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| | | ADULT PAROLE ADMINISTRATION SEARCHES | |

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

EFFECTIVE: March 1, 1980
 REVISED: September 29, 2005
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SUMMARY of REVISION/REVIEW

Director's name changed in signature block. III.C. added.

APPROVED:



 SCOTT FRAKES, Director
 Nebraska Department of Correctional Services

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PURPOSE

To provide guidelines governing the conduct of searches by Adult Parole Administration staff and the disposition of confiscated items.

GENERAL

The parole agreement and Re-entry Furlough Program (RFP) requires that an offender permit searches of his/her person, residence, vehicles, or other property under his/her control by his/her parole officer and other personnel of Adult Parole Administration at any time deemed necessary. Searches of an offender's person are specifically authorized when conducted as part of an investigation, collection of a urine sample, incident to an arrest, or when transported. In all cases, an offender's person will be searched incident to arrest, prior to transporting to a holding facility. Such warrantless searches will be conducted in accordance with applicable statutes and case law. Any contraband items which are confiscated will be processed in such a manner as to preserve the chain of evidence.

PROCEDURE

I. CONDUCT OF SEARCHES

Staff of Adult Parole Administration is authorized to conduct warrantless searches of an offender's person, residence, vehicle, or property under his/her control. Field staff shall review the need to search with the supervisor or other administrative staff prior to conducting a search except when collecting a urine sample, when transporting a parolee who is under arrest, in an emergency or when doing so would pose a security risk.

- A. The validity of a search shall be established by its reasonableness. Reasonableness shall be determined by:
 - 1. The scope of the particular intrusion;
 - 2. The manner in which the search was conducted;
 - 3. The justification for initiating the search; and,
 - 4. The place in which the search is to be conducted.
- B. Under no circumstances shall such searches be conducted
 - 1. To harass or intimidate offenders;
 - 2. In a manner to deliberately embarrass offenders.

II. DISPOSITION OF CONTRABAND

Any contraband confiscated as a result of a search:

- A. Will be handled in a manner which preserves the chain of evidence, and
- B. Will be disposed of according to established procedures.

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- C. Evidence collected as a result of a search of an RFP offender will be handled according to Community Corrections Center-Omaha (CCC-O)/Community Corrections Center-Lincoln (CCC-L) as appropriate.

III. DOCUMENTATION

Each staff member involved in a search other than the person(s) associated with taking a urine sample or transporting a parolee under arrest shall submit a detailed, written report to his/her supervisor.

- A. Such reports shall be reviewed and retained by the district supervisor and forwarded to the Parole Administrator / designee.
- B. The report shall contain a description of any confiscated items and their disposition.
- C. The report will reflect if law enforcement agencies were involved and what was discussed in the pre-search briefing including the scope of the search.

REFERENCE

- I. ATTACHMENTS - None.