduct a search, and declare the area secure, in accordance with administrative regulation 1150-07, *Crime Scene Management and Criminal Evidence Handling*.
3. When a crime is alleged to have occurred, DOC employees shall conduct searches of offenders, their living units, or work locations, incidental to a crime.
4. Only the IG investigator may authorize the release of the crime scene area.

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- D. **Body Cavity Searches:** DOC Clinical Services DOC employees or contract workers will not perform body cavity searches or administer any medication *designed solely for the purpose* of obtaining forensic material, except in extenuating circumstances.
1. ***An IG investigator, in conjunction with the facility warden or designee, shall determine if the offender will be transported to a medical facility for a body cavity search or other forensic evidence collection. The facility will coordinate the arrangements to transport the offender to a medical facility. Clinical services will clear the offender medically for transport. [4-4193]***
  2. If a court order is issued directing the administration of an oral laxative to an offender, Clinical Services may order and administer the laxative if the offender is willing. If the offender is not cooperative, the offender will be transported to a medical facility where the laxative will be administered involuntarily. The IG investigator will notify the facility warden or designee, who will make the necessary arrangements to transport the offender to a medical facility. Clinical services will clear the offender medically for transport.
- E. **Dry Cell Watches:** When there is reason to believe that an offender has obtained contraband and swallowed or ingested it, or otherwise concealed it within his/her body, in order to avoid detection of the item or substance, the offender may be locked in a dry cell for the purpose of capturing and inspecting contraband.
1. When circumstances compel placement of an offender in a dry cell, a DC Form 600-01A, "Removal from Population" will be initiated.
  2. Verbal approval for the placement must be obtained from the administrative head, or designee, prior to an offender's placement in a dry cell. The Prison Operations duty officer and Office of the Inspector General will be notified of all dry cell watches, in accordance with administrative regulation 100-07, *Reportable Incidents*.
  3. An incident report documenting the reason for the dry cell placement will be completed and attached to the "Removal from Population" form, prior to forwarding it to the administrative head for ratification within 24 hours of the placement. The shift commander will ensure AR Form 300-06D is completed and obtain all necessary signatures.
  4. The offender will be placed under direct observation at all times by DOC employees. Offenders will be placed in strip restraints and strip searched. Male offenders will be placed in orange jumpsuits and female offenders will be placed in orange pants and a T-shirt. The pant legs will be taped at the ankles. The offender's hands and restraints will be visible at all times. An offender will be allowed to lie down on the bunk between 10:00 p.m. and 6:00 a.m.
    - a. The "Dry Cell Observation Log" (AR Form 300-06E) will be maintained.
    - b. Lighting in the cell shall be reduced during offender sleeping times as long as offender hands, restraints, and movements can still be observed by DOC employees. The offender will be issued a mattress and pillow between 10:00 p.m. and 6:00 a.m. The appointing authority must grant approval if the mattress and pillow are withheld.
    - c. The offender's wrists will be wrapped in gauze and taped to ensure minimal abrasions from the wrist restraints. Leg restraints will not be utilized unless the offender's behavior is at a level of disruption that leg restraints are needed for DOC employee safety and security or to prevent destruction of contraband/evidence.
    - d. Strip searches will occur during initial placement, after each bowel movement, and at shift change.
    - e. A video camera will be positioned outside the observation area to be utilized during offender bowel movements. Strip restraints will remain on the offender during this process. Offenders will be allowed to wash their hands following bowel movements.
  5. Clinical Services DOC employees or contract workers will be advised of the dry cell watch and shall monitor the physical health of the offender. If Clinical Services is not on site, the offender will be transported to the hospital for evaluation.

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- a. An initial assessment will be made of the offender's health by Clinical Services DOC employees or contract workers, prior to placement in the dry cell watch location. The offender will be advised of medical complications that could occur if contraband was ingested. Offenders refusing recommended medical treatment shall sign the "Offender Refusal for Recommended Treatment of Ingested Contraband" form (AR Form 300-06C).
- b. Clinical Services DOC employees or contract workers will determine whether the offender should be moved to an off-grounds medical facility. If the offender remains at the facility, Clinical Services will evaluate whether the administration of a laxative is medically necessary to protect the health and safety of the offender. If appropriate, the offender will be offered a laxative and then evaluated daily to determine if the administration of further laxatives is medically necessary. Laxatives will be administered by Clinical Services DOC employees or contract workers.

If the offender refuses laxatives, the Office of the Inspector General will be contacted and pursue obtaining a court order for the administration of laxatives.

- c. Clinical Services DOC employees or contract workers will make daily visits to offenders on dry cell watch during each shift the clinic is staffed. During this time, the offender will receive any routine medications or health care treatments.
  - d. If a DOC employee detects any change in the offender's mental or physical condition, Clinical Services will be notified immediately.
  - e. If a drug test is obtained and tests positive for dangerous drugs during the dry cell watch, Clinical Services will be notified immediately.
  - f. When the dry cell is concluded, the offender will be evaluated by a Clinical Services DOC employee or contract worker and an anatomical form completed.
6. Dry cell watches must be concluded within 72 hours, but may be extended for a maximum of 48 hours at the discretion of the appointing authority and the approval from the appropriate deputy director of Prisons. Extensions of the timeframes outlined must be approved by the director of Prisons.
  7. All appropriate documentation and/or incident reports are to be completed and processed as soon as possible after completion of the dry cell watch. An "Incident After Action Report" (AR Form 100-07D) will be completed and copies forwarded to the incident review officer, along with copies of any incident reports and logs for the dry cell watch.

#### F. Strip Searches

1. ***A strip search, including a non-invasive visual inspection of offender body cavities, shall be conducted based on a reasonable belief that the offender is carrying contraband or other prohibited material. Reasonable belief is not required when offenders return from contact with the general public or from outside the facility. Such searches will be conducted by a DOC employee of the same sex as the offender being searched, except in emergency conditions. [4-4194]***
2. All offenders are subject to a strip search at any time.
3. All offenders who come from the visiting room shall be subject to a strip search.
4. Strip Search Privacy: ***The strip search is conducted by trained DOC employees in a private location and in a respectful manner [4-4194]***

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- a. When a strip search is conducted in-cell, privacy shall be maintained by ordering the offender(s) who is/are not being strip searched to face away from the offender who is undergoing the strip search.
    - 1) Use of privacy screens for in-cell strip searches is not required.
    - 2) Other offender(s) assigned to the cell are not required to be removed from the cell during the strip search.
  - b. Planned Strip Searches (Mass Strip Searches) of More than One Offender Performed in a Common Area: Privacy shall be maintained by use of a privacy screen, barrier, or other appropriate location. Examples include, but are not limited to, mass facility transfers/transports, facility-wide search, and facility reentry of offender work crews.
    - 1) The privacy screen, barrier, or other appropriate location is intended to allow correctional officers to conduct a thorough and complete strip search, but will prevent intimate parts of the offender from being exposed to other offenders or employees not conducting or supervising the search or providing security for the strip search.
    - 2) In emergency situations when the use of the privacy screen would compromise prison security, the privacy screen will not be utilized.
  - c. Strips searches conducted in a common area shall be performed behind a privacy screen or barrier whether one offender is searched or multiple offenders are searched.
5. Strip Search Procedures:
- a. When possible, a flashlight will be utilized throughout the strip search procedure to enhance the visual inspection.
  - b. Offender will remove all clothing, headgear, and undergarments and stand clear while clothing is searched by a DOC employee. Medical dressings will be physically searched. If it is determined that a medical dressing needs to be removed, then Clinical Services shall be contacted for removal.
  - c. Hair will be searched by having offenders run their fingers through their hair. If braids, ponytails, dreadlocks, or any other hairstyle interferes with the search, offenders may be expected to remove the braids, etc., to ensure no contraband is in the hair. If offenders refuse to remove the braids, the hair may be cut, in accordance with AR 850-11, *Hygiene and Grooming*.
  - d. If a female offender is wearing a tampon or sanitary pad, it must be removed and disposed of. A new sanitary pad will be given to the offender upon completion of the strip search.
  - e. DOC employees will visually inspect the offender's hair, ears, nose, mouth, hands/fingers, armpits, breasts, body fat/rolls of skin, belly button, front of body, pubic hair, feet/toes, and back of body.
  - f. Male offenders will be required to lift genitalia and pull back foreskin of penis, if applicable, for visual inspection.
  - g. Female and transgender offenders will be required to lift their breasts to provide a clear view of the chest area.
  - h. With their back toward the DOC employee, the offender will squat and cough as directed.
  - i. With their back toward the CDOC employee, offenders will bend forward at the waist and separate buttocks.
    - 1) DOC employees will look for any foreign objects or contraband.

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- 2) DOC employees must be able to clearly see the rectal area of the male offender and both the rectal and vaginal areas of the female offender.
- j. Pregnant offenders who are unable to perform standard strip search procedures shall be afforded reasonable accommodation under the direction of the supervisor in charge.
- 1) Such searches shall be thorough and professional, with safety and security being the paramount concern.
  - 2) Upon return to the facility after childbirth, offenders are entitled to have a Clinical Services employee present during any strip search.
- k. Strip search of offenders who have a disability shall be in accordance with sections IV.A.5. and IV.H.6.
- 1) Offenders who have a disability shall not be required to lay or sit on extremely hot or cold surfaces to perform strip search maneuvers.
  - 2) Offenders who use health care appliance(s), who have severe mobility impairments and are unable to perform standard unclothed body search maneuvers, shall be afforded reasonable accommodation to ensure a thorough visual inspection.
  - 3) If the search includes removal or disassembly of a health care appliance, it shall be conducted in a clean setting.
- G. Other searches will be conducted on a random and regular basis. Offender pat searches shall be authorized at the discretion of any DOC employee, contract worker, or volunteer at any time. The offender will be required to remove all objects from his/her pockets and submit them to the searching officer for visual inspection.
- H. Living Unit Searches
1. All common areas of the living unit will be searched for contraband and unauthorized items at a minimum of once each week. A search log will document the cells and common areas searched and establish a record of the searches. This log will be kept on file for a period of three years.
  2. On a daily basis, at least four cells will be searched within the living units by DOC employees.
  3. Cells shall be searched and inspected prior to occupancy or upon the permanent move of the offender from that cell.
  4. When feasible, two DOC employees will be present to perform searches together.
  5. All cells will be searched at least once per quarter.
  6. Complex healthcare devices shall be disassembled for inspection only when there is a reasonable cause to believe the offender has concealed contraband inside the device. Provisions shall be made for the device to be reassembled, if possible, or a new device will be provided.
- I. All other areas will be scheduled for searches at a minimum of a quarterly basis. The supervisor of the area, the Custody/Control manager, or shift commander will determine the date(s) of the search. The Custody/Control manager will maintain the documentation on file.
- J. K-9 Searches: Upon request from the administrative head, or designee, K-9 searches will be conducted by the Inspector General's Office (IGO) K-9 Unit. Routine, unannounced canine searches will be conducted on visitors' vehicles.

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- K. Vehicle Searches: All vehicles entering or leaving a DOC property are subject to search. The administrative head, through local operational memorandum, shall define authorization for random and routine search of all vehicles on state property. All vehicles must be locked. All items that could be construed as a security risk shall be secured in a safe manner. DOC employees shall adhere to operational memorandum in securing weapons and ammunition.
- L. Visiting Area Searches: Immediately before and after visiting hours, DOC employees assigned to the visiting area will conduct a thorough search to detect any contraband. Offenders and visitors will not be permitted in the area until the search is completed. Visitors and offender searches will be in accordance with AR 300-01, *Offender Visiting Program*.
- M. All persons entering DOC facilities may be required to submit to a metal detector search, which does not require disrobing or touching.
- N. DOC Employee/Contract Worker/Volunteer Searches: All DOC employees, contract workers, and volunteers are subject to search as follows:
1. Upon entry into the facility through a metal detector and a visual search of items being carried into the facility.
  2. Further search of person or belongings must be authorized by the administrative head.
  3. Should a pat/strip search of a DOC employee, contract worker, or volunteer be authorized, it shall be conducted by a DOC employee of the same sex in a private location.
- O. Facility Shakedown and Drug Interdiction: At a minimum, correctional facilities shall complete one facility shakedown of all areas **and** one drug interdiction annually. Any facility shakedowns subsequent to major incidents will count as a facility shakedown for that year.
- P. Contraband Storage
1. ***Each facility shall provide a secure area for the storage, preservation, and control [4-4207] of contraband until the contraband is lawfully and properly disposed of.***
  2. ***Proper security resources will be utilized to hold, maintain, and preserve physical evidence until it is properly disposed of. [4-4207]*** This may include, but not be limited to, an evidence locker with proper locking devices.
  3. ***The following items will be secured in an IGO locked evidence box located in a secure area within the facility until the IG investigator takes custody: [4-4207]***
    - a. Dangerous drugs.
    - b. Drug paraphernalia.
    - c. Weapons.
    - d. Money or any coin of U.S. or foreign currency or any written instrument of value.
    - e. Any item that may be evidence in a criminal trial.
  4. ***All other contraband/evidence will be secured in a facility evidence/contraband location, [4-4207]*** as defined by facility policies.
  5. All contraband will be recorded on a contraband log. The contraband log shall be retained as follows:
    - a. Prior fiscal year on file plus current fiscal year.
    - b. Three years in storage after final disposition.



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- Q. When a cell is searched, a “Shakedown List” (DC Form 300-06A) will be completed. If items are confiscated they will be listed; if an item is not confiscated the contraband slip will reflect such. The yellow copy goes to the offender as a receipt and the original goes to the living unit DOC employee in charge so that it can be logged on the living unit log.
- R. When contraband has been found or confiscated from an offender, an incident report describing when and where the contraband was found and a PCDCIS evidence report will be completed. A “Contraband Card” (DC Form 300-06B) may be utilized in place of the PCDCIS evidence report when a computer is unavailable. Nuisance contraband may not require an incident report and/or contraband card, at the discretion of the administrative head. Any contraband that is wet, contains body fluids, or may require retrieval of a fingerprint shall be placed in a paper evidence bag. Narcotics should be sealed in a plastic bag. Contraband that can stick, e.g. razor blades, syringes, needles, etc. should be placed in a sharps container. All physical evidence will be handled in accordance with AR 1150-07, *Crime Scene Management and Criminal Evidence Handling*. Censorable reading material considered contraband will be forwarded to the facility reading committee for review pursuant to AR 300-26, *Offender Reading Material*.
- S. **Disposition of Contraband: [4-4494]** Upon determination that an item is contraband the item will be confiscated and disposed of as follows:
1. In the event the contraband is to be kept for possible criminal charges, the item(s) will be processed as physical evidence pursuant to AR 1150-07, *Crime Scene Management and Criminal Evidence Handling*. The Inspector General’s Office will make final disposition of evidence taken into its possession.
  2. Nuisance contraband will be logged. It may then be disposed of at the discretion of DOC employees, in accordance with facility policy.
  3. After logging, food items may be delivered to Food Services for determination of restitution value and disposition.
  4. All other items will be logged and stored in accordance with facility policies.
  5. If it is determined that the contraband will not be used as criminal or COPD evidence, the contraband will be disposed of as follows:
    - a. Clinical Services will be notified of any medical appliances that may belong to DOC rather than the offender, to include durable medical equipment, linens, medical supplies, etc. Clinical Services will determine appropriate disposition.
    - b. Tokens are not to be destroyed. Any tokens that are confiscated as contraband will be returned to the offender canteen fund at the conclusion of any administrative or investigative proceedings.
    - c. The shakedown slip will act as written notice that the offender has ten calendar days from that date to provide the property control officer with the desired disposition, with the exception of reading materials being forwarded to the committee for review.
      - 1) If an offender can prove ownership and the item does not in and of itself present a security or safety threat, he/she may be allowed to mail the item(s) to an address outside of DOC at his/her own expense. If an offender does not have the available funds to mail the item out within ten calendar days of notice, the item(s) will be destroyed in accordance with this policy.
      - 2) Items of contraband that in and of themselves do not present a security or safety threat may be donated. The item may be donated to a charitable organization; donation procedures must be defined by facility policies. Items not accepted by the designated charity will be destroyed in accordance with this AR.

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- 3) The item may be destroyed. Disposal/destruction must take place outside of the facility where offenders cannot retrieve the item and must be logged on the contraband log as to items, date, time, manner, and place of disposal. The destruction of contraband must be witnessed by two DOC employees; both must initial or sign the contraband log.
  - 4) Offenders will not be required to determine disposition of censorable reading materials until all time frames for appeal have expired, as referred to in AR 300-26, *Offender Reading Material*.
- d. In the event the offender does not cooperate by designating the method of disposal within the allotted time frame, the property will be disposed of by DOC employees. The Custody/Control manager will ensure that all contraband that is not to be used as evidence in a criminal trial is destroyed at least every six months.
6. Once an item has been sent outside of the DOC, re-entry will not be allowed, unless the item was sent out of the facility for approved repair or written approval was given by the administrative head.

T. Dangerous Drugs

1. An IG investigator or Custody/Control manager, or designee, will field test all suspected drugs and report the findings to the DOC employee, contract worker, or volunteer responsible for initiating disciplinary action. Only an amount of the suspected drugs necessary to perform a field test will be used in the test kit. In no case will all of the suspected drugs be consumed by the field test. The suspected drugs, properly marked as evidence, will then be placed in the IG investigator's box for further disposition.
2. The facility contraband custodian or IG investigator will retain all contraband, or evidence, until it is no longer needed for legal action, in accordance with AR 1150-07, *Crime Scene Management and Criminal Evidence Handling*.
3. Dangerous drugs and dangerous contraband confiscated by correctional DOC employees will be properly marked, packaged, and placed in the IG investigator's locked evidence box. The IG investigator will retrieve the deposited items from the locked evidence box in a timely manner. The IG investigator is responsible for dangerous contraband, evidence, accountability, and inventory control of those items turned over to the IG investigator.

U. COPD Hearings

1. No dangerous contraband, dangerous drugs, or criminal evidence shall be present at a COPD hearing. Photocopies of weapons, field tests results, and laboratory results for drugs may be used as evidence.
2. The facility disciplinary officer will ensure that all evidence that is necessary for the COPD hearing is present. The disciplinary officer will document the removal of the evidence for the hearing. The contraband will be returned to the secure location until such time as it will be disposed.
3. All disciplinary hearing evidence shall be maintained for a minimum of 90 days and then disposed of in accordance with section IV.S. of this administrative regulation.
4. In the event the disciplinary hearing divulges that a felony has been committed, the facility contraband custodian will turn over all evidence, as well as all original reports and the chain of custody form, to the IG investigator for appropriate action.

V. RESPONSIBILITY

- A. Administrative heads shall:

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1. Establish and publish a "Declaration of Contraband."
2. Review and make recommendations regarding this regulation annually, or as needed.
3. Ensure facility DOC employees are trained in proper search techniques, contraband control, and evidence handling.
4. Ensure DOC employees, contract workers, and volunteers are aware of procedures in this administrative regulation.
5. Ensure the security of search schedules and techniques.
6. Develop and publish written facility guidelines for the reporting and disposition of nuisance contraband.

- B. The Denver Complex warden is responsible to ensure this ***policy is made available to DOC employees, contract workers, volunteers, and offenders and is reviewed, at least annually, and updated if necessary. [2-CO-3A-01] [4-4192]***

#### VI. AUTHORITY

- A. CRS 17-20-102. Administration of correctional facilities - wardens - reports.
- B. CRS 17-20-103. Wardens and others - conservators of peace.
- C. CRS 18-18-102(5), and CRS 18-8-203, 204, 204.1, and 204.2. UNIFORM CONTROLLED SUBSTANCES ACT OF 1992.
- D. ADA Litigation Remedial Plan 8/27/04: Chapter XXIII-1; XXIII-2; XXIII-3; XXIII-4; XXIII-5.
- E. New Times Settlement Agreement - Dated: January 17, 2005.
- F. CRS 18-3-401(2) (with clarification).
- G. Federal Mass Strip Search Litigation, U.S. District Court Case No. 07-cv-01711-REB-MJW

#### VII. HISTORY

September 1, 2009  
August 1, 2008  
August 1, 2007  
May 1, 2007  
September 1, 2006  
August 1, 2006  
December 15, 2005  
August 1, 2005  
June 15, 2005  
June 15, 2004  
June 15, 2003

- ATTACHMENTS:
- A. DC Form 300-06A, Shakedown List
  - B. DC Form 300-06B, Contraband Card
  - C. AR Form 300-06C, Offender Refusal for Recommended Treatment of Ingested Contraband
  - D. AR Form 300-06D, Dry Cell Watch
  - E. AR Form 300-06E, Dry Cell Observation Log
  - F. AR Form 100-01A, Administrative Regulation Implementation/Adjustments



**CONTRABAND CARD**

**DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ (AM) (PM)

**ITEM:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WHERE FOUND:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OWNER POSSESSOR:** \_\_\_\_\_

**REMARKS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOUND BY (SIGNATURE):** \_\_\_\_\_

COLORADO DEPARTMENT OF CORRECTIONS  
CLINICAL SERVICES

**Offender Refusal for Recommended Treatment of Ingested Contraband**

I \_\_\_\_\_, have been informed by medical DOC employees or contract workers, that specialized medical treatment has been recommended for me. The ingestion of certain drugs such as cocaine, amphetamines, and heroin, can cause respiratory arrest, seizures, and death. The community standard of care mandates treatment in a facility that can deal with these potential emergencies. I am refusing to accept this care and am aware there may be severe adverse medical outcomes to my decision, including death. I am also aware that if I refuse this course of treatment, I will be placed in a dry cell. If a medical emergency occurs in the dry cell, Medical will be summoned, but despite appropriate medical care, I may have a grave medical outcome, including death.

Offender's Signature: \_\_\_\_\_ DOC #: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Witnessed By: \_\_\_\_\_

**DEPARTMENT OF CORRECTIONS  
DRY CELL WATCH**

Offender Name:	DOC#:	Date:
Reason for Dry Cell Watch:		
Describe Offender Behavior:		
Describe Dry Cell Watch Conditions:		
<u>Restraints</u>		
<input type="checkbox"/> Strip Restraints <input type="checkbox"/> Strip Restraints with Leg Irons		
<u>Clothing</u>		
<input type="checkbox"/> Orange Jumpsuit (taped at ankles) <input type="checkbox"/> Orange Pants (taped at ankles) with T-shirt <input type="checkbox"/> Socks		
<u>Cell Conditions</u>		
<input type="checkbox"/> Mattress <input type="checkbox"/> Blanket <input type="checkbox"/> No mattress/blanket per Appointing Authority		
Clinical Services Evaluation:		
Signature:		Date:
Health Services Administrator Signature:		Date:
Custody/Control Mgr. Signature:		Date:
Warden Signature:		Date:
Date Dry Watch Cell Initiated:		
24 HR REVIEW	Shift Commander:	Date:
	Custody/Control Manager	Date:
	Warden:	Date:
48 HR REVIEW	Shift Commander:	Date:
	Custody/Control Manager:	Date:
	Warden:	Date:
72 HR REVIEW	Shift Commander:	Date:
	Custody/Control Manager:	Date:
	Warden:	Date:

**DRY CELL OBSERVATION LOG**

OFFENDER NAME _____	DOC# _____	LOCATION _____
Dry Cell Implemented: _____	_____	_____
(Date)	(Time)	(Signature)
Dry Cell Lifted: _____	_____	_____
(Date)	(Time)	(Signature)

**ACTIVITY LOG**

(including clinical services visits, medication, meals eaten, periods of sleeping, changes in restraints, showers and all refusals etc.)

DATE	TIME	COMMENTS	DOC EMPLOYEE SIGNATURE



ADMINISTRATIVE REGULATION  
IMPLEMENTATION/ADJUSTMENTS

AR Form 100-01A (04/15/08)

CHAPTER	SUBJECT	AR #	EFFECTIVE
Facility Security	Searches and Contraband Control	300-06	09/24/10

(FACILITY/WORK UNIT NAME) \_\_\_\_\_

WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN    NOT APPLICABLE    WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT  
OF THE AR

(SIGNED) \_\_\_\_\_ (DATE) \_\_\_\_\_

Administrative Head