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IN THE UNITED STATES DISTRICT COURT  
 DISTRICT OF UTAH, CENTRAL DIVISION

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JUDITH REGAN, JOHN DOE, JANE	:	
MOE, SUSAN SORENSEN and SANG YO :	:	Case No. C-80-131J
WATTERS, on behalf of themselves	:	
and all others similarly situated,	:	DEFENDANTS' SUPPLEMENTAL
	:	MEMORANDUM.
Plaintiffs,	:	
	:	
v.	:	
	:	
COUNTY OF SALT LAKE; DARREL B.	:	
BRADY, individually and as Commander	:	
of Salt Lake County Jail; ROBERT	:	
SALTER, as Salt Lake County	:	
Commissioner; WILLIAM DUNN, as Salt	:	
Lake County Commissioner; WILLIAM	:	
HUTCHINSON, as Salt Lake County	:	
Commissioner; JACQUELINE LLOYD,	:	
ANNICK COOMBS, and JANE FOES I,	:	
II and III, individually and as officers or	:	
agents of Salt Lake County,	:	
	:	
Defendants.	:	

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Defendants, by and through their attorney of record, Patrick F. Holden, Deputy District Attorney's Office, hereby submits the following supplemental memorandum requested by the Court in its Order dated October 18, 2005.

## FACTUAL BACKGROUND

1. On October 18, 2005 the Court requested County defendants to address two issues: (1) identify with specificity, on a paragraph-by-paragraph basis, that portion of the manual which incorporates - at least in substance - the decree; (2) specifically identify the “other provisions of the manual” referred to in Section C03.03.01(D)(5), and represent to the court the absence of any additional sections.

### POINT I

#### COMPARISON OF CONSENT DECREE WITH JAILS CURRENT POLICY.

The Consent Decree consists of two general sections, the Findings followed by the Court’s order granting prospective relief.

##### A. The Findings.

**1. On or about March 6, 1980, Plaintiff Judith Regan and Jane Doe initiated this action on behalf of themselves and all others similarly situated, alleging inter alia, that Defendants County of Salt Lake and certain of its employees and elected officials have engaged and continue to engage in a policy or practice of subjecting certain female pretrial detainees, some of whom were or are arrested for minor traffic violations, to “strip searches” and, in some instances, “vaginal searches” under circumstances where there existed no probable cause to believe that the detainees were concealing a weapon, a controlled substance or evidence relating to a suspected crime and that said policy and practice was and is violative of the First, Fourth, Fifth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution.**

Not incorporated in policy.

**2. Since the initiation of this action, the Complaint has been amended, adding as Plaintiffs Jane Moe, Susan Sorensen and Sang Yo Watters.**

Not incorporated in policy.

**3. The Plaintiffs’ motion for class certification has been taken under advisement and, at present, the action is being prosecuted only on behalf of the individual Plaintiffs, Judith Regan, Jane Doe, Jane Moe and Sang Yo Watters.**

Not incorporated in policy.

**4. Defendants and each of them have denied they have engaged in or instituted the policy or practice alleged by the Plaintiffs and Defendants and each of them deny that any of the Plaintiffs are entitled to relief against any of the Defendants.**

Not incorporated in policy.

**5. Plaintiffs Judith Regan, Jane Doe, Jane Moe and Sang Yo Watters, upon the advice of counsel, agree that the entry of this Consent Decree shall constitute a final and total settlement of all civil claims they have against any of the Defendants.**

Not incorporated in policy.

**B. The Order.**

**Based upon the foregoing and the stipulation of all parties, and good cause appearing therefor, the Court HEREBY ORDERS, ADJUDGES AND DECREES as follows:**

**1. The execution and entry of this Consent Decree, and the stipulation thereto, does not constitute an admission of liability on the part of any of the Defendants.**

Not incorporated in policy.

**2. The claims of Plaintiffs Judith Regan, Jane Doe, Jane Moe, and Sang Yo Watters against Defendants Darrell Brady, individually and as Commander of Salt Lake County Jail, Robert Salter, as Salt Lake County Commissioner, William Dunn, as Salt Lake County Commissioner, William Hutchinson, as Salt Lake County Commissioner, Jacqueline Lloyd and Annick Coombs are hereby dismissed with prejudice.**

Not incorporated in policy.

**3. The Decree and Order as set forth herein shall apply to the County of Salt Lake and all of its officers, agents and employees, including but not limited to the Commander of the Salt Lake County Jail.**

Not incorporated in policy.

**4. The entry of this Consent Decree shall not prevent Defendant County of Salt Lake, or any of its officers, agents or employees, from making policy changes or amendments, provided such changes or amendments do not conflict with the provisions**

herein.

Not incorporated in policy.

**5. Defendant County of Salt Lake and its officers, agents, employees and successors, and all those acting in concert or participation with any of them, are hereby permanently enjoined from:**

**(a) Allowing or engaging in strip searches of persons arrested or detained by officers, agents or employees of Salt Lake County (“Detainees”) unless**

**(i) there is reasonable cause for believing that a detainee is concealing a weapon, controlled substance, or evidence relating to a suspected crime; or**

The reasonable suspicion standard is incorporated in Jail Policy C03.03.01(D)(1) which provides: “Only arrestees meeting one of the following criteria will be strip-searched. . . . 1. There is reasonable suspicion to believe that an arrestee is concealing a weapon, drugs or contraband and such action is authorized by a Lieutenant or higher authority. . . .” It is also incorporated into Jail Policy F03.03.06(B) dealing with visual body cavity searches: “Visual body-cavity searches may be conducted under the same criteria as other strip searches (F03.03.05B 1-8) except that reasonable suspicion body-cavity searches must be based on reasonable suspicion that includes the belief that contraband is or could be concealed in the body-cavity visually examined.”

**(ii) the detainee, if arrested without a warrant, has appeared before a magistrate and is to be incarcerated in the secured area of the Salt Lake County Jail; or**

The current policy does not maintain the distinction found in the Consent Decree between detainees arrested with or without a warrant. Instead, all detainees are afforded an opportunity to bail out or obtain release on their own recognizance consistent with Utah law. According to policy, detainees are given six (6) hours to obtain such a release. C03.03.01(E). If the detainee is not able to obtain release and is to enter the secured area of the Jail, then the

detainee will be strip searched. However, the Jail's policy is actually more restrictive than the Consent Decree on this point in that only those detainees entering general population who have been charged with or convicted of a violent felony or felony involving contraband or escape will be strip searched absent a particularized finding of reasonable suspicion. C03.03.01(D)(2).

**(iii) it has been determined the detainee, if arrested pursuant to a warrant, is not to be released on bond or his or her own recognizance within five (5) hours after being booked and is to be incarcerated in the secured area of the Salt Lake County Jail.**

Again, the distinction between those confined based on a warrant and those confined based on a warrantless arrest is not maintained. The Jail's current policy allows as a general rule six (6) hours for the detainee to bail out, and because of overcrowding issues, every effort is made to ensure those who can bail out or obtain release do so. In substance, this provision is contained in Jail's Policy C03.03.01(D)(2) and (E).

**(b) Allowing or engaging in any strip searches of any person who has been detained at the Salt Lake County Jail for more than ten hours unless the removal of any of the clothing of such a detainee is for the protection of the health or safety of that detainee or others and directed by the shift supervisor. This paragraph shall not preclude Salt Lake County from searching prisoners or trustees as they are returned to the secured area after having been in the unsecured area.**

Provisions allowing strip searches based on the health and safety of the detainee are contained in policy, but there is no ten hour limitation. First, C03.03.01(D)(4) provides that a strip search may be conducted if “[t]he prisoner has a health condition requiring immediate health services intervention and a more intrusive search is required to confirm the information . . . .” Second, C03.03.04 provides that: “[t]his policy authorizes strip searches of arrestees determined to be suicidal and placed in Mental Health observation housing by authorized Mental Health staff.”

Other provisions allow for strip searches of prisoners when returning from an unsecured area, lesser secured area or upon contact with individuals from outside the facility as in contact visits from the public. Section F03.03.05(B) allows strip searches “upon returning from contact visits,” “when entering or leaving Administrative Segregation housing areas,” “prior to transportation to court, health services clinics, or other such venues,” “returning to the Jails from outside activities,” “during work projects outside a Jail perimeter,” and “returning from other security zones or activities within the facility.” F03.03.05(B)(3-8).

It must also be noted that current Jail policy provides that “a prisoner may be strip searched whenever there is reasonable suspicion that the prisoner is in possession of contraband.” F03.03.05(C). Thus, under current Jail policy a prisoner may be strip searched at any time if there is reasonable suspicion that he or she is concealing contraband. This is arguably less restrictive than the Consent Decree allows, but is in compliance with constitutional standards.

**(c) Allowing or engaging in the touching of the skin of the breasts, buttocks or pubic area of any detainee unless such touching is by a physician or registered nurse licensed by the State of Utah and upon a determination that there is probable cause to believe that the detainee is concealing a weapon, controlled substance or evidence relating to a suspected crime.**

Touching as outlined in Section (c) above can only occur pursuant to the digital body cavity search policy. F03.03.07(C) provides:

Digital body-cavity searches may be conducted only:

1. When corrections staff have a reasonable suspicion to believe that a prisoner has contraband hidden in a body-cavity;
2. By non-Sheriff’s Office medical staff (as required by NCCHC standards);
  - a. who are appropriately licensed; and

- b. do not have a therapeutic relationship with the prisoner,
3. in a professional manner,
4. in a facility that is staffed and equipped to handle any potential adverse medical condition caused by the search.

As discussed in previous papers submitted to the Court, this standard is lower than that set out in the Consent Decree. The Consent Decree states “probable cause” and the policy states “reasonable suspicion.”

**(i) A bra search by a female is permissible and one finger may be inserted under the periphery of the garment. In the event the bra is required to be removed, the inmate is requested to do so herself. If the inmate refuses, a female officer, agent or employee of Salt Lake County may remove the garment, but only in the presence of a female witness.**

Under current Jail policy and practice, there is no longer a “bra search” as described in the Consent Decree. As described in the Consent Decree, such a search to the extent it involves the removal of the bra would constitute a “strip search” under the Jail’s current policies and practices and hence would require compliance with F03.03.05. No touching of the skin of the prisoner is allowed, unless a digital body cavity search is performed. For clothed prisoners, rub searches are performed under F03.03.04(A)(1) which includes in part: “a careful manual search of the genital, anal, and female breast areas.”

**6. If a strip search is performed on a new intake detainee on the grounds set forth under Paragraphs 5(a)(i) or 5(b) hereinabove, or if a search, other than as permitted under Paragraph 5(c)(i) hereinabove, involving the touching of the skin of the breasts, buttocks or pubic area is performed on any detainee, the following information must be set forth either prior to the search or within eight hours immediately thereafter in a search log of the shift supervisor of the Salt Lake County Jail, with a copy in the prisoner packet:**

- (i) the name of the detainee;**
- (ii) the name of the officer making the request to perform a strip search of the detainee;**

(iii) the specific reasons for performing the search;

(iv) the time of the making of the entry in the search log;

(v) the name(s) of the person(s) approving the search;

(vi) the name(s) of the person(s) making the entry in the search log;

(vii) a detailed description of all clothing removed and what, if anything, was found as a result of the search.

This requirement is contained in substance in Jail's Policy F03.03.05(D):

D. All strip searches will be documented.

1. Reasonable suspicion strip searches will be documented on the Reasonable Suspicion [sic] Strip Search Log and an Initial or Follow-up Report.

2. All other strip searches not authorized by (B) will be documented in an appropriate log entry.

The documentation requirement only applies to certain strip searches under the Consent Decree. First, strip searches conducted under paragraph 5(a)(i), which are those conducted on reasonable suspicion that the detainee is concealing weapons or contraband. Second, 5(b) the health and safety strip search after ten hours. Finally, digital body cavity searches. A form attached hereto as Exhibit "B" is required to be utilized for reasonable suspicion searches.

**7. Nothing contained herein shall restrict the County of Salt Lake or its officers, agents, employees and successors, and all those acting in concert or participation with them, from pat-down searches, spraying disinfectant, showering, defumigation, and issuing jail clothes prior to or at the time of entrance into the secured area.**

Not incorporated in policy.

**8. For the purpose of this Consent Decree, the term "strip search" shall mean the removal of any clothing, thereby exposing to the view of any person other than the detainee either or both of the breasts, buttocks or pubic area of a detainee. The term "secured area" shall mean those areas of the Salt Lake County Jail where inmates are normally housed overnight and the area commonly known as the "drunk tank."**

Strip search is defined by Jail's policy F03.03.05(A) as follows: "Strip searches are searches which involve the visual inspection of a disrobed prisoner." The term "secured area" is not explicitly defined in Policy.

**9. Within thirty (30) days from the date hereof, Defendant County of Salt Lake shall revise and amend its written policies relating to searches at the Salt Lake County Jail to unambiguously incorporate therein the provisions of this Consent Decree relating to strip and vaginal searches.**

Not incorporated in Policy.

**10. Representatives of the American Civil Liberties Union of Utah ("Utah ACLU") may, for a period of one year, commencing with the entry of this Consent Decree, inspect and copy any documents relating to the obligations of Salt Lake County hereunder. Such representatives must give 72 hours written notice to the Salt Lake County Attorney prior to such inspection and shall endeavor to minimize any inconvenience to Salt Lake County arising out of the inspection or copying of such records. Further, A.C.L.U., and any representatives thereof, shall treat such information or documentation and shall not disclose or publicize any of the information contained in said records or documents without an order of the Court.**

**Nothing contained herein shall restrict either party from disclosing any information to the Court. In the event that any party hereto believes that any other party is acting unreasonably in the execution of the terms and conditions hereof, the matter may be heard by the Court within 48 hours after written notice to all parties.**

Not incorporated by Policy.

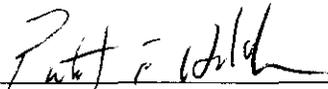
**POINT II**

**ADDITIONAL SECTIONS OF JAIL POLICY MANUAL ADDRESSING  
STRIP SEARCHES.**

As requested by the Court and attached hereto as Exhibit A are all policies referring to or addressing strip searches in the Jail Policy Manual in addition to those attached to the Defendant's Memorandum dated January 12, 2005. Attached are the policies which are in summary; E02.03.05 "Visitor Searches," E04.03.03 "Attorney Contact Visits," F03.03.01(C) "Prisoner Searches," G04.02.04(B) "Issuance of Jail Clothing and Property," and J05.03.03 "Re-entry Searches of SILD/SHED Prisoners." To the best of Defendants' knowledge, there are no other provisions in Sheriff's Office Jail Policy concerning or relating to strip searches.

DATED this 28<sup>th</sup> day of October, 2005

DAVID E. YOCOM  
SALT LAKE COUNTY DISTRICT ATTORNEY

  
\_\_\_\_\_  
PATRICK F. HOLDEN  
DEPUTY DISTRICT ATTORNEY  
ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF MAILING**

I hereby certify that on the 28<sup>th</sup> day of October, 2005, a mailed United States

Mail, postage prepaid, a true and correct copy of the foregoing **DEFENDANTS'**

**SUPPLEMENTAL MEMORANDUM** to the following:

Robert M. Anderson  
50 South Main, #1600  
Salt Lake City, Utah 84144

Margaret Plane  
American Civil Liberties Union  
355 North 300 West  
Salt Lake City, Utah 84103

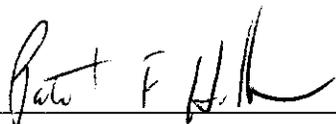
  
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EXHIBIT "A"

E02.03.03 Visitor Eligibility

- A. A visitor may be denied visiting privileges if there is a reasonable belief that previous acts by the visitor involved:
  - 1. attempts to smuggle drugs, weapons, or other contraband into the jail;
  - 2. disruptive behavior during visits or refusal to follow visitor rules;
  - 3. assisting, conspiring, or otherwise participating in an escape or attempted escape; or
  - 4. acts inimical to the safety, security, or other legitimate penological interests of the jail; or
  - 5. there is reasonable belief by Jail officials that the visitor represents a threat to the safety, security, order, discipline, treatment, or other legitimate interests of the jail.
- B. A visit is prohibited when it would be in violation of a protective order, no contact order, restraining order, or any other lawful court order, issued for the purpose of barring contact between two or more persons.
- C. Immediate suspension of visiting privileges may be made by the staff member handling the visit.
  - 1. Notification will be promptly made to the supervisor and Jail Command.
  - 2. The action will be noted in the visiting program.
- D. All suspensions of future visits must be made by a member of a Jail Command. Documentation of such suspensions will be noted in the visiting program by the visiting clerk. Suspension beyond 30 days requires approval of a Division Administrator.
- E. A visitor may appeal such suspension to the Division Administrator by request.

E02.03.04 Identification

Current government issued picture identification with a date of birth is required from all visitors 16 or older. School I.D. is not considered valid I.D. under this policy.

E02.03.05 Visitor Searches

- A. Reasonable suspicion is facts and inferences from those facts, which lead a reasonable Jail staff member to believe that Jail security, or safety is or will be violated.

*Salt Lake County Jail Policy Manual*

- B. Strip or visual body cavity searches must be authorized by a member of the Jail Command.
- C. Any search conducted pursuant to this policy must be documented in a shift log and initial report.
- D. Visitors may be required to submit to a rub or pat-down search as a condition of entering a Jail.
  - 1. Visitors may decline to be searched by leaving the Jail.
  - 2. All such searches will be conducted by a member of the same sex and documented in a shift log except as otherwise required by exigent circumstances.

E02.03.06 Visiting Rules

To assist visitors to understand and comply with required and prohibited conduct; and to provide fair notice and serve as a basis for action against visitors who violate conduct requirements, rules and regulations governing Jail visits are:

- A. posted in areas adjacent to visiting, and
- B. available in writing upon request.

E02.03.07 Violations of Visiting Rules

- A. Visiting increases the vulnerability of Jail security and the safety of staff, prisoners, and the public. Visiting must be handled in a manner which minimizes opportunities for escape, introduction of contraband, prisoner violence, disruptions and other actions contrary to the legitimate penological interests of the Jail.
- B. The adoption, implementation, and strict enforcement of visiting rules are an effective means of:
  - 1. demonstrating the importance of proper conduct during visits;
  - 2. providing notice to prisoners and their visitors; and
  - 3. temporarily or permanently terminating the visiting privileges or visitors who are unwilling or incapable of complying with Jail rules.
- C. Prisoner violation of visiting rules will be processed through the prisoner discipline procedures and may result in:
  - 1. warnings or other informal disciplinary actions;
  - 2. disciplinary actions; and/or

*Revised 07-05-04*

E04.03.02 Privacy

- A. The monitoring or recording of communication between prisoners and their attorneys is prohibited, as this would chill the communication necessary for the prisoner to be properly represented.
- B. This prohibition does not preclude Jail staff from visually observing visits from a distance that does not allow eavesdropping, because of the Jails' legitimate safety and security interests.

E04.03.03 Attorney Contact Visits

- A. Upon request of the attorney (or attorney representative as described previously in this volume), attorney contact visits will be conducted in designated Jail areas.
- B. An attorney (or attorney representative) may be pat-down searched prior to an attorney contact visit. All items taken into the designated contact visit area are subject to inspection for contraband.
- C. The prisoner may be strip searched prior to and/or after an attorney contact visit, consistent with the Strip Search policies.

E04.04.00 Attorney Telephone Calls

E04.04.01 The Salt Lake County Jails recognize the right of prisoners to have telephone contact with their attorneys and courts.

- A. Prisoners are encouraged to use collect call housing area telephones to contact their attorneys and courts.
- B. Prisoners may be allowed access to attorneys and courts from the housing unit desk only when an exigent circumstance exists.
  - 1. In the event of an exigent circumstance, telephone access to attorneys and courts will be considered one call made unless an obvious need exists for additional or more immediate telephone use.
  - 2. Such telephone calls will normally be made weekdays during business hours. Requests made and approved prior to 1100 will be made the same business day. Requests made and approved after 1100 will be made no later than the end of then next business day.
  - 3. The nature of the exigency will determine the duration of the call.

F03.03.00 **Prisoner Searches**

F03.03.01 **Basis for Conducting Searches**

- A. Searches are a critical element of Jails security and will be conducted as part of a set routine, augmented with random searches to keep prisoners from being able to anticipate when searches will or will not occur. Prisoners have no expectation of privacy while incarcerated and, thus, are not protected from aggressive search procedures. Searches are particularly vital when prisoners or others are capable of bringing contraband in from the outside, movement of contraband from one location to another within or between the Jails, or are being prepared for transportation from the facility.
- B. Searches of prisoners will be conducted on a routine and random basis. Special attention will be given to prisoners:
  - 1. at the admission process;
  - 2. returning to a Jails facility from court, health service transports, and other venues outside the Jails;
  - 3. moving between security zones in the Jails;
  - 4. whose housing area is being searched;
  - 5. assigned as prisoner-workers;
  - 6. being transported from the jail to other venues; and
  - 7. allowed to have contact visits with attorneys or Jail Pass holders.
- C. All prisoners returning to a Jails facility, completing an attorney contact visit, or being transported from the Jails to another correctional facility will be strip searched (except that a transfer between Salt Lake County Jails facilities must comply with the Admissions Strip Search Policy).
- D. Prisoners moving between security zones in the Jails, prisoner-workers, and prisoners having contact with Jail Pass holders will be strip searched or rub searched on a random basis.
- E. Rub searches will be conducted of any prisoner whose housing area (outside Processing) is being searched. Strip searches of a prisoner whose housing area is being searched must comply with the Strip Search policy of this chapter, and cannot be conducted contrary to provisions of the Admission Strip Search Policy, except as required by exigent circumstances.

- F. Prisoners being taken from the Jails to court will be rub searched and checked with a magnetometer. Prisoners returning to the Jails from court will be rub searched, strip searched, and visual body-cavity searched.

F03.03.02 Scope of Intrusion and Justification

The greater the scope of the intrusion of a search, the greater must be the justification for conducting the search. Jails policy establishes four types of searches, in ascending levels of intrusion:

- A. rub search;
- B. strip searches;
- C. visual body-cavity searches; and
- D. digital body cavity searches.

F03.03.03 Manner of Search

- A. Searches will be conducted in a professional manner. Failure to do so could result in otherwise proper searches being found to be in violation of prisoners' constitutional rights. Jails staff conducting searches will:
  - 1. not make taunting, degrading, dehumanizing, or other inappropriate comments to prisoners;
  - 2. provide an appropriate degree of privacy for more intrusive searches or other searches which by their nature would tend to be exceptionally embarrassing or humiliating;
  - 3. ensure adequate sanitation precautions, when appropriate; and
  - 4. ensure that persons conducting searches have adequate training to conduct the type of search involved.
- B. Detailed information about the privacy, sanitation, and qualifications necessary for various levels of search are outlined in the following subsections of this volume.

F03.03.04 Rub Searches

- A. All prisoners are subject to rub searches at any time during their incarceration.
  - 1. A rub (pat) search is an officer's pat of the prisoner's body over the clothing in an attempt to locate contraband, with incidental contact with the genital, anal, and female breast areas. A complete rub search includes a

4. ensure that persons conducting searches have adequate training to conduct the type of search involved.
- B. Detailed information about the privacy, sanitation, and qualifications necessary for various levels of search are outlined in the following subsections of this volume.

F03.03.04

Rub Searches

- A. All prisoners are subject to rub searches at any time during their incarceration.
1. A rub search is an officer's (frisk) or rub of the prisoner's body over the clothing, while a pat (frisk) search involves touches limited to incidental contact with the genital, anal, and female breast areas. A complete rub search includes a careful manual search of the genital, anal, and female breast areas. Shoes and socks will be removed as part of a complete rub search.
  2. Privacy is not a requirement for rub searches.
- B. Rub searches are specifically required for every prisoner:
1. entering, leaving, or returning to the facility;
  2. entering or leaving his or her housing unit;
  3. as a part of a housing area shakedown;
  4. leaving for, while working at, and/or returning from work release, prisoner-worker duties, or program activities; and
  5. for whom there is any reason to believe is in possession of contraband.
- C. Such searches may be conducted on a routine, selective, and/or random basis.
- D. Search procedures and training will prepare officers to protect themselves from risks which result from physical contact which is a necessary aspect of rub searches, including:
1. assaults by prisoner;
  2. exposure to contagious disease and infestation; and
  3. skin punctures from needles hidden in clothing or other possessions.

more thorough, or intrusive search of the genital, anal, and female breast areas. Shoes and socks will be removed as part of a complete rub search.

2. Privacy is not ordinarily a serious concern.
  - a. An exception should be made in the case of a female prisoner being thoroughly rub searched in the view of male prisoners, as male prisoners may be inclined to make obscene comments/gestures.
  - b. Privacy should also be used to facilitate the needs of an investigation, or serve some other legitimate interest of the Salt Lake County Jails or law enforcement officers.

- B. Rub searches are specifically required for every prisoner:
  1. entering, leaving, or returning to a Jails facility;
  2. entering or leaving his or her housing unit;
  3. as a part of a housing area shakedown;
  4. leaving for, while working at, and/or returning from work release, prisoner-worker duties, or program activities; and
  5. for whom there is any reason to believe is in possession of contraband.
- C. Such searches may be conducted on a routine, selective, and/or random basis.
- D. Search procedures and training will prepare officers to protect themselves from risks which result from physical contact which is a necessary aspect of rub searches, including:
  1. assaults by prisoner;
  2. exposure to contagious disease and infestation; and
  3. skin punctures from needles hidden in clothing or other possessions.

F03.03.05

Strip Searches

- A. Strip searches are searches which involve the visual inspection of a disrobed prisoner.
  1. Strip searches, though more intrusive than rub searches, are a necessary tool in protecting Jails security and safety because:

- a. prisoners are capable of hiding weapons, drugs, and other contraband on their bodies in ways that substantially reduce the likelihood that the hidden items will be found in a less intrusive search; and
  - b. strip searches add a dimension to the search which permits visual examination of the prisoner in a manner which, if done competently, ensure that contraband hidden on the body will be found, and in some cases, may lead to discovery of contraband hidden in body cavities.
2. Strip searches will be done in a manner which reasonably ensures that prisoners being searched are observed only by:
    - a. staff members conducting or assisting with the search;
    - b. staff members working in the area; and
    - c. other prisoners of the same gender being searched at the same time.
- B. Strip searches of prisoners are permitted:
1. upon admission of arrestees (consistent with the Admissions Search Policy);
  2. when an arrestee in general population not previously searched pursuant to the Admissions Search Policy is no longer excluded from search under that policy;
  3. upon returning from contact visits;
  4. when entering or leaving Administrative Segregation housing areas;
  5. prior to transportation to court, health service clinics, or other such venues;
  6. returning to the Jails from outside activities;
  7. during work projects outside a Jail perimeter; and
  8. returning from other security zones or activities within the facility.
- C. In addition to the previously outlined permitted strip searches, a prisoner may be strip searched whenever there is reasonable suspicion that the prisoner is in possession of contraband.

1. A mere “tip” from another prisoner or informant outside the Jails does not constitute reasonable suspicion, absent a determination of the reliability of the information. The identity and the reliability of the informant must be known to the person authorizing the strip search.
  2. Reasonable suspicion strip searches must be authorized by a Lieutenant or higher authority.
- D. All strip searches will be documented.
1. Reasonable suspicion strip searches will be documented on the Reasonable Suspicion Strip Search Log and in an Initial or Follow-up Report.
  2. All other strip searches not authorized by (B) will be documented in an appropriate log entry.

F03.03.06

Visual Body-Cavity Searches

- A. Visual body-cavity searches are strip searches which include a visual inspection of the anus and/or genital area; generally requiring the subject to bend over and spread the cheeks of the buttocks, to squat, and/or to otherwise assume a posture which more fully exposes body cavity orifices.
- B. Visual body-cavity searches may be conducted under the same criteria as other strip searches (F03.03.05 B 1-8), except that reasonable suspicion body-cavity searches must be based on reasonable suspicion that includes the belief that contraband is, or could be concealed in the body-cavity visually examined.
1. Visual body-cavity searches will be done in a manner which reasonably ensures that prisoners being searched are observed only by:
    - a. staff members conducting or assisting with the search;
    - b. other prisoners of the same gender being searched at the same time.
  2. Reasonable Suspicion visual body-cavity searches must be authorized by a Watch Commander, Processing Lieutenant, Operations Lieutenant, or higher authority.
  3. All visual body-cavity searches will be documented.
    - a. Reasonable suspicion visual body-cavity searches will be documented in an Initial or Follow-up Report.
    - b. All other visual body-cavity searches will be documented in an appropriate log entry.

F03.03.07 Digital Body-cavity Searches

- A. Digital body-cavity searches are searches which involve the probing of the vagina and/or the rectum using a gloved finger or other instrument to search for contraband.
- B. Because many courts have found digital body-cavity searches to be the most intrusive and demeaning type of search, the courts evaluate such searches very carefully. Digital searches remain a viable search option, because:
  - 1. the use of body cavities by prisoners to hide or transport contraband is not uncommon among persons who are handled by corrections staff;
  - 2. while visual body-cavity searches may on occasion detect indications that contraband is hidden in a body-cavity (e.g., the end of a balloon or condom protruding from the anus), in most instances the detection of contraband in a body-cavity will only be possible with a digital search;
  - 3. if prisoners become aware that digital searches are never or infrequently used, they quickly learn to hide contraband in the rectum and/or vagina;
  - 4. digital searches often result in discoveries of hidden contraband; and
  - 5. use of digital searches increases the risk of detection of prisoners who violate contraband regulations and may deter some of the prohibited activity.
- C. Digital body-cavity searches may be conducted only:
  - 1. when corrections staff have a reasonable suspicion to believe that a prisoner has contraband hidden in a body-cavity;
  - 2. by non-Sheriff's Office medical staff (as required by NCCHC standards);
    - a. who are appropriately licensed; and
    - b. do not have a therapeutic relationship with the prisoner,
  - 3. in a professional manner, and
  - 4. in a facility that is staffed and equipped to handle any potential adverse medical condition caused by the search.
- D. Digital body-cavity searches will done in a manner which reasonably ensures that prisoners being searched are observed only by:

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1. staff members conducting or assisting with the search;
  2. medical staff conducting or assisting with the search.
- E. Digital body-cavity searches must be authorized by a Captain or higher authority.
- F. All digital body-cavity searches will be documented in an Initial or Follow-up Report.

## **Volume G - Prisoner Services**

### **G04.00.00 Laundry Services**

#### **G04.01.00 Written Policies and Procedures**

The policies and procedures governing laundry services include requirements for laundering both prisoners' personal clothing and jail-issue clothing.

#### **G04.02.00 Laundering Clothing and Bedding**

##### **G04.02.01 Policies and Procedures**

##### **G04.02.02 Laundering Newly Admitted Prisoners Clothing**

- A. Laundering of clothing helps the Jails maintain a sanitary environment, reduces the likelihood of infestation, and controls odors in the clothing storage area. The need for laundering is more acute if the clothing is dirty, contaminated, or smells.
- B. Before storing prisoners' personal clothing, the clothing should be laundered or treated if it is contaminated, foul smelling, heavily soiled, or wet.

##### **G04.02.03 Laundering Jail Issued Items**

- A. The laundering schedule is based upon what is required to maintain prisoner and facility cleanliness and hygiene.
- B. Clothing and towels should be exchanged and laundered twice each week, (but no less than once each week), and prior to reissue.
- C. Sheets will be exchanged and laundered no less than once each week and prior to reissue.
- D. Blankets will be exchanged and laundered at least once every thirty days and prior to reissue.
- E. Mattresses with non-cloth covers will be cleaned by the receiving prisoner upon reissue.

##### **G04.02.04 Issuance of Jail Clothing and Property**

- A. Prisoners being housed in the interior of the Jail must be dressed in Jail Clothing.
- B. When a prisoner is ready to be dressed in Jail clothing, Clothing Room staff will conduct a strip search, as authorized by policy.
- C. Prisoners shall be required to shower for reasons of hygiene and health.
- D. Prisoners will be issued jail clothing and personal hygiene items.

**J05.03.00 Work Release Programs**

**J05.03.01 Programs**

- A. The Salt Lake County Jails do not permit court-ordered work release programs.
- B. The Salt Lake County Jails do operate an alternative incarceration program (Sheriff's Inmate Labor Detail (SILD)/ Sheriff's Home Electronic Monitoring (SHED)).
  - 1. Participants must meet criteria established by the relevant Post Orders.
  - 2. These programs are conducted under procedures detailed in relevant Post Orders.

**J05.03.02 Access to Services**

- A. SILD prisoners have access to jail services, except those that cannot be provided due to their absence from the Jails. However, prisoners injured while in the SILD program will have their medical needs managed by the Health Services Unit.
- B. SHED prisoners generally do not have access to jail services, inconsistent with their release to the community and their electronic monitoring agreement, including health services.

**J05.03.03 Re-entry Searches of SILD/SHED Prisoners**

All SILD/SHED prisoners re-entering the secure perimeter of a jail facility for any reason, will be strip-searched before being admitted, consistent with the Strip Search and Visual Body-Cavity Search Policies.

EXHIBIT "B"



# Salt Lake County Sheriff's Office Corrections Bureau



## Strip Search Log

Reference JPM F03.03.05

Prisoner Name: Last, First SO# \_\_\_\_\_ S.O. Case # \_\_\_\_\_

Date of Search: \_\_\_\_\_ Time of Search: \_\_\_\_\_

Officer Requesting Strip Search: \_\_\_\_\_ ID#: \_\_\_\_\_

Agency: Salt Lake County Sheriff Location: Metro Jail Processing Area

Specific Reasonable Suspicion for the Strip Search:

Description of clothing removed from prisoner during Strip Search:

Items found as a result of the Strip Search:

Correctional Officer(s) Conducting Strip Search: Name and IS#

Correctional Command Approving Strip Search: Name and IS#

Correctional Supervisor Making Strip Search Log Entry: Name and IS#

Date /Time Of Log Entry: 10/27/2005 / 16:40 Hours

\_\_\_\_\_  
*Approving Jail Command Signature*