



NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION

**SUMMARY OF CHANGES**  
**AR 422 – SEARCH AND SEIZURE STANDARDS**  
Effective PENDING

Description	Page Number
Add NRS searches for incarcerated women	1
Add definitions	1-2
Add PREA (Prison Rape Elimination Act) standard provisions	Throughout
Update use of inmate to offender	Throughout
Other minor changes have been made in formatting for improved clarity and consistency.	

\_\_\_\_\_  
James E. Dzurenda, Director

\_\_\_\_\_  
Date

This summary of changes is for training record purposes only. You must also consult the Administrative Regulation and/or Manual for proper instructions.

I, \_\_\_\_\_, acknowledge receipt of this Summary of Changes and understand it is my responsibility to implement into the course of my duties.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION

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**SEARCH AND SEIZURE STANDARDS  
ADMINISTRATIVE REGULATION – 422**

**SUPERSEDES:** AR 422 (Temporary 05/25/11); AR 422 (Temporary 01/05/12); AR 422 (Temporary 11/03/16); AR 422 (11/16/16)

**EFFECTIVE DATE: PENDING**

**AUTHORITY:** NRS 209.011; NRS 209.131, NRS 209.358; NRS 209.362; U.S.C. § 15601, et seq. and Federal Register 28, Code of Federal Regulation (CFR) Part 115

**RESPONSIBILITY**

The Director of the Nevada Department of Corrections (NDOC and Department) is responsible for the implementation of this Administrative Regulation (AR).

The Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

The Associate Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

Supervisors will ensure that their appropriate subordinate staff members have read and understand this regulation.

Designated staff members will know, comply with, and enforce this regulation.

If, and where applicable, offenders will know and comply with this regulation.

**422.01 DEFINITIONS**

1. Body Cavity Search: an inspection of body cavities which includes touching the recipient personally or with instruments by medical professionals.
2. Clothed Search (pat search): means a pat search in which an individual is not required to remove clothing, with the exception of shoes, jackets, hoodies i.e. loose clothing

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3. Contraband: Any item not permitted by law or expressly prohibited by NDOC or institutional policy.
  4. Exigent circumstances: Means any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or order of an institution or facility.
  5. Institutional Search: An unannounced, thorough search of prison areas (grounds, buildings, housing units, offenders) in an effort to uncover any contraband items.
  6. NOTIS: Nevada Offender Tracking Information System or its successor.
  7. Offender: Any person convicted of a crime under the laws of this State and sentenced to imprisonment in the state prison.
  8. Private Location: means an area in an institution or facility in which an offender has a reasonable expectation of privacy, including, without limitation, an area which contains a shower or toilet, a medical examination room or an area in which body cavity searches are conducted.
  9. Probable Cause: When an officer possesses knowledge of specific facts and circumstances that would lead a reasonable person to believe that a particular individual(s) is committing, has committed, or is about to commit a criminal act.
  10. Reasonable Suspicion: An objectively justifiable suspicion that is based on specific facts, circumstances that justifies searching a person thought to be involved in criminal activity at the time or is concealing contraband in a particular place to be searched.
  11. State of Undress: A naked or undergarment-clad genitals, pubic area, buttocks or breast of a woman are exposed.
  12. Unclothed Search (strip search): means a visual examination of an individual's unclothed body for weapons, contraband and injuries, and a thorough search of all the individual's clothing while it is not being worn.
  13. Visual Body Cavity Search: means a visual inspection of body cavities which excludes touching the recipient, either personally or with instruments.

#### **422.02 POLICY**

Searches of visitors, employees, offenders, offender housing units, and other areas of the facility shall be conducted in accordance with the procedures set forth below and in a manner which will avoid unnecessary force, embarrassment, or indignity to those whose person and/or belongings that are being searched.

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## **422.03 GUIDELINES FOR CONDUCTING REASONABLE SEARCHES AND SEIZURES**

1. Whenever possible, searches will be conducted in a manner so as not to damage property. Property will be left in or as close to the original state as possible.
2. Unless otherwise dictated by exigent circumstances, searches should be conducted by staff or officers trained in search techniques and procedures.
3. Searches will be conducted within reasonable hours, between 5 AM and 9 PM, unless exigent circumstances require otherwise..
4. Searches shall not be conducted for arbitrary, capricious, oppressive, or unjustified reasons, nor shall they be used for harassment..
5. Searches will be conducted in a manner that causes the least disruption and affords respect and privacy for the property or person searched. Staff will avoid unnecessary force or embarrassment.
6. Whenever practical, and where there is no undue risk to the officers or employees conducting the search, the person or offender to be searched will remain within view of the property being searched.
7. All property seized will be properly tagged and identified according to procedures and all staff involved in the search will prepare an “Incident Report” whenever items are seized.
8. Property discovered during a search which are either evidence of a crime or contraband will be seized and processed for appropriate disposal as required by law or regulation.
9. When practicable, canine search teams, metal detectors, sensors, x-ray equipment and other technological devices are authorized for department use. Mirrors should be used in hard-to-reach spaces and in areas where sharps could be placed causing potential injury to staff.
10. When an institution/facility shakedown (search) is conducted, a record shall be maintained and forwarded to the Warden/Facility Manager. The record will contain, at a minimum, the following:
  - A. Names of all staff participating in the shakedown, identified by the role of each employee; and
  - B. Record of each cell searched, including:
    - 1) Identity of staff who searched the cell:
    - 2) Property removed from each cell;

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- 3) Disposition of property removed from the cell; and
  - 4) Identification of the cell number of location and offenders occupying the cell.

#### **422.04 SEARCHES AT INSTITUTIONS/FACILITIES**

1. To facilitate the investigation of criminal behavior or policy violations, in addition to searches based on reasonable suspicion or probable cause, NDOC may also conduct periodic, uniform, or random searches to ensure compliance with department policy and procedures, and to maintain safety and security of the institution, including but not limited to the need to control contraband from entering or remaining with the facility.
2. Posted Signs will be posted at each entrance onto facility grounds and at the entrance to the facility reception areas stating:

**ATTENTION: All persons and vehicles subject to search.**

**Firearms, weapons, drugs and electronic devices, alcohol and tobacco prohibited.  
Violators are subject to prosecution.  
NRS 212.140 and NRS 202.2491**

#### **422.05 CLEAR BAGS/CLEAR PLASTIC CONTAINERS/FACTORY SEALED CLEAR CONTAINERS**

In order to maintain the safety and security of the Nevada Department of Corrections (NDOC) facilities and to detect and prevent entrance of contraband:

- A. All persons entering shall only possess clear PVC bags and containers (unless otherwise approved by the Warden or Associate Warden).
- B. All food must be in a clear container that can be visually inspected and searched if needed.
- C. Paper bags sacks and sandwich wraps (including wrappers from fast-food restaurants or similar establishments) are prohibited.
- D. Open beverages (including fountain drinks and coffee) shall be in a clear container and are subject to inspection.

#### **422.06 CLOTHED AND UNCLOTHED SEARCHES OF OFFENDERS**

1. Offenders are subject to clothed (pat-down) searches, ~~frisk~~, unclothed (strip) search, visual body cavity, intrusive body cavity, and property searches, if necessary, for the safety and security of the institution/facility.

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2. Searches of all offenders will be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Searches of offenders and their property will be conducted by staff trained in conducting searches.
  3. The institution or facility shall not conduct cross-gender unclothed searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. All unclothed body searches will comply with the Prison Rape Elimination Act (PREA) requirements. Refer to AR 494 (Transgender, Intersex, and Gender Diverse Offenders) when conducting unclothed body searches of Transgender or Intersex offenders.
  4. Female correctional officers may perform clothed searches for all offenders regardless of their gender or gender identity.
  5. Male correctional staff are prohibited from conducting an inspection or search of women offenders and in a state of undress in a private location, unless:
    - A. There are extraordinary circumstances; and
    - B. A female correctional staff member, or any female staff member from the institution is present during the inspection or search; and.
    - C. Any search or inspection of a woman offender by a male correctional staff under extraordinary circumstances must be reported to a supervisor and incident report generated in NOTIS.
  6. In conjunction with AR 494, Transgender, Intersex, and Gender Diverse Offenders, institutions and facilities will implement procedures for conducting searches of Transgender or Intersex offenders.
  7. Clothed, unclothed and visual body cavity searches may be authorized by the Warden on a routine basis for all offenders participating in certain activities, including but not limited to:
    - A. Returning from a community work pass;
    - B. Transportation runs;
    - C. Transfers;
    - D. Visiting;
    - E. Work details;
    - F. Institutional lockdowns; and

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- G. When conducting specific targeted cell searches, etc.
8. Medical Emergencies: Before administering any first aid, the following protocols must be completed prior to authorizing the responding medical staff to proceed:
    - A. Secure the area;
    - B. Conduct a thorough search of the offender for contraband (i.e., weapons, sharps, etc.); and
    - C. Apply appropriate restraints, if applicable.
  9. Institutional procedures will stipulate area/activities where routine clothed, unclothed and visual body cavity searches may occur.

#### **422.07 OFFENDER BODY CAVITY SEARCHES**

In specific instances where the institutional physician feels performing a body cavity search poses a significant health risk to the offender, the physician will advise the Warden or appropriate Deputy Director. The Warden or appropriate Deputy Director may order the offender placed in a dry cell.

1. Use of a dry cell: Local procedures will be developed to address the use of a dry cell when it becomes necessary as an interdiction measure for contraband. These procedures will address and contain, at a minimum, the following information:
  - A. Placement will occur only with the authority of the institution Warden or designee.
  - B. Preparation: The offender will be placed in a room/cell that is not accessible to the other offenders from which contraband cannot be passed, as defined in local procedures.
    - 1) The offender will be afforded as much privacy as possible during this process.
    - 2) A thorough search of the room/cell will be conducted prior to placement of the offender.
    - 3) If the room/cell has a toilet, water to the room/cell will be disabled and the toilet will be flushed prior to placing the offender in the room/cell.
    - 4) If the room/cell does not have a toilet, the offender will be escorted to and from designated toilet facilities.

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- 5) All movement in or out of the room/cell will require the offender to be in full restraints.

C. Monitoring: Staff designated to monitor the offender will be provided suitable protective gear and appropriate instruments to inspect and retrieve any contraband found.

- 1) The offender will be monitored through personal observation at a minimum of every 30 minutes as well as continual observation through the use of cameras in place, if available.
- 2) All activities such as meals, liquids given, medication, etc., will be logged.

D. Conditions While Assigned

- 1) Offenders placed in dry cell confinement will be fed as offenders in general population. Liquids will be provided for consumption at a minimum of every two hours.
- 2) After consultation with medical staff, the offender may be offered a laxative.
- 3) Under no circumstances will the offender be force medicated.
- 4) A mattress, pillow and blanket will be provided.
- 5) The offender will remain clothed (shirt/t-shirt, underwear, pants, socks) or placed in a jumpsuit. No other property is authorized.
- 6) Restraints will not normally be used during the period of confinement. However, the Warden, Associate Warden, or appropriate Deputy Director, after consultation with medical staff, may require the offender to be placed in four/five-point restraints in accordance with policy.

E. Inspection/Retrieval:

- 1) Upon observation of the offender using the toilet facilities, staff will utilize appropriate protective gear; at a minimum to include a pair of disposable latex gloves and mask.
- 2) The offender will be restrained and removed from the room/cell in accordance with local procedures.
- 3) Designated staff will enter the room/cell to observe the contents of the toilet.

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- 4) If a fecal specimen has been produced, it will be inspected by physically probing the specimen with a suitable instrument.
  - 5) If contraband is found, a pair of tongs or similar instrument will be used to remove the contraband from the specimen.
  - 6) The contraband will be cleaned as well as possible and placed in a clear biohazard bag.
  - 7) Any contraband found will be handled in accordance with NDOC policy.

F. Release:

- 1) If a specimen has been produced and no contraband is found, the offender may be released to the offender's prior classification level upon approval of the Warden/facility head.
  - 2) Duration of dry cell confinement will not normally exceed 72 hours, unless approved by the Warden, Associate Warden, or appropriate Deputy Director after consultation with medical staff.
2. Contraband detection by use of x-ray may be ordered in instances where reasonable suspicion indicates that an offender is concealing contraband in a body cavity.
    - A. Prior to an x-ray being conducted, the Warden or designee must consult with the facility physician and the physician must order the x-ray.
    - B. An x-ray must only be ordered by the physician when the safety and security of the facility or the offender is at risk.
    - C. If any x-ray is ordered and completed, a report must be submitted.
  3. Intrusive body cavity searches will be conducted upon approval by the designated Deputy Director, or the Warden/facility manager, which can only be approved upon a finding of probable cause and with a search warrant.
    - A. Intrusive body cavity searches will be conducted in private and only performed by a one of the following licensed medical professionals acting within the scope of his or her license:
      - 1) physician,
      - 2) physician's assistant,
      - 3) nurse practitioner,

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- 4) registered nurse,
  - 5) licensed practical nurse, or
  - 6) Dentist (dentists may only perform intrusive searches of the oral cavity).
- B. The body cavity search will be recorded in the offender's health record, and the findings will also be documented by the medical professional who performed the search utilizing a facility incident report that will be submitted to the facility head.
  - C. Offender cooperation will be sought, but uncooperative offenders may have body cavity searches performed with a use of reasonable force if necessary, but only if the search can be conducted in a medically safe manner after approval by the facility head and after consultation with the medical professional assigned to perform the body cavity search.
  - D. The body cavity search will be conducted in a medically safe manner consistent with standard methods of examining the involved body cavity.
  - E. Contraband found during the search will be removed if feasible and medically safe.
  - F. A concealed balloon that is suspected to be filled with a drug or unknown substance will not be removed during a body cavity search except when a medical provider determines it is necessary to prevent the death or serious injury of the offender. The medical staff will advise the facility head of the appropriate action to take to safeguard the offender and prevent the loss of the contraband.

#### **422.08 VISITOR SEARCHES**

1. All visitors entering the grounds of the institution/facility must acknowledge and sign the DOC 1615 Consent to Search form and will be subjected to a clothed search, along with a search of all personal property.
2. If a visitor declines consent to search and leaves the institution, the Warden or designee must be notified of the incident, and the Warden/designee will make a determination regarding the future visitation privileges based on information available to him/her.
3. Staff must generate an incident report in NOTIS documenting the reasons for the search and that consent for the clothed search was obtained by the visitor, with the visitor also memorializing the consent by way of signing the DOC 1615 Consent to Search Form.
4. There will be no unclothed search, visual body cavity search, or intrusive body cavity searches of a visitors by Institution or facility staff, and will only be conducted subject to

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probable cause and when the Inspector General and/or Supervisory Criminal Investigator has obtained and has in their possession a signed and executed Search Warrant explicitly authorizing what search or searches can be conducted (unclothed search, visual body cavity search or an intrusive body cavity search), and only after the Search Warrant (or copy thereof) has been provided to the visitor.

- A. Unclothed and visual body cavity searches may only be performed by a medical professional pursuant to the lawfully signed and executed Search Warrant explicitly permitting such a search and only after the visitor has been provided with a copy of the Search Warrant.
- B. If the Search Warrant authorizes an intrusive body cavity search for a visitor, the intrusive body cavity search will not be conducted by an NDOC facility or by an NDOC medical professional, but instead the Search Warrant must authorize the intrusive body cavity search to be conducted at an off-site medical facility and by a medical professional who is not an NDOC medical professional
- C. Searches of Juvenile Visitors
  - 1) For the purpose of searches, a juvenile will be defined as any person who has not reached their eighteenth birthday and who has not been emancipated from their parent or guardian.
  - 2) Clothed (pat down) search may be conducted on every juvenile visitor desiring entry into a prison and in accordance with policy.
    - a) More invasive searches of juveniles will not be conducted by NDOC staff.
    - b) NDOC staff may provide information to certified law enforcement personnel from the local jurisdiction.
    - c) If staff has a reasonable suspicion or probable cause to believe that a juvenile is in possession of contraband or evidence of a crime, local law enforcement officials will be notified of the information, and the visit will be denied.
  - 3) A search of a juvenile will be conducted only in the presence of the parent or legal guardian.

#### **422.09 STAFF SEARCHES**

All staff, including volunteers, contractors, etc. entering a correctional facility may be subject to pat down, frisk, strip search, or visual or intrusive body cavity searches.

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1. Pat down searches may be conducted randomly without reasonable suspicion or probable cause as staff, volunteers, contractors, etc., have provided consent for such random searches as part of their employment, volunteer, or contractor status.
  2. Pat down searches can also be conducted based on reasonable suspicion or probable cause of a crime being committed.
  3. Staff may be subject to an unclothed search only if the Warden, Associate Warden, Facility Manager or one of their designees determines that reasonable suspicion exists and authorizes the search.
    - A. However, if the unclothed search is authorized based on reasonable suspicion as opposed to probable cause, the staff member must provide consent to the unclothed search.
    - B. If consent is not provided for the unclothed search authorized based on reasonable suspicion, the staff member must be provided the opportunity to leave the facility before the unclothed search is conducted.
    - C. If the Warden, Associate Warden, Facility Manager or their designee authorize an unclothed search of a staff member based on probable cause, and a lawfully signed and executed Search Warrant explicitly permitting an unclothed search, has been obtained and provided to the staff member, then an unclothed search may be conducted without the consent of the staff member and without providing the staff member with the opportunity to leave the facility, as such search is authorized by the lawfully signed and executed Search Warrant.
    - D. Unclothed searches, if authorized by the Warden and explicitly authorized by a Search Warrant, will be conducted in the same manner as those searches are authorized and described in this procedure for visitors.
    - E. There will be no random unclothed searches of staff.
  4. Visual and intrusive body cavity searches of staff may only be conducted with a Search Warrant explicitly providing for a visual body cavity search and/or intrusive body cavity search and with the approval of the Deputy Director and/or Inspector General or his/her designee. Such visual body or intrusive body cavity searches will be conducted in the same manner as those searches are authorized and described in this procedure for visitors.
    - A. Refusal by any staff person to submit to a search may be grounds for corrective discipline, including termination and will require that the staff person leave the facility grounds, immediately.

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#### **422.10 PERSONAL PROPERTY SEARCHES**

1. All personal property being carried through the perimeter of a facility is subject to being searched.
2. Any search of the personal property of staff, offender, or a visitor must be done in their presence unless security concerns or circumstances dictate otherwise.
3. In the case of an offender who is unavailable, the unavailability will be documented, and one staff member will conduct the search while another staff member witnesses the search unless circumstances dictate otherwise.
4. If a visitor refuses to allow a personal property search, they will be directed to leave facility grounds. A refusal may be used as evidence to deny entry into the facility at a later time.

#### **422.11 LIVING QUARTER SEARCHES**

Offender institutional living quarter searches will be conducted on periodic and random basis, as well as based on individual reasonable suspicion or probable cause.

#### **422.12 VEHICLE SEARCHES**

1. All vehicles and their contents will be searched upon entering and exiting through the secure perimeter of maximum and medium security facilities.
2. Private vehicles and their contents may be subject to search upon entering the grounds of any facility.
  - A. Searches of Visitors' Vehicles will be conducted:
    - 1) Upon reasonable suspicion of criminal activity when conducted by a certified correctional officer or a peace officer;
    - 2) Routinely on all visitors' vehicles upon entering prison grounds and being parked in an area that is routinely accessible to offenders at the institution/facility. The owner/operator will be required to watch the search.
    - 3) If consent to search is requested and the authorized owner/operator of a privately owned vehicle refuses to grant permission for the search, entry to the facility property will be denied and may result in denial of future access to the facility; and

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- 4) A search of a visitor's vehicle is also permitted if probable cause exists to believe that evidence of a crime is present inside the vehicle and a peace officer present.

#### B. Staff Personal Vehicles

- 1) Staff personal vehicles that may be routinely accessible to offenders may be searched by uniform random selection, or when there is reasonable suspicion that the vehicle contains contraband.
  - 2) Staff personal vehicles routinely inaccessible to offenders may only be searched with consent, or upon a search warrant, or upon exigent circumstances and probable cause.
  - 3) Staff members will be present during a search of their vehicle, unless circumstances dictate otherwise.
  - 4) If probable cause exists to conduct the search and a peace officer is present.
3. All state-owned vehicles may be inspected at any time, at the discretion of the Warden, Associate Warden, or Facility Manager. An inspection or inventory of state vehicles is not classified as a search. When there is suspicion of a criminal act, a search should ideally be conducted with a Search Warrant. However, a warrantless search of an employee's permanently assigned state-owned vehicle for evidence of a criminal act may be performed when reasonable suspicion and exigent circumstances are present and documented. During these searches, efforts will be made to have an employee representative present, and a video camera may be utilized to record the process.

#### **422.13 SEARCHES OF COMPOUNDS, PERIMETERS, GROUNDS, OR ANY AREA OWNED OR UNDER THE CONTROL OF THE DEPARTMENT OF CORRECTIONS.**

1. Searches of these described areas will be conducted as determined by the Warden/facility manager or designee.
2. Offices, desks, and lockers may be searched when a supervisor has reason to believe that the employee has committed some work-related job discrepancy or violation of operations procedures or administrative regulation, to ensure compliance with established procedures.
3. When a criminal act is suspected, a search should ideally be conducted with a search warrant. However, a warrantless search of an employee's individual desk or locker for evidence of a criminal act may be carried out when reasonable suspicion or probable cause, along with exigent circumstances, is present and documented. During these searches, efforts will be made to have an employee representative present, and a video camera may be utilized to record the process..

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## 422.14 USE OF CANINE DRUG AND CELL PHONE DETECTION

### 1. Vehicles

- A. Canine drug detection screening may be performed uniformly or by systematic random selection on vehicles inside secured perimeters or in areas to which offenders have access. Upon “alerting,” (the dog’s signal that it has detected the presence of illegal contraband) probable cause exists to search the vehicle for contraband. If other contraband is found, it may also be confiscated.
- B. Canine drug detection screening of vehicles parked on facility property in areas inaccessible by offenders may also be performed uniformly or by systematic random selection. Upon “alerting,” probable cause exists to conduct a search of the vehicle. If other contraband is found, it may also be confiscated.

### 2. Persons

- A. All persons, including employees, entering the grounds are subject to canine drug detection screening. If the dog “alerts” on a particular person, there is probable cause to search further, including an unclothed search. Failure to submit to a search will result in denial of entrance to visitors or may result in disciplinary action to an employee.

### 3. Offender Living Quarters, Grounds, Buildings and Offices

- A. Canine drug detection screening may be performed uniformly or by random selection of all DOC facilities.
- B. Upon “alerting,” reasonable grounds arise to search the location for contraband.

## APPLICABILITY

- 1. This regulation requires an Operational Procedure at each institution/facility.

## REFERENCES

ACA Standards: 5-ACI-3A-19, 5-ACI-3A-20, 5-ACI-3A-21, 5-ACI-3D-08 (M), 5-ACI-3D-17, and 5-ACI-7D-21

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James E. Dzurenda, Director

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Date