TITLE 81 - JAIL STANDARDS BOARD

CHAPTER 6 - STANDARDS FOR JAIL FACILITIES - SECURITY AND CONTROL

**001 Policy.** It is the policy of the State of Nebraska that facility administrators in all jail facilities shall employ policies and procedures that insure the maintenance of proper levels of security and control. Such policies and procedures shall be consistent with the provisions established herein.

**002 Supervision of Housing and Custodial Areas.** The facility administrator shall be responsible for the proper supervision, accountability, and security of inmates in their assigned housing areas.

**002.01** Whenever inmates are held in a jail facility, facility employees shall provide supervision in accordance with Chapter 2, paragraph 003 of these Standards. An official inmate count shall be taken and recorded four (4) times daily at the following times:

**002.01A** Two counts between the hours of 2400 and 1200 hours;

**002.01B** Two counts between the hours of 1200 and 2400 hours.

**002.01C** There shall be ~~at least~~ no more than a ~~four (4)~~ six (6) hour interval between counts.

**002.02 Supervision of Isolated Inmates**. The assignment of inmates to safety cells, disciplinary isolation, or administrative segregation shall be approved by the facility administrator or administrator designee. If an inmate is placed in isolation, the following general conditions shall apply:

**002.02A** An isolated inmate shall not be deprived of normal jail facility clothing, except as is necessary for his protection. If such deprivation is necessary, provision shall be made to protect his health.

**002.02B** ~~Whenever a mentally disordered inmate is placed in isolation, the facility administrator shall comply with the requirements of the Nebraska Mental Health Act.~~ ~~002.02C~~ The facility administrator or administrator designee shall review the classification status of inmates in safety cells at least every twenty-four (24) hours.

~~002.02D~~ **002.02C** The facility administrator shall review the classification status of inmates in administrative segregation at least every thirty (30) days.

~~002.02E~~ **002.02D** No inmate shall be placed in disciplinary isolation for more than fifteen (15) consecutive days or more than thirty (30) days out of any forty-five (45) day period, except in case of violence or attempted violence committed against another person or property when an additional period of isolation for disciplinary reasons is approved by the facility administrator.

**002.03 Work Program Supervision.** Inmates participating in work programs, except those on temporary release status, are supervised in keeping with their custody classification while outside the secure perimeter of the facility.

**003 Facility Security and Control.** Facility policies and procedures employed to insure maintenance of security and control shall be consistent with the following provisions:

**003.01** All secure perimeter entrances shall be kept locked at all times, except when used for supervised entrance or exit of facility employees, inmates, visitors, or in emergencies.

**003.02** All security equipment shall be inspected regularly.

**003.02A** Facility employees shall carefully inspect cells, cell doors, bars, windows, and doors leading into and out of housing areas daily to insure that all are in proper and safe working order.

**003.02B** Prior to assignment of an inmate to a housing unit, the facility administrator or proper facility employee shall insure that the unit is properly equipped and that the required equipment is in useable condition.

**003.03** The facility administrator and all facility employees shall maintain a continual vigilance of their assigned area of supervision and maintain an accurate count of inmates in accordance with these Standards. They shall insure that all locks on appropriate hall doors, cell doors, and elsewhere are locked, and that they are aware of the location and condition of particular inmates who are chronic disturbers or have special needs. Facility employees shall take prompt action whenever any problems or disturbance arises.

**003.03A** No facility employee shall strike or lay hands on inmates except when it is necessary to prevent escape, injury to person or property, quell a disturbance, or in other execution of their duties. Only the amount of physical force necessary to accomplish the above is authorized.

**003.03B** When two (2) or more inmates engage in a fight, witnessing facility employees, with the necessary help, shall separate the inmates at once, and the facility employees shall take such action as is necessary to restore security and order. Such incidents shall be properly documented with the information forwarded to the facility administrator or other appropriate facility employee for possible disciplinary action or further investigation.

**004 Emergency Procedures**. The facility administrator shall employ policies and procedures that insure the proper handling of emergency situations such as fire, disturbance, natural disaster, escape, or taking of hostages.

**004.01** Specific procedures and orders to be followed in the event of any emergency situation shall be made available to all facility employees. Such procedures shall be reviewed and updated periodically.

**004.02** All facility employees shall be trained in the execution of emergency procedures.

**004.03** The facility shall comply with the life safety codes established by the State Fire Marshal. The facility administrator shall maintain documentation of compliance from the State Fire Marshal based on an annual inspection of the facility by their personnel or authorized designee.

**005 Supervision of Facility Arsenal, Firearms, Tools, Restraint Equipment, and Keys.** Facility administrators in all jail facilities shall insure proper supervision of the jail facility arsenal, ~~weapons,~~ firearms, tools, restraint equipment and keys.

**005.01 Arsenal and Firearms, Chemical Agents and Related Equipment**. All firearms, chemical agents, ammunition, and related security equipment shall be stored in a secure but readily accessible depository. Access to the arsenal shall be supervised by designated facility employees.

**005.01A** All firearms, chemical agents, and related security equipment shall be kept clean and in proper working order, and available for immediate use. Defective equipment shall be tagged and stored separately.

**005.01B** All firearms, chemical agents, and related security equipment shall be inventoried and documented at regular and routine intervals to determine their condition and expiration date. All equipment shall be catalogued with proper documentation of their issuance and use. The loss or misplacement of any equipment shall be reported immediately to the facility administrator.

**005.01C** In emergency situations, facility employees on duty shall use only weapons and related security equipment approved by the facility administrator.

**005.01D** Facility employees authorized to use firearms and related security equipment shall be qualified in the safe and efficient use of firearms, chemical agents and other weapons approved for use by the facility administrator. The greatest caution and conservative judgment shall regulate the use of any weapon.

**005.02 Supervision of Jail Facility Keys**. All jail facility keys not issued to facility

employees shall be stored in a secure depository. Keys shall be issued from a central control area by designated facility employees.

**005.02A** All keys shall be labeled to correspond with their respective locks. The identifying labels, the number of keys available for each lock, and the location of the respective locks shall be properly recorded. The issuance of keys to facility employees shall also be properly documented. Facility employees should only possess those keys officially issued to them.

**005.02B** Keys not issued to facility employees should be stored in a manner that permits easy determination of the presence or absence of keys.

**005.02C** Fire and other emergency keys shall be readily accessible to the central control area to the designated facility employees on duty.

**005.02D** The loss or misplacement of jail facility keys shall be immediately reported to the facility administrator.

**005.02E** Keys must be inventoried and logged once per shift.

**005.03 Restraint Equipment.** Restraint equipment is used only as a precaution against escape during transfer or as prevention against inmate self-injury, injury to others or damage to property. Restraint equipment is applied only for the time absolutely necessary. The use of restraint equipment, other than for routine use during transfer, is approved by the supervisor on-duty and must be documented in report. Restraint equipment shall be inventoried at regular and routine ongoing intervals.

**005.04 Tool Control**. The facility shall have a tool control system, which includes the following provisions: All facility owned tools and other potentially dangerous equipment are securely stored in a locked area or outside the security perimeter. There is an accounting system to record the issuance and return of all facility owned tools and equipment. Facility employees carefully monitor the use of tools and equipment by maintenance and repair workers within the security perimeter to ensure none are left unattended, lost or forgotten. Tools and equipment are used by inmates within security perimeter only under the direct supervision of facility employees. The loss or misplacement of tools or equipment is promptly reported to the facility administrator.

**006 Inmate Searches.** Facility policies and procedure regarding pat searches, strip searches, and body cavity searches shall be consistent with the following provisions:

**006.01 General Search Procedures.** Facility employees shall thoroughly search inmates for contraband upon admission and as otherwise necessary to maintain security and control of the facility.

**006.01A** All searches shall be conducted in a manner which preserves the

dignity of the inmate to the greatest extent possible.

**006.01B** All searches shall be of the least intrusive type necessary to satisfy the safety and security needs of the facility.

**006.01C** All strip searches and body cavity searches shall be conducted by facility employees of the same sex as the inmate, except for qualified medical employees acting pursuant to Chapter 6.006.04B. ~~Except in cases of emergency, all pat searches should be conducted by facility employees of the same sex. If an inmate objects to a pat search by an employee of the opposite sex which involves touching the genital or buttocks areas, or the breast area of a female inmate, an employee of the same sex as the inmate must be summoned to conduct the search.~~

**006.01D** All strip searches and body cavity searches shall be conducted in an area made private from the observation of persons not physically conducting the search and persons not present to ensure the safety of those persons conducting the search.

**006.01E** Upon admission, inmates shall be inspected for body vermin, cuts, bruises, needle scars, or other injuries to the greatest extent possible given the type of search being conducted.

**006.02 Pat Searches.** Pat searches involve the touching and feeling of the inmate's clothed body to detect contraband.

**006.02A** The pat search shall be considered the initial method of searching inmates upon admission.

**006.02B** The pat search shall also be considered the routine method of searching inmates already lodged in the facility. These searches may be conducted at any time needed to maintain security and control.

**006.02C** Except in cases of emergency, all pat searches should be conducted by facility employees of the same sex.

**006.03 Strip Searches.** ~~Strip searches involve the removal of all articles of clothing and a~~ A strip search is the visual inspection of ~~the inmate's nude body, including a visual examination~~ a disrobed or partially disrobed subject which involves no touching. Includes any search of ~~the outer genetalia~~ an area ~~and inside~~ for which there exists a reasonable expectation of privacy, such as the breasts, genitals, and buttocks; may include opening of clothing to expose these areas or lifting the ~~mouth, nostrils and ears~~ edge of under clothing.

**006.03A** Strip searches of inmates upon admission are authorized only upon

individualized determination of reasonable suspicion or probable cause as set forth below:

**006.03A1** When there is reasonable suspicion that the inmate has on his person contraband, weapons, criminal evidence, or other things concealed which present a threat to the safety and security of the facility;

**006.03A2** When there is reasonable suspicion that a strip search is necessary to confirm the presence of a health condition requiring immediate medical treatment; or

**006.03A3** When there is probable cause to believe that a strip search is necessary to confirm the presence of other criminal evidence concealed on the inmate's body.

**006.03B** For the purposes of subparagraph 006.03A1 above, reasonable suspicion shall be deemed present when:

**006.03B1** Charges involve a crime of violence as described by Nebraska Revised Statutes Section 28-301 through 324 and 28-329 through 333 or any successor statutes;

**006.03B2** Charges involve escape, burglary, or the use of a weapon;

**006.03B3** Charges involve the possession of a drug or controlled substance and/or drug paraphernalia;

**006.03B4** Inmate's prior record indicates arrest or conviction for one of the above offenses; or

**006.03B5** The inmate is combative or displays behavior which indicates he is likely to attempt to introduce contraband into the facility.

**006.03C** Before a strip search can be conducted on an inmate upon admission, best efforts must be made to use less intrusive methods such as pat searches, electronic metal detector or searches of the inmate's clothing.

**006.03D** All arrestees entering ‘general population’ may be strip searched.

**006.03E** Inmates returning from court with a release order shall not be strip searched.

**006.03F** Group strip searches are not allowed.

**006.03G** Strip search procedures for use with transsexual, transgendered, and

intersex arrestees and inmates should be formulated.

~~006.03D~~ **006.03H Documentation**. A written record of any strip search of an inmate upon admission shall be prepared and maintained in the inmate's individual file. This record shall include:

~~006.03D1~~ **006.03H1** The name and sex of the facility employee conducting the search and each other person present during the search;

~~006.03D2~~ **006.03H2** The time, date and place of the strip search;

~~006.03D3~~ **006.03H3** A statement of the results of the search along with a list describing any weapons, contraband, criminal evidence, or health condition discovered during the search; and

~~006.03D4~~ **006.03H4** A statement of the facts which led jail employees to believe there was reasonable suspicion or probable cause to conduct the strip search.

~~006.03E~~ **006.03I** Strip searches of inmates while lodged in the facility after initial court appearance may be conducted at such times when there exists reasonable suspicion that contraband has been, or will be, introduced into the facility.

**006.04 Body Cavity Searches**. Body cavity searches involve the examination and possible intrusion into the rectal or vaginal cavities. No body cavity searches shall be conducted unless there exists probable cause to believe that contraband will be discovered. No body cavity search shall be conducted without prior authorization by the administrator or his designee.

**006.04A** No body cavity search shall be conducted unless a thorough pat search, strip search or search of the inmate's clothing do not satisfy the safety and security needs of the facility.

**006.04B** Body cavity searches shall be performed under accepted sanitary conditions and only by a qualified medical employee.

**006.04C Documentation**. A record of the body cavity search shall be prepared and maintained in the inmate's individual file. The record shall include:

**006.04C1** A statement of the facts which led jail employees to believe there was probable cause to conduct the body cavity search;

**006.04C2** The name and sex of each person conducting or observing the search;

**006.04C3** The time, date and place of the search; and

**006.04C4** A statement of the results of the search with a list describing the items removed from the inmate as a result of the search.

**006.05 Contraband Control.** The facility has a facility search plan for the control of contraband which provides for unannounced and irregularly timed searches of cells, dayrooms and activity, work or other areas accessible to inmates. Contraband control procedures provided for the inspection of all materials and supplies coming into the facility. Contraband is defined as any item not authorized by facility staff.

| | |
|---|---|
| EFFECTIVE DATE: | September 9, 1980 |
| REVISED DATE: | January 17, 1982 |
| REVISED DATE: | March 22, 1984 |
| REVISED DATE: | October 7, 1986 |
| REVISED DATE: | September 16, 1987 |