



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: F
Section: .3100
Title: **Close Observation
Procedures**
Issue Date: 07/07/21
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POLICY AND PROCEDURE

References **5th Edition Standards for Adult Correctional Institutions**

Related ACA Standards **5-ACI-3A-19, 5-ACI-3A-20**

.3101 PURPOSE

The purpose of this policy is to establish guidelines to govern close observation procedures in cases where **offenders** are suspected of ingesting or concealing contraband in a body cavity. Close observation procedures may be implemented until the offender has voided the contraband or until sufficient time has elapsed to preclude the possibility that the **offender** is concealing contraband.

.3102 APPROVING AUTHORITY

The **Warden** or designee has the authority to determine whether or not to implement these procedures after considering such factors as the nature of the suspected contraband and the demands these procedures will place on the operation of the facility. The **Warden** or designee may approve close observation procedures, in consultation with facility medical staff, for a period of up to seven days. The Region Director or designee is the approving authority, in consultation with division medical authorities, for periods of close observation beyond seven days.

.3103 PROCEDURES

- (a) An **offender** that is suspected of ingesting or concealing contraband in a body cavity will receive a complete search in accordance with standard Prisons policy F .0100, Operational Searches. If suspected contraband is not found during the complete search and the officer-in-charge determines that contraband may remain within the body of the **offender** then a request to place the **offender** on close observation status may be made.
- (b) Ordinarily, close observation procedure is not appropriate for a female **offender** suspected of concealing contraband in her vagina, since it is possible for the concealment of the contraband for an extended period of time.
- (c) An **offender** being placed in close observation status will be completely searched prior to being placed in this status. The **offender** may retain boxers or other suitable clothing to wear.

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- (d) The offender will not be allowed to come into contact with any other offender.
- (e) The offender will remain under constant visual monitoring twenty-four hours per day by at least one staff member. The offender is not to be left unattended at any time. The staff member monitoring the offender must be the same sex as the offender. This staff member will be issued a flashlight, radio, plastic gloves, plastic evidence bag, forceps, etc. Forceps are to only be used to retrieve contraband once it has been expelled from the body cavity. The offender will not be allowed freedom to move around unsupervised or be given the opportunity to dispose of any object they may be concealing. The offender might attempt to remove and/or ingest contraband from or into a body cavity, so it is important to constantly observe the offender's hands.
- (f) The light in the cell will remain on at all times.
- (g) The offender ordinarily may not be allowed personal property except legal mail and a reasonable amount of legal materials when requested. Personal hygiene items will be controlled by staff.
- (h) When the offender is lying on a bed, the offender shall be required to lie on top of the mattress in full view. When necessary for the offender to use cover, his hands must remain visible at all times.
- (i) Due to security concerns, the offender will not be allowed recreation outside of the cell while on close observation status.
- (j) The offender will be served meals in accordance with standard Prisons policy unless medically contraindicated. All meals are to be inspected for contraband prior to delivery to the offender. Any food remaining after the meal, as well as, the utensils and tray are to be thoroughly inspected before being sent back to the kitchen.
- (k) ***Per Prisons Security Manual .2400, non-invasive search devices may be used to search an offender for concealment of contraband (5-ACI-3A-19).*** Two positive alerts by non-invasive devices will lead to a pat frisk and/or strip search of the offender per Prisons Policy and Procedure F.0100 Operational Searches. ***If the device(s) alerts and no contraband is found after completing the pat frisk and/or strip search, then the Warden, upon approval from the Region Director may authorize a non-repetitive Administrative X-ray (5-ACI-3A-20).*** The Administrative X-ray will determine if contraband is concealed or on the offender (for example: in a cast or body cavity) for the purpose of maintaining the safety and security of the facility, staff, and offenders. A copy of the administrative X-ray report will be filed in the offender's unit field jacket and an incident report completed. If the administrative X-ray reveals contraband hidden within the offender body cavity, cast, etc., then the offender will be placed in a dry cell in accordance with Prisons Policy F.3100 Close Observation Procedures. The offender will also be charged with a disciplinary offense and/or criminal offense based on the type of contraband found. For the purposes of this policy, theoretical harm that might result from

a single X-ray exposure does not constitute a situation likely to result in serious or lasting medical injury or harm to the offender.

- (l) No medications may be given to the offender except for those that are normally prescribed to them. No laxatives may be given except for natural laxatives such as coffee, prune juice, etc.
- (m) ***Body cavity searches are authorized in accordance with section F.0100 of the Operational Searches policy (5-ACI-3A-20).***
- (n) When the offender needs to urinate or defecate, an empty hospital bedpan will be provided. The contents will be inspected by a second supervising officer by use of rubber gloves and forceps or tongue depressor to determine whether or not contraband is present.
- (o) When the offender requests to brush their teeth, a wash pan and container of water will be provided for use in the cell.
- (p) If the suspected contraband is found, the officer-in-charge will be immediately notified. The staff member finding the contraband will place the contraband in a plastic evidence bag and proper documentation and chain of custody will be maintained. The bag should be labeled as a bio-hazard. The Warden or designee will determine when close observation status is to be terminated.
- (q) Daily events will be documented on the Electronic Rounds Tracking Tablet and/or the DC-141 daily log. The incident will be documented on the standard OPUS Incident Report. The correctional officer supervising the offender should document activity at least hourly, and more often if the offender's condition or situation changes to include modifications by the OIC.
- (r) Any questions, emergency, or other situation which arises should be immediately referred to the officer-in-charge. The supervising employee is responsible for ensuring that the offender does not dispose of any concealed item, or to allow an activity that would allow the offender access to the contraband, thereby jeopardizing the security of the institution, staff, and offenders.
- (s) It is recommended that one or more cells be identified as close observation cells that meet the following requirements.
 - (1) The room should be free of hiding places and be equipped with only a bed. If the designated area is equipped with a toilet and/or sink, the water to the cell should be shut off and removed prior to the offender being placed in the room. The water shall remain off for the duration of the close observation process.
 - (2) Cells should allow unobstructed observation by staff.

- (3) Windows or doors should be constructed in such a way that the contraband may not be lost through them.
- (4) Prior to placement of the offender in close observation status, the room is to be completely searched and determined to be free of contraband. Potential hiding places, if any, for the contraband should be noted and, if possible, eliminated.
- (t) A standard operating procedure and post orders in accordance with this policy should be developed at each close custody institution and at medium custody facilities that are capable of implementing close observation procedures. Staff at these facilities are to be properly trained in regards to the procedure and post orders.
- (u) The officer-in-charge will ensure that each officer involved in the supervision of close observation procedures will be properly trained in their post orders.



Commissioner of Prisons

July 07, 2021

Date