



**Department of Corrections and Rehabilitation**  
**NOTICE OF CHANGE**  
**TO DEPARTMENT OPERATIONS MANUAL**

**Chapter 5, Article 19,**  
**Arrest, Search and Seizure (Canine Unit)**

**Transmittal Letter Number:**  
16-04

**Revision Date:**

March 7, 2016

The purpose of this document is to provide all Department Operations Manual (DOM) holders with information regarding the attached amendments to Chapter 5, Article 19, Sections 52050.27 and 52050.27.1 Canine Unit.

The revision incorporates a change in the method of searching inmate visitors using canine units, which was driven by a change to the California Penal Code 6402 and California Code of Regulations (CCR), Title 15, Section 3173.2. The revisions also update the method used for searching employees of the Department, contract employees, employees of other government agencies, and volunteers, as well as searches of inmates, using canine units.

Please inform all persons concerned regarding the contents of this notice, which shall remain in effect until it is incorporated into the next edition of the DOM. If you have any questions, please contact Bryan Donahoo, Division of Adult Institutions at (916) 323-2160.

*Original signed by:*

**KELLY HARRINGTON**  
Director  
Division of Adult Institutions

**DEPARTMENT OPERATIONS MANUAL**  
**CHAPTER 5 – ADULT CUSTODY AND SECURITY OPERATIONS**  
**ARTICLE 19 — ARREST, SEARCH AND SEIZURE**

*Revised December 16, 2014*

**[Sections 52050.1 through 52050.26 are unchanged]**

*Revised March 7, 2016*

**52050.27 Canine Unit**

The California Department of Corrections and Rehabilitation (CDCR) canine unit is comprised of both illegal drug and contraband detection service dogs. Each departmental canine team is comprised of one certified canine handler and one certified canine service dog. All departmental service dogs shall be trained in the detection of illegal drug odor. Each canine team shall attend and successfully pass the Department's 280-hour course of training in illegal drug detection and then certify in the methods of illegal drug detection. Upon successful completion, an illegal drug detection service dog will be able to detect the presence of the odor of marijuana, heroin, cocaine, methamphetamine, and derivatives of these illegal drugs. At the discretion of the Canine Lieutenant, illegal drug detection service dogs may also be trained in the detection of contraband odor. Contraband detection service dogs will be capable of detecting the presence of the odor of tobacco and cell phones. Each departmental canine handler and service dog shall be recertified annually by the Canine Lieutenant.

All air scan service dogs must attend and successfully pass the Department's 120-hour course of training in passive canine air scan searching and then certify in the methods of passive canine air scan searching. Upon successful certification, the passive canine air scan team shall be able to complete passive air scans on people. Air scan service dogs must complete the Department's 280-hour course of training in illegal drug detection prior to attending the Passive Canine Air Scan Academy. Only a Passive Response Certified Narcotic Detection Team with a minimum of six months of experience shall be considered for air scan training and certification.

Service dogs shall not be used for verification of suspected drugs. Such verification shall be performed in accordance with existing drug testing procedures.

The mission of the canine unit is to combat the introduction of illegal drugs and contraband into CDCR facilities and reduce the overall level of drug/contraband and criminal activity within the inmate population, thereby enhancing the safety and security of the institution.

Selection of canine handlers shall be based upon overall experience, honesty, maturity, dedication, and a professed affection toward dogs. Canine service dogs shall not be utilized for any purpose other than illegal drugs/contraband detection (i.e., cell extractions, escape details, response to violent incidents, event control, etc.).

Only departmental assigned canine handlers shall normally handle departmental service dogs.

## **Responsibility**

The Canine Lieutenant is responsible for purchasing, selling, retiring, or transferring of all service dogs; and the training and coordination/utilization of all departmental canine teams. The Canine Lieutenant shall also be responsible for ensuring all departmental canine teams are in compliance with established regulations and policies governing departmental canine unit operations.

Canine units are assigned to individual institutions and have a dual reporting structure. Each is part of a "Regional Unit;" Northern, Central, or Southern Region based on geographical location. Direct supervision rests with the Investigative Services Unit (ISU) Lieutenant at the institution housing that canine team, and is responsible for daily Fair Labor Standards Act and staff accountability. The appropriate Regional Canine Coordinator maintains daily functional supervisory and scheduling responsibility for each canine unit. When the canine handler is not engaged in canine duties, the canine handler shall lend support with other ISU functions as needed.

## **Injuries to a Canine Handler**

In the event a canine handler is injured during the performance of their duties and is unable to care for or provide control of his/her assigned service dog, another canine handler shall be called to secure the service dog. If another canine handler is not available, a non-canine staff member shall be directed to secure the service dog into the institution's kennel facility until another canine handler can respond. At the earliest time possible, the service dog shall be transported to the Regional Canine Coordinator or Canine Lieutenant until such time the assigned canine handler is able to care for the service dog, or the dog is reassigned.

## **Injuries to a Service Dog**

Canine handlers shall avoid situations requiring the service dog to remain in their respective canine vehicles for extended periods of time. Temperature extremes can be detrimental to the service dog's health and in extreme cases may result in death. Whenever the canine handler leaves the vehicle unattended, all doors shall be secured. If the service dog is in the vehicle in mild or cool weather, the windows shall be rolled down, with lattice inserts in place. During hot, humid weather, the vehicle may be secured with the engine and air conditioning running and windows partially opened. Only vehicles equipped with "secure idle" may be left running while inside institutional grounds. In such cases, the vehicle shall be under direct observation (i.e., tower or front entrance/gate staff member). Extreme caution to inside vehicle temperature on hot days shall be exercised with welfare checks of the service dog conducted as needed, but at least every thirty (30) minutes.

In the event a service dog sustains a life threatening injury or ingests any quantity of known or suspected drugs, the canine handler shall immediately call the closest available veterinary hospital for care. The canine handler shall administer appropriate first aid procedures as applicable. The telephone number for the [American Society for the Prevention of Cruelty to Animals/Animal Poison Control Center](#) is available through the Canine Lieutenant.

## **Veterinary**

Each institution is responsible for identifying a veterinary clinic in their geographical area for providing emergency services as well as yearly examinations/vaccinations. Emphasis shall focus on a veterinarian experienced with providing care for service dogs. All departmental canines shall be examined and vaccinated yearly or as required by the attending veterinarian.

## **Accidental Bites**

In all cases of a service dog biting any person(s), staff shall obtain immediate medical aid for the victim. A service dog bite is a reportable incident. The canine handler shall return the service dog to its assigned kennel on grounds and complete a CDCR Form 837-C, Crime/Incident Report Part C – Staff Report, for submission to the appropriate reporting authority. ISU staff shall obtain photographs of the victim's injuries immediately following medical treatment. These photographs shall be treated as evidentiary material.

## **Armed Post**

All correctional peace officers assigned as a canine handler shall be issued departmentally approved Glock Model G22 .40 caliber pistol with 3 magazines containing a total of 45 rounds of ammunition and equipment consistent with department policy.

Weapons shall be stored in an approved gun locker at the base of the appropriate weapons tower for accessibility 24-hours a day. A CDCR Form 656, Armory Entrance and Exit Log, shall be maintained and placed inside the gun locker for accountability purposes. A log entry, reflecting the canine handler's name, date, time in/out, and reason for drawing the weapon shall be completed by the canine handler each time the weapon is accessed.

Canine handlers issued side arms shall be armed during off site operations and while transporting their assigned service dog off institutional grounds. When at home, or away from the institution overnight, all weapons shall be secured in accordance with state and federal laws. A trigger guard shall be applied in order to safely secure the weapon.

## **Canine Vehicles**

Due to the need for canine handlers to safely transport their assigned service dog, suitable State vehicles will be assigned to each canine handler. The vehicles shall be full/mid-sized sedans or Sport Utility Vehicles (SUVs). The vehicle shall be modified by removing the rear seats and installing a platform covered with a water proof material along with an anti-skid covering. The front driver's compartment and the rear passenger compartment shall be divided by an expanded metal partition to keep the service dog secured in the rear of the vehicle and ensure adequate ventilation in the rear of the vehicle. Pre-built/manufactured canine inserts may also be used. Canine vehicles shall be equipped with an ignition override system; such as "Secure Idle," as well as heat monitoring systems to ensure the safety of the canine. All canine handlers shall complete the Standard 377, Vehicle Home Storage Request/Permit in accordance with departmental policy.

## **Home Kenneling**

Service dog(s) shall be maintained at the respective canine handler's residence and permitted to socialize with the canine handler's family. This fosters good social behavior in the service dog.

- When on vacation or away for extended periods of time the service dog may be kenneled with another canine handler or in a suitable departmental kennel. California State Prison-Solano and California Institution for Men have kennels which are suitable for extended kenneling. The appropriate Regional Canine Coordinator shall be apprised anytime a departmental canine requires kenneling.
- Service dogs maintained at a canine handler's residence shall be appropriately kenneled. A kennel shall be purchased at the expense of the home institution and measure approximately 5 feet wide, 10 feet long, 6 feet high with sanitizable flooring, i.e., composite flooring, concrete, etc. with a shade panel over the top and securable with a padlock. The canine handler shall clean the kennel daily.
- All food, cleaning supplies, and items necessary for home care of the service dog shall be provided by the institution and maintained at the canine handler's residence.
- The assigned State vehicle shall not be parked on a public street when stored at the canine handler's residence.
- Canine handlers are encouraged to garage or cover the vehicle when not in use in order to avoid any undue attention to the vehicle.

### **Obedience Training**

Obedience training shall be conducted separate from detection scent training. Obedience training shall be conducted to the extent necessary for the assigned canine handler to adequately control his/her service dog in unfamiliar settings. At no time are electronic collars (bark/shock collars) allowed to be used without the approval of the Canine Lieutenant.

### **Scent Training**

Scent training shall be conducted annually, quarterly, monthly, and at the discretion of the Canine Lieutenant assuring each service dog's competency. All training shall be appropriately documented in each service dog's training records.

A canine handler is required to have narcotic training aids inventoried by the Regional Canine Coordinator and/or Canine Lieutenant on a quarterly basis. Unannounced inventory inspections may be conducted at any time. A canine handler shall report any lost or spilled training aids. A copy of the Narcotic Training Aid Log shall be forwarded to the Institution's ISU Lieutenant, Regional Canine Coordinator, and/or Canine Lieutenant. Each canine handler is required to complete a canine Narcotic Training Aid Log. This log is to be completed each time a training aid is used to ensure that no training aids are inadvertently left at a facility. This form shall be sent to the Canine Lieutenant on a monthly basis.

### **Annual Canine Certification**

Each Departmental canine handler and service dog shall complete and pass the CDCR Canine Academy prior to using a canine in the performance of duty. This certification shall meet the guidelines set forth by the California Commission on Peace Officers Standards and Training (POST). Each canine handler and service dog shall be recertified annually by the Canine Lieutenant. Certifications shall consist of the following:

- Exterior vehicle search

- Interior vehicle search
- Individual search (drug detection canine only) (Air Scan)
- Individual article search
- Inside building search

Distraction aids may be used in any or all of the certification searches.

The canine team shall be capable of detecting the odor of marijuana, heroin, cocaine, and methamphetamines in a vehicle's interior/exterior, buildings, on persons, and on articles of property. The canine handler shall be able to recognize the canine's alert and response. The canine handler's call as to the location of the aid shall be as specific as possible. The canine handler will reward the canine for a positive response only after confirmation on the location of the aid has been given by the certifying trainer/instructor. Training shall include and emphasize the importance of understanding both human and human-dog social cognitive factors in applied situations to prevent any false positive alerts. Each canine team shall complete all phases of certification (pass or fail).

Certification will be scheduled for two consecutive days at a location specified by the Canine Lieutenant. If a canine team fails certification, remedial training shall be the responsibility of the trainer. The canine team shall be rescheduled for certification one week following the failed certification. In the event the canine team fails to certify at the second certification, training shall be scheduled one week after the failed certification and supervised by the Canine Lieutenant. At the third scheduled certification, if the canine team fails to certify, the Canine Lieutenant shall conduct an administrative review of the certification process used and the team's performance. Failure to certify is cause for removal from the canine program.

### **Canine Handler Equipment**

The following list of equipment shall be issued to canine handlers and replaced as needed by the home institution:

- Six foot leash with snap clasp
- Fur saver choke collar
- One and one half inch flat leather collar
- Stainless steel food pan
- Stainless steel water pan
- Stainless steel water bucket
- Spill proof vehicle water bowl
- Jute Tug Toy (3)
- Kong rubber ball (2)
- De-shedding comb
- Kennel crate
- Traffic Lead

### **Mutual Aid**

Departmental canine teams are available to assist both interdepartmental and outside law enforcement. All requests for canine unit assistance from institutions shall be made through the

appropriate Regional Canine Coordinator who will evaluate the scope of the operation and deploy adequate canine resources.

CDCR institutions, the Office of Correctional Safety, the Office of Internal Affairs, and parole units have priority over outside law enforcement agency requests for mutual aid in the use of canine teams. The Canine Lieutenant holds the ultimate responsibility for the deployment of canine teams. The use of canine units shall be prioritized as follows:

- First Priority: Intelligence based institutional searches. Authorization by ISU Lieutenant and/or Institutional Warden with operational coordination between the ISU Lieutenant and the Regional Canine Coordinator.
- Second Priority: Random institutional searches. Authorization by the Institution Warden with operational coordination between the ISU Lieutenant and the Regional Canine Coordinator.
- Third Priority: Parole unit requests. Coordinated through the Regional Canine Coordinator with authorization from the Institution Warden and notification to the Canine Lieutenant.
- Fourth Priority: Outside law enforcement agency requests. Coordinated through the Regional Canine Coordinator with authorization from the Institution Warden and Associate Director, General Population Males, or designee with notification to the Canine Lieutenant.

Upon approval of the parole unit or outside law enforcement assistance the following shall apply:

- CDCR's canine unit's sole purpose during off-site operations is to conduct searches of targeted areas using their assigned service dogs. Passive canine air scan searches of persons under the jurisdiction of the Department are permissible. Passive canine air scan searches of citizens not under the jurisdiction of the Department shall not be conducted without the existence of articulable probable cause or a search warrant for the search of a specific citizen.
- Canine unit staff shall not involve themselves in the outside law enforcement efforts in the securing of the search area and shall remain outside the targeted area until such time the residence or building has been secured.
- All occupants of the search area shall be cleared from the area to be searched to ensure there is no contact with the service dog(s).
- Prior to conducting any search, canine unit staff shall visually check the area to be searched to ensure there are no illegal drugs or dangerous items in plain sight that may cause injury to the dog. During the actual search, the canine handler is responsible for identifying any area the service dog alerts. During the course of a search, the canine handler shall not retrieve any drugs or contraband discovered, unless absolutely necessary.
- Subsequent to the canine team completing their portion of the search, designated staff shall perform a tactile (hands on) search of the areas where the service dog alerted.
- Within 24-hours of the search operation, or no later than the close of business the following business day, a report is to be submitted and routed to the appropriate Warden, Regional Canine Coordinator, Canine Lieutenant, and the Associate Director, General Population Males, documenting the details of the search to include a description of any drugs/contraband discovered during the search.
- When utilizing the service dog(s) outside of the institution and pursuant to a search warrant, the respective canine handler shall use his/her assigned service dog in a manner within the scope of the search warrant.

- When available, a minimum of two canine teams shall be deployed. This allows for larger areas to be searched and maximum utilization of the service dog in a shorter period of time.
- Drug detection service dogs shall be used in requests for probable cause purposes.
- Canine staff responding to a call-out or emergency shall be required to report in appropriate uniform.
- Overtime costs shall not be incurred without approval of the appropriate Warden or designee. The canine handler shall complete a detailed report upon completion of the search. The report shall be submitted to the Canine Lieutenant via the Regional Canine Coordinator.
- Only CDCR approved equipment is allowed to be used on any Canine Operation.

### **Demonstrations**

The canine unit may provide public demonstrations to further public relations. Requests shall be forwarded to the appropriate Regional Canine Coordinator for approval. All such requests shall be routed to the Canine Lieutenant to ensure there are no operational conflicts. If the request is approved, the Regional Canine Coordinator shall assign sufficient personnel to provide the service.

#### **52050.27.1 Canine Searches**

Prior to any search, the canine team supervisor shall brief all staff assisting in the search process. The briefing shall include the objectives of the search, safety and security considerations, and each person's role in the search process.

Canine searches shall be conducted of all internal buildings, all inmates, inmate living quarters, work areas, warehouse storage areas, offices, common areas, maintenance shops, and any other area under the jurisdiction of the Department.

- The canine handler executing the search shall ensure assisting staff members order all inmates away from the service dog(s). Inmates shall remain a significant distance away from the canine team(s). This includes passage to and from any chosen search site.
- If a violent incident occurs, and a canine team is conducting searches within the vicinity of the incident (i.e., riot, shots fired, etc.), the canine handler's foremost priority shall be protecting the safety of his/her assigned service dog. The canine handler shall remove the service dog from the affected area as soon as practical. Under no circumstances shall a canine handler release his/her custody of the service dog in order to respond to the incident.

Positive Canine Alert means a change in behavior that departmental canines are trained to perform when they detect the odor of marijuana, heroin, cocaine, methamphetamine, tobacco, or cell phones. This change in behavior alerts the canine handler that the canine has detected the odor of drugs, tobacco, or cell phones. "Passive" canines are trained to perform signals including, but not limited to, sitting and/or staring at the detected contraband. "Active" canines are trained to perform signals including, but not limited to, scratching and/or staring at the detected contraband.

With intermittent breaks, each service dog is capable of searching up to four hours per day in optimum conditions (peak efficiency is twenty to sixty minutes). Canine handlers shall make every effort to maintain their assigned service dogs in peak condition. During all searches,

canine handlers shall remain cognizant of their service dog's physical needs (i.e., rest, relief, etc.).

During any service dog search, the canine handler shall not retrieve any illegal drugs or contraband discovered, unless absolutely necessary. Staff shall not interfere, distract, or assist the canine team while conducting their portion of the search, unless specifically asked to do so by the canine handler.

### **Reporting**

Anytime a drug detection service dog "alerts" to the odor of illegal drugs while searching and illegal drugs are subsequently discovered in that area, the canine handler shall document all pertinent details of the search, including the service dog's alert, on a CDCR Form 837-C, Crime/Incident Report Part C – Staff Report. The report shall be submitted to the appropriate reporting authority.

### **Urinalysis Testing of Inmates**

Drug detection service dogs "alert" to the odor of an illegal drug, not necessarily the drug itself. The courts have held that a dog's alert can establish probable cause for a search. A dog's alert is also a basis to order an inmate to submit a urine sample for testing of a controlled substance. Orders for submission of urine samples shall be for cause and for the purpose of laboratory testing. Testing shall confirm or deny the presence of illegal drugs, at a specified level, in the subject's urine.

### **Canine Searches Inside Security Perimeter**

Canine searches inside the security perimeter shall be conducted frequently and unannounced. The appropriate Regional Canine Coordinator shall be responsible for scheduling and coordinating canine teams for searches within CDCR institutions and parole regions. The ISU Lieutenant of the respective institution shall be responsible for notifying the Warden of the impending canine search and operations.

### **Canine Searches Outside Security Perimeter**

Canine searches conducted outside the security perimeter (i.e., administration building, records, support/Prison Industry Authority warehouse, etc.), shall be conducted frequently and randomly. The ISU Lieutenant of the respective institution shall be responsible for notifying the Warden of the impending canine search and operations.

Prior to any search, the canine team supervisor shall brief all staff assisting in the search process. The briefing shall include the objectives of the search, safety and security considerations, and each person's role in the search process.

Canine searches shall be conducted of all internal buildings, inmate living quarters, work areas, warehouse storage areas, offices, common areas, maintenance shops, and any other area under the jurisdiction of the Department.

### **Internal Areas/Inmate Living Quarters**

- While moving through the facility, canines shall be leashed and under control at all times. The canine handler is responsible for the control and protection of his/her service dog while on duty.
- The canine handler, executing the search, shall ensure assisting staff members order all inmates away from the service dog(s). Inmates shall remain a significant distance away from the canine teams at all times. This includes passage to and from any chosen search site.
- Prior to conducting an interior area search, the canine handler shall make a visual inspection of the area(s) to be searched. During this inspection, a systematic search pattern shall be decided. If more than one canine team is conducting an interior area search, the area shall be divided and a decision made as to what area(s) each team will be responsible to search.
- When conducting internal area searches, the canine handler shall be accompanied by facility security staff or a regular shift officer. The accompanying staff shall assist the canine handler by recording pertinent information. Assisting staff shall have keys to access areas to be searched and are responsible for securing these areas upon the canine handler exiting the area.
- When a canine alert occurs, the canine handler will advise the assisting staff of the location and objects to be searched. If no drugs or contraband are located after the search is conducted, the canine handler shall have the canine search articles that have been checked by the assisting staff to possibly better pinpoint the exact location of drugs or contraband.
- When a canine alert occurs in an area or on property belonging or assigned to a particular inmate, a search of the inmate and area shall be conducted and a urine sample may be collected from the inmate to test for the presence of illegal drugs in the inmate's system.
- Facility staff shall secure illegal drugs or contraband in the evidence safe and complete all required report(s). Facility staff shall conduct any administrative action when required. Canine handlers shall complete a CDCR Form 837-C, Crime/Incident Report Part C – Staff Report, before completion of their shift to document any drug(s)/contraband found.
- Each canine handler shall prevent harassment, physical assault, or verbal threat to a canine. Harassment, physical assault, or verbal threat may subject the offender to a misconduct and/or criminal prosecution.

### **Common Areas**

- A common area is any area where inmates and visitors have access. Common areas include, but are not limited to, storage areas, showers, dayrooms, plumbing chases, lobbies, visitor waiting rooms, staff and public restrooms, inmate restrooms outside of secured cells, etc.

Common areas are searched utilizing a Systematic Search Pattern (SSP), checking areas and contents of that area. When conducting a SSP, the perimeter area and any object or article that is located on the perimeter shall be searched. After the perimeter is searched, all objects or articles inside the perimeter interior shall be searched (i.e., tables in a dayroom, workbenches, power tools, etc.).

### **Warehouse Areas/Garages/Auto Shops**

- Warehouse areas/garages/auto shops are generally very large areas with extremely high ceilings. If possible, multiple canine teams shall be used, dividing the interior of the warehouse into sections and assigning a specific section or area to each team.

- A canine handler searching these areas shall be alert to any antifreeze or other solvents that may be out in the open where a canine could easily ingest them.
- High areas shall be checked especially if a canine is giving a high response when conducting a search at ground level.
- To search items stored at extended heights not easily accessible to the canine team, equipment may be used to raise both the canine handler and the service dog, when possible.

#### **Mail Rooms/Incoming Inmate Mail**

- A search of incoming inmate mail shall be conducted as frequently as possible by a canine team to detect the possible presence of illegal drugs and/or contraband.
- The canine handler shall coordinate with mail room staff when incoming mail arrives and conduct a search of mail so as not to interfere with the timely inspection and processing of the mail.
- The canine team may also conduct a search of the mailroom itself. Any articles, packages, letters, and newspapers that a canine alerts on shall be carefully and thoroughly inspected for possible illegal drugs and/or contraband being concealed in its contents. The canine handler shall do inspections with the mailroom supervisor present. Any illegal drugs and/or contraband found shall be tested by the finding officer and processed in accordance with Department policy.
- The Office of Internal Affairs (OIA) Criminal Team Supervisor or Administrative Officer of the Day (AOD) shall be contacted for consideration of an exigent investigation upon the discovery of illegal drugs or other criminal contraband in any letter, package, or other item when there is a reasonable suspicion that the letter, package, or item is intended for a departmental employee, employee of other government agencies, contract employee, contractor and/or their employees, or volunteer.

#### **Searches of inmates for Contraband and/or Illegal Drugs**

All inmates shall be subject to a search of their person and property to control and detect contraband and illegal drugs. Contraband and/or metal detection device(s) and/or electronic drug detectors including but not limited to ION Sscanners and other available contraband and/or metal detecting device(s) technology, and passive canine air scan units may be used for this purpose.

- Direct searches of inmates by Canine Units shall be conducted as described in the California Code of Regulations (CCR), Title 15, Division 3, section 3287.
- A passive canine air scan search may be initiated based upon reasonable suspicion.

#### **Seated Passive Canine Air Scan Searches of Inmates**

Seated passive canine air scan searches of inmates shall be conducted in a room big enough to allow the canine team to work around the person without running into furniture or other objects. All ventilation systems should be turned off and all windows closed. This will reduce the amount of airflow in the room allowing a better search of the inmate. The inmate shall sit in a metal or plastic chair. The chair should have an opening in the back and on the sides and shall be free of any armrests. The inmate shall sit straight up in the chair, knees at a 90 degree angle, knees and ankles together with their hands on their knees, palms down. Once the inmate is seated in the chair, the canine handler will bring the canine approximately a foot away from the person and give the canine the command “find it.” The canine handler will direct the canine to

search the person in the following order: left ankle, left knee, left hip, lower back, right hip, right knee, right ankle, feet, left armpit, upper back, right armpit and across the hands (making two rotations around the person).

### **Standing Passive Canine Air Scan Searches of Inmates**

Standing passive canine air scan searches of inmates are conducted by having a custody staff member instruct one or multiple inmates to stand against a wall. The inmate(s) is/are to face the wall, stand up straight, knees and feet together, hands to their sides, palms facing backwards, with the inmate looking straight ahead. The area that is chosen to conduct this search should be a location with little airflow. Once the inmates are lined up, the canine handler will approach the first inmate and give the canine the command "find it." The canine team will move swiftly behind the inmates, allowing the canine to search the backside of the inmates. Once the canine team has reached the last inmate, they will circle back to the first inmate and the canine handler will present each inmate's shoes and lower back area to the canine, without allowing the canine to put their paws on the inmates. If the canine alerts on an inmate, staff will remove the inmate from the line and the canine handler will complete searching the rest of the inmates.

- The Office of Internal Affairs (OIA) Criminal Team Supervisor or Administrative Officer of the Day (AOD) shall be immediately contacted for consideration of an exigent investigation upon the discovery of illegal drugs or other criminal contraband in the possession or control of an inmate when there is a reasonable suspicion that a departmental employee, employee of other government agencies, contract employee, contractor and/or their employee, or volunteer is involved.

### **Searches of Visitors**

Any person coming onto the grounds of any Department facility is subject to search by a departmental canine as part of the Department's drug interdiction program.

All Visitors are subject to a search of their person and private property before entering, or while inside, any Department facility or Department grounds, to keep out contraband and illegal drugs. Contraband and/or metal detection device(s) and/or electronic drug detectors including but not limited to ION Scanners and other available contraband and/or metal detecting device(s) technology, and passive canine air scan units may be used for this purpose.

- Inmate visitors afraid of dogs (Cynophobia), and/or who suffer from allergic reactions to dogs, shall be escorted to the ION Scanner location and scanned pursuant to Department procedures.
- Direct searches of visitors by Canine Units shall be conducted pursuant to CCR, Title 15, Division 3, section 3173.2. Prior to performing direct searches, search operations staff shall ensure that the area or objects used for search are free from contamination that may interfere with the search, i.e., chairs for sitting in, excessive property within search rooms, etc. Canine handlers shall search the area or objects used prior to the beginning of search operations and after any positive alert to ensure there are no cross contamination issues.
- A passive canine air scan search on an individual may be initiated based upon reasonable suspicion.
- All inmate visitor testing results shall be documented on the Canine Air Scan Results Log - Visitors.

- Visiting staff shall inform visitors they can refuse the enhanced inspection by passive canine air scan search. Staff shall inform the visitor of further potential search or visitation options upon a positive alert or based upon the number of refusals occurring within a twelve (12) month period as outlined in CCR, Title 15, Division 3, section 3173.2(c)(3)(B)1-4.
- Inmate Visitors shall be randomly selected for scanning with a passive canine air scan search.
- All air scans of individuals shall be conducted in a manner that affords privacy.

### **Seated Passive Canine Air Scan Searches of Inmate Visitors**

Seated passive canine air scan searches of inmate visitors shall be conducted in a room big enough to allow the canine team to work around the person without running into furniture or other objects. All ventilation systems should be turned off and all windows closed. This will reduce the amount of airflow in the room allowing a better search of the inmate visitor. The inmate visitor shall sit in a metal or plastic chair. The chair should have an opening in the back and on the sides and shall be free of any armrests. The inmate visitor shall sit straight up in the chair, knees at a 90 degree angle, knees and ankles together with their hands on their knees, palms down. Once the inmate visitor is seated in the chair, the canine handler will bring the service dog approximately a foot away from the person and give the canine the command “find it.” The canine handler will direct the service dog to search the person in the following order: left ankle, left knee, left hip, lower back, right hip, right knee, right ankle, feet, left armpit, upper back, right armpit and across the hands (making two rotations around the person).

If during the passive canine air scan search, the scan result is negative, the individual will continue with processing into the institution.

If during the passive canine air scan search, the scan result is positive, the visitor shall be informed that he/she shall be required to submit to a clothed body search as a condition of a non-contact visit. If the results of the clothed body search are negative for contraband, the visitor shall continue with processing for a non-contact visit

However, if the clothed body search results in the discovery of contraband, the visitor shall be denied entrance to the facility and may be subject to arrest and referral for criminal prosecution. If the visitor refuses to consent to a clothed body search, visiting shall be denied for the day.

All positive alerts (second EDDE scans/passive canine air scans), refusals to submit to clothed body searches after a positive alert, and/or refusals to participate in the drug interdiction process shall be recorded on the SOMS visiting record. Upon the visitor’s next attempt to enter a CDCR institution, he/she shall be informed that he/she shall be subject to the provisions pursuant to CCR, Title 15, Division 3, section 3173.2(c)(3)(B)1-4.

- The Office of Internal Affairs (OIA) Criminal Team Supervisor or Administrative Officer of the Day (AOD) shall be immediately contacted for consideration of an exigent investigation upon the discovery of illegal drugs or other criminal contraband in the possession or control of a visitor.
- The arrest of a visitor shall not be made without consultation with OIA when there is reasonable suspicion that a departmental employee, employee of another government agency, contract employee, contractor or their employee, or volunteer is involved with the visitor.

The OIA Regional Criminal Team Supervisor will assess the case factors and other investigative strategies prior to approval. In the event there are exigent circumstances where the need to act is immediate, OIA shall be notified as soon as possible thereafter.

- When an arrest is made by ISU, in accordance with CCR, Title 15, Division 3, sections 3176.2 and 3316(a), the CDCR 837 form series, Crime/Incident Report; arrest reports; and staff reports documenting the arrest shall be completed and a copy forwarded to the local District Attorney's office by ISU.

### **Passive Canine Air Scan Searches of Employees, Contractors, Attorneys, and Volunteers for Contraband and Illegal Drugs**

- All persons who are employed by the Department, employees of other government agencies, contract employees, contractors and their employees, volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia who come onto institutional grounds are subject to a search of their person, private property, and vehicles for contraband and illegal drugs before entering, or while inside, any department facility or department grounds via the use of contraband and/or metal detection equipment and/or electronic drug detectors including, but not limited to, ION scanners and other available contraband and/or metal detecting device(s) technology, and passive alert canines may be used for this purpose.
- By entering or attempting to enter a department facility or department grounds, employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia consent to being searched for contraband and illegal drugs.
- An employee, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia coming onto the grounds of any department facility is subject to search by a department canine as part of the department's drug interdiction program. Passive alert canines shall be used to combat the introduction of illegal drugs and contraband being smuggled into CDCR facilities.
- Direct searches of employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia by Canine Units.
- Employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia shall be randomly selected for scanning with a passive canine air scan search. All air scans of individuals shall be conducted in a manner that affords privacy.
- If during the passive canine air scan search, the scan result is negative, the individual will continue with processing into the institution.
- Prior to performing direct searches, search operations staff shall ensure that the area or objects used for search are free from contamination that may interfere with the search, i.e., chairs for sitting in, excessive property within search rooms, etc. Canine handlers shall

search the area or objects used prior to the beginning of search operations and after any positive alert to ensure there are no cross contamination issues.

- Prior to beginning a search of employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia using passive alert canines, the Search Operations Commander or designee shall be responsible for determining if the search will be of all employees entering or exiting an area, or only those selected on a random basis (e.g., every 3rd or 5th). The random selection method shall be documented on the Canine Search Air Scan Results Log prior to the commencement of the searches. The random pattern shall not be altered unless approved by the Search Operations Commander.
- The canine handler shall inform employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia that he/she is conducting passive air scan searches of individuals using passive alert canines and that the purpose of the scan is to detect illegal drugs.
- The canine handler shall inform each employee, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia that the passive canines have been trained to detect the presence of contraband by smell and to alert their handlers to that detection by sitting down or staring.
- Employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers, and attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia shall be directed to not interact with the canine in any way.
- While inadvertent contact is a possibility, the handler shall not instruct the canine to contact the individual being scanned.
- If the subject of the air scan search seems excessively nervous, the handler shall attempt to reassure the person that the procedure is safe, but the person shall not be permitted to pass into the institution without being scanned.
- Passive air scan searches by Canines. All positive air scan results shall be documented on the Canine Positive Air Scan Results Log. A passive air scan search may be conducted under one or both of the following conditions:
  - A passive air scan search may be conducted in open areas where groups of employees, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia are walking and/or congregated, e.g., main entrances, administration buildings, in service training areas, sallyports, hallways, housing units, visiting rooms, or yards, etc.
  - A passive air scan search of any employee, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9)

authorized to practice law in California, another state, or the District of Columbia may also be initiated based upon reasonable suspicion.

### **Positive Canine Alert**

- If the canine alerts during the air scan search of an employee, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia, supervisory staff shall be notified immediately. The employee, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia will be subject to a patdown search by same gender supervisory staff in a private setting. Any item being brought into the facility by that employee, employees of other government agencies, contract employees, contractors and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia will be subject to a thorough search. If no contraband is discovered, the individual shall be allowed to enter the institution.
- The Office of Internal Affairs (OIA) Regional Special Agent in Charge or OIA Administrator Officer of the Day shall be contacted for consideration of an exigent investigation prior to the search of any departmental employee, employees of other government agencies, contract employee, contractor and their employee, or volunteer, or attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia when there is a reasonable suspicion that the employee, employees of other government agencies, contract employee, contractor and/or their employee, and volunteer, and attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia is or will be in possession of illegal drugs or contraband and when the employee, employees of other government agencies, contract employee, contractor and their employee, or volunteer, or attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia is individually selected. This shall not apply to random, gate or area searches. In the event there are exigent circumstances where the need to act is immediate, OIA shall be notified as soon as possible thereafter.
- An employee, employees of other government agencies, contract employee, contractor and their employees, or volunteers, or attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia found in possession of drugs and/or cell phones shall be referred to the institution's ISU for possible arrest.
- Employees of other government agencies, contract employees, contractors and their employees, and volunteers can refuse to submit to the search; however, refusal shall result in the denial of entry and may lead to exclusion from all CDCR institutions. Attorneys or legal organizations as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia can refuse to submit to the search; however, refusal shall result in the denial of a contact visit, but a non-contact visit may be authorized if available on the same day. Alternatively, the appointment shall be

rescheduled for another day. Departmental employees do not have the right to refuse the search.

- Outside Law Enforcement Agencies shall not be involved in the search process.
- Arrests/Citations/District Attorney Referral. Persons who are searched and found in possession of drugs or contraband are subject to arrest. If an arrest is initiated, those arrested, along with the drugs or contraband discovered shall be turned over to the institution's ISU.
- Once the pre-booking process has been completed by CDCR staff, the arrestee(s) shall be transported by CDCR personnel or by the local police/sheriff's department to a designated detention facility. Arrestee(s) shall not be held at the pre-booking area beyond a reasonable amount of time necessary to complete the process.
- If any employee, employee of other government agencies, contract employee, contractor and/or their employee, or volunteer, or attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia is found in possession of drugs or contraband, the ISU Lieutenant/Search Commander shall make any decision to arrest, issue a citation, or refer the matter to the District Attorney's office for prosecution.
- In all cases where an employee, employee of other government agencies, contract employee, contractor and/or their employee, or volunteer, or attorney or legal organization as identified in CCR, Title 15, Division 3, section 3141(c)(9) authorized to practice law in California, another state, or the District of Columbia is arrested and/or issued a citation for committing a criminal act while on institution grounds, a copy of CDCR 837-A (Rev. 07/05), Crime/Incident Report, Part A-Cover Sheet, which is incorporated by reference, arrest reports, and staff reports documenting the arrest shall be forwarded to the local District Attorney's office in accordance with existing departmental regulations in CCR, Title 15, Division 3, sections 3176.2 and 3316(a).

### **Seated Passive Canine Air Scan Searches of Employees, Employees of other Government Agencies, Contract Employees, Contractors and their Employees, and Volunteers**

Seated passive canine air scan searches of employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers shall be conducted in a room big enough to allow the canine team to work around the person without running into furniture or other objects. All ventilation systems should be turned off and all windows closed. This will reduce the amount of airflow in the room allowing a better search of the employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers. The employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers shall sit in a metal or plastic chair. The chair should have an opening in the back and on the sides and shall be free of any armrests. The employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers shall sit straight up in the chair, knees at a 90 degree angle, knees and ankles together with their hands on their knees palms down. Once the employees, employees of other government agencies, contract employees, contractors and their employees, and volunteers is seated in the chair, the canine handler will bring the canine approximately a foot away from the person and give the canine the command "find it." The canine handler will direct the canine to search the person in the following order: left ankle, left knee, left hip, lower back, right hip, right knee, right ankle, feet, left armpit, upper back, right armpit and across the hands (making two rotations around the person).

**[52050.27.2 through 52050.29 are unchanged]**

**52050.30 References**

*Revised March 7, 2016*

PC §§ 27, 600, 830 - 849.5, 4030, 4573, 4573.6, 4573.9, 4574, 4576, 5054, 5058, 6402 and 11115.

CCR (15) §§ 3005, 3171, 3172, 3172.1, 3173, 3173.2, 3176, 3176.1, 3176.2, 3176.3, 3176.4, 3177, 3178, 3179, 3270, 3287, 3288, 3289, 3290, and 3292.

GC § 3300 et al., Public Safety Officers Procedural Bill of Rights Act.

ACA Standards 4-4192 through 4-4194 and 4-4208.

*Estes v. Rowland* (1993) 14 Cal.App.4th 508.

*Coleman v. Brown* (E.D. Cal. 2014) No. CIV. S-90-520 LKK DAD PC, Order issued August 11, 2014.