

April 10, 2020

NOTICE OF CHANGE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.204

RULE TITLE: Searches of Inmates

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 46, No. 13, January 21, 2020 issue of the Florida Administrative Register.

33-602.204 Searches of Inmates.

No change.

(1) Clothed searches.

(a) No change.

(b) ~~A With proper training,~~ a correctional officer may conduct searches of clothed inmates without prior approval from his or her supervisor.

(c) No change.

(d) No change.

1. through 2. No change.

3. The Department must maintain a log to monitor each inmate's exposure to ~~track each time an inmate is searched utilizing~~ x-ray body scanner technology intended for security use to ensure that an inmate does not exceed the recommended radiation exposure as required by Rule 64E-5.502(1)(a), F.A.C. limit.

(e) No change.

(f) Searches of clothed female inmates may only be conducted by female staff except ~~by male staff must only be conducted during an emergency situation as determined by the shift supervisor. The only exception to this is when time and circumstances do not permit the arrival of female staff or consultation with the shift supervisor prior to conducting the search~~ due to an imminent threat of physical violence when an immediate search is necessary to secure the inmate to prevent injury to staff, inmates, or the public.

(g) No change.

(2) Unclothed body searches.

(a) Unclothed body searches of inmates will only be conducted by correctional officers who are the same sex as

the inmate, except when time and circumstances do not permit the arrival of same sex staff or due to an imminent threat of physical violence when an immediate search is necessary to secure the inmate to prevent injury to staff, inmates, or the public. ~~in an emergency situation for the protection of staff, inmates, or the public.~~

(b) An inmate will be subject to an unclothed body search any time the inmate is suspected of carrying contraband, including ~~will generally be subject to an unclothed body search~~ upon his or her arrival at an institution from court, another institution, or from any other place where the inmate may have come in contact with the public, when public. ~~When~~ an inmate is apprehended after an escape, attempted escape, or hideout, or when an inmate is placed in any confinement status, ~~he or she will be subject to an unclothed body search. There may be other occasions that warrant an unclothed body search, such as before an inmate is admitted to confinement or at any time when an inmate is suspected of carrying contraband.~~

(c) Inmates on outside work squads provided to other agencies while under supervision do not require an unclothed body search upon their return to the institution. A clothed search will ~~normally~~ be utilized when checking in these inmates. However, if ~~If~~ there is reason to believe an inmate is concealing contraband on his or her body, an unclothed body search will be performed.

(d) through (e) No change.

(3) Body orifice and cavity searches.

(a) through (b) No change.

(c) The following procedures and conditions apply to body orifice and cavity searches:

1. through 9. No change.

10. Blood, urine, and saliva may be taken from the person and subjected to laboratory analysis to determine the presence of alcohol, narcotics, or dangerous drugs to ensure the safety and security of the inmate, Department employees, other inmates, and the institution. ~~drugs, where there is a clear indication that such evidence will be found.~~

11. through 12. No change.

Rulemaking Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.47, ~~944.472~~, 944.473 FS. History—New 4-8-81, Amended 7-3-85, Formerly 33-3.065, Amended 11-2-86, 6-2-94, 1-25-96, 3-24-97, 9-9-97, 12-15-98, Formerly 33-3.0065, Amended 2-8-00, 9-4-05, _____.