

Idaho Department of Correction 	Standard Operating Procedure Division of Community Corrections Offender Management	Control Number: 317.04.02.001	Version: 2.2	Page Number: 1 of 6
		Title: Searches of Offenders		Adopted: 10-9-2001 Reviewed: 2-8-2010 Next Review: 2-8-2012

This document was approved by Kevin Kempf, chief of the Division of Community Corrections, on 2/8/10 (signature on file).

BOARD OF CORRECTION IDAPA RULE NUMBER

[None](#)

POLICY STATEMENT NUMBER 317

[Searches of Offenders](#)

POLICY DOCUMENT NUMBER 317

[Searches of Offenders](#)

DEFINITIONS

[Standardized Definitions List](#)

Body Cavity Search: A manual or instrument inspection of an offender's anal or vaginal cavity conducted by a qualified health professional.

Clothed Body Search: A search during which an offender is not required to remove his clothing, with the exception of such items as jacket, hat, socks and shoes.

Community Supervision: The regular, systematic control and guidance of offenders who are (1) placed on probation or parole or (2) under the jurisdiction of the courts and/or Commission of Pardons and Parole.

Offender: A person under the legal care, custody, supervision, or authority of the Board, including a person within or without the State pursuant to agreement with another state or contractor.

Parolee: An offender who (1) is released from a facility by the paroling authority prior to the completion of his sentence, (2) agrees to comply with certain conditions established by the paroling authority, and (3) remains under the control of a probation and parole officer (PPO) for the established period of supervision.

Probationer: An offender who the courts allow to continue to live and work in the community--instead of being sent to prison--while being supervised by a probation and parole officer (PPO) for an established period of time.

Search—Community Corrections: An inspection conducted by a probation and parole officer (PPO), acting under legal authority, of an offender's person, premises, or vehicle, to include while visiting Idaho Department of Correction (IDOC) facilities.

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Unclothed Body Search: A search during which an offender is required to remove all clothing.

Warrant: A document issued by an officer of the court authorizing a probation/parole or law enforcement officer to perform a specified action.

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish standards and provide guidance for searches of offenders placed under the jurisdiction of the Idaho Department of Correction (IDOC), Division of Community Corrections.

SCOPE

This SOP applies to all staff members involved in the supervision and management of probationers and parolees under the jurisdiction of the IDOC.

RESPONSIBILITY

Chief of Division of Community Corrections

The chief of the Division of Community Corrections (or designee) has oversight responsibility for offender supervision.

District Managers

District Managers are responsible for implementing this SOP and for ensuring staff members practice the procedures and guidelines found herein.

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GENERAL REQUIREMENTS

1. Authority

Offenders under the supervision of the IDOC are subject to searches without warrants to determine their compliance with the conditions of supervision. Offenders waive their Fourth

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Amendment rights by order of the Court, Commission of Pardons and Parole, or the Community Corrections Agreement of Supervision.

Searches of offenders and non-offenders may include, but are not limited to, persons, residences, vehicles, and other personal property.

Pursuant to administrative rules of the Board of Correction, [Section 510](#), *Searches of Persons and Vehicles Entering Department Facilities*, all persons entering IDOC offices are subject to search.

2. Preliminary Steps

Probation and parole officers (PPOs) must have reasonable belief that the residence or property to be searched is inhabited or controlled by the offender.

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Probation/Parole Officer	1	Ensure reasonable belief exists and the residence or property to be searched is inhabited or controlled by the offender.
Probation/Parole Officer	2	Request approval from the district manager (or designee) to conduct a planned search. (Proceed to step 3.) <ul style="list-style-type: none"> Note: If the district manager (or designee) is not available, advise him <u>within 24 hours</u>, and proceed to step 4.
District Manager or Designee	3	Approve or deny the request to conduct the planned search.
Probation/Parole Officer	4	Document in the Corrections Integrated System (CIS), under <i>case update</i>, whether or not the district manager (or designee) was advised of the planned search and/or whether or not he granted approval to conduct the planned search.

For further assistance with CIS, see your designated CIS super user.

3. Restrictions

Unless the offender is the sole occupant, owner, or tenant of the location, only those areas occupied by the offender and those areas of common habitation may be searched. PPOs will obtain the property owner's permission or utilize law enforcement and search warrants before searching third-party property.

Forced Entry

PPOs are restricted from forcing entry into homes, which includes entering residences through (1) unlocked doors and windows, (2) obtaining the assistance of a landlord, property manager, realtor, or janitor, or (3) the use of master keys. For exceptions to this rule, see [section 5](#) below.

4. Non-offenders

PPOs will frequently encounter non-offenders during the course of their duties. It is essential for the PPO to ensure the rights of non-offenders are protected, while at the same time take

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the necessary precautions to ensure staff and offender safety. As a result, PPOs may place non-offenders in restraints when concerned about their or the offender's safety.

When conducting the search, PPOs may ask non-offenders who are in the residence to leave. If the non-offenders refuse and the PPO has reasonable suspicion that the non-offenders may pose a danger to his or the offender's safety, the PPO may conduct a clothed body search (for only the purposes of finding weapons) on the non-offenders and place them in restraints.

5. Pre-search Briefing and Safety

Safety is the most important consideration in conducting a search. All participating staff members will wear all of their issued use of force equipment (see SOP [307.04.02.001](#), *Use of Force: Community Corrections*). Safety will not be sacrificed in the pursuit of evidence.

The PPO shall assess and evaluate the dangers imposed in searching the residence, taking into account the number of offenders and non-offenders and the presence of alcohol or drugs. The PPO must then determine whether or not to disengage from the residence.

Planned searches should have law enforcement assistance, when possible.

Due to the inherent danger in forcing entry into a residence, PPOs will not enter a residence unless an occupant of the home answers the door, or the well-being of the offender, or others, is in imminent danger. The district manager (or designee) must approve any exceptions.

For the purpose of officer safety, the residence must be cleared before beginning a search. Non-offender controlled rooms may be checked for persons hiding therein. Locked doors, that the offender does not have access to will not be breached without the property owner's permission.

6. Interaction with Offenders and Non-Offenders

Staff members will show respect for offenders, non-offenders, and their personal property at all times. PPOs will model pro-social behavior and conduct searches in professional manner.

7. Planned Search Process Steps

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Probation/Parole Officer	1	Arrange for other officers and law enforcement to assist, if available.

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Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Probation/Parole Officer	2	<p>Conduct a pre-search briefing to include:</p> <ul style="list-style-type: none"> • The purpose of the search; • A description (provide photographs if available) of the offender, co-habitants, vehicles, and property; • Directions and/or a map to the search location; • Possible danger areas such as weapons, animals, gang activity, mental health issues, or criminal record; and • Search assignments, such as: <ul style="list-style-type: none"> ◆ Covering exits ◆ Evidence documentation and collection ◆ Making verbal commands ◆ Conducting clothed body searches and handcuffing ◆ Perimeter control ◆ Offender transport, if necessary ◆ Radio communication ◆ Room clearing ◆ Security and control of persons to be searched ◆ Staging area ◆ Search area assignments.
Probation/Parole Officer	3	Ensure all officers have all of their use of force equipment with them.
Probation/Parole Officer	4	Ensure the scene is secure, the search is explained to the offender and non-offenders that are present, and that the search proceeds in an orderly manner.
Probation/Parole Officer	5	<ul style="list-style-type: none"> • May ask nonresident, third-parties to leave or may restrain and search for weapons. • Assign a search team member to monitor these non-offenders.
Probation/Parole Officer	6	Ensure all property controlled or accessed by the offender, including outbuildings, storage units, and vehicles is searched.
Probation/Parole Officer	7	<p>Stop the search if evidence of new criminal activity is discovered and do the following:</p> <ul style="list-style-type: none"> • Notify law enforcement, • Protect the crime scene until law enforcement arrives, and • Turn the search over to them.
Probation/Parole Officer	8	Process evidence/contraband that is not seized by law enforcement in accordance with SOP 116.04.02.000 , <i>Custody of Evidence: Community Corrections</i> .
Probation/Parole Officer	9	Ensure any evidence/contraband collected is noted on a property receipt and that a copy is given to the offender, a copy is processed with the property, and a copy is filed in the case file.

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Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Probation/Parole Officer	10	Debrief the district manager (or designee) on the results of the search.
Probation/Parole Officer	11	Within 24 hours of completing the search, document details of the search in the Corrections Integrated System (CIS) as a <i>supervision contact note</i>.
Probation/Parole Officer	12	If applicable, ensure all officers involved in the search provide supplemental reports to law enforcement.
Probation/Parole Officer	13	Review any probation or parole violations discovered, and process the violation pursuant to SOP 701.04.02.001 , <i>Probation and Parole Supervision Strategies</i> .

For further assistance with CIS, see your designated CIS super user.

REFERENCES

Department Policy [317](#), *Searches of Offenders*

Department Policy [510](#), *Searches of Persons/Vehicles Entering Correctional Facilities*

Department Policy [701](#), *Probation and Parole Services*

IDAPA 06.01.01, *Rules of the Board of Correction*, [Section 510](#), *Searches of Persons and Vehicles Entering Department Facilities*

IDAPA 06.01.01, *Rules of the Board of Correction*, [Section 701](#), *Probation and Parole Supervision*

Standard Operating Procedure [116.04.02.000](#), *Custody of Evidence: Community Corrections*

Standard Operating Procedure [307.04.02.001](#), *Use of Force: Community Corrections*

Standard Operating Procedure [701.04.02.001](#), *Probation and Parole Supervision Strategies*

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