

Policy 514 Recommendation Grid				
Note: DOSW has worked collectively with DPA, SFSO, HRC over the last few months to provide the following recommendations				
#	Policy	Original Language	Suggested Change	New Language
R1	514.1 Purpose and Scope	To comply with Federal and State laws and case decisions while maintaining the safety of incarcerated persons, jail facilities, employees and the public.	To comply with Federal and State laws and case decisions while maintaining the safety of incarcerated persons, their families , jail facilities, employees and the public. These searches include from least to most intrusive search methods: pat (cursory) search, non-intrusive sensor scanning device search, body scanner search, and in rare circumstances, strip search. In general, the least invasive search method should be used, whenever possible. The purpose of this policy is to clarify the circumstances in which each type of search shall be used.	To comply with Federal and State laws and case decisions while maintaining the safety of incarcerated persons, jail facilities, employees and the public. These searches include from least to most intrusive search methods: pat (cursory) search, non-intrusive sensor scanning device search, body scanner search, and strip search. The purpose of this policy is to clarify the circumstances in which each type of search shall be used.
R2	514.2 Policy	The San Francisco Sheriff's Department will conduct searches that meet the requirements of federal and state law while maximizing security in jail facilities and the safety of all persons in the county jail system.	The San Francisco Sheriff's Department will conduct searches that meet the requirements of federal and state law, including but not limited to California Code of Regulations Title 15 , while maximizing security in jail facilities and the safety of all persons in the county jail system.	The San Francisco Sheriff's Department will conduct searches that meet the requirements of federal and state law, including but not limited to California Code of Regulations Title 15 , while maximizing security in jail facilities and the safety of all persons in the county jail system.
R3	514.3 Pat (Cursory) Searches (a)	Absent the availability of an employee of the same gender identity, it is recommended that a witnessing employee be present during a pat-down search of an individual of different gender identity (cross-gender). All cross-gender pat-down searches shall be documented (28 CFR 115.15).	Absent the availability of an employee of the same gender identity, it is recommended that a witnessing employee shall be present during a pat-down search of an individual of different gender identity (cross-gender). Written approval by a supervisor is required before a cross-gender search may be conducted. All cross-gender pat-down searches shall be documented (28 CFR 115.15).	N/A
R4	514.3 Pat (Cursory) Searches (c)	A pat search may be conducted if approved by the watch commander and when a sworn employee has reasonable suspicion a civilian may possess contraband.	<i>Based on policy sub-group review</i>	A pat search may be conducted if approved by the watch commander and when a sworn employee has reasonable suspicion a civilian may possess contraband. This must documented in a memo.
R5	514.3 Pat (Cursory) Searches (e)	The civilian to be searched must be advised of their right to refuse the pat search and leave the jail facility. This must be documented in the incident report.	<i>Based on policy sub-group review</i>	The civilian to be searched must be advised of their right to refuse the pat search and leave the jail facility. This must be documented in a memo.
R6	514.3 Pat (Cursory) Searches (f)	If the civilian refuses the pat search, the person will be escorted out of the jail and off the jail grounds and will be denied future access to the jail.	If the civilian refuses the pat search, the person will be escorted out of the jail and off the jail grounds and may be denied future access to the jail.	If the civilian refuses the pat search, the person will be escorted out of the jail and off the jail grounds and may be denied future access to the jail.

R7	Added Lexipol Language 514.4.6-514.4.7	514.4.6 NON-INTRUSIVE SENSOR SCANNING DEVICE SEARCHA search conducted on a clothed person using either a hand-held or walk- through mechanical device or metal detector or other non-intrusive detection device.514.4.7 BODY SCANNER SEARCH When a scanner is reasonably available, a body scanner should be performed on all incarcerated persons/arrestees upon entering the secure booking area of the facility unless a body scanner is not available.If a body scanner is used, members (Penal Code §4030): (a) Within sight of the visual display of a body scanner depicting the body during a scan shall be of the same gender as the person being scanned, except for physicians or licensed medical personnel.(b) Should ask incarcerated persons if they are pregnant prior to a body scan and should not knowingly use a body scanner on a person who is pregnant	N/A	N/A
R8	Added Lexipol Language after 514.4.7	The body scanner should generally be used whenever reasonably practicable in place of a modified strip search, or strip search, or body cavity search of an incarcerated person in housing unless one of those searches is reasonably necessary after the scan.	The body scanner, whenever available, should generally shall be used whenever reasonably practicable In place of a modified strip search, or strip search, or body cavity search of an incarcerated person in housing unless there is reasonable suspicion that the person is concealing contraband, supervisor approval, and a modified strip search or strip search is reasonably necessary following the body scan one of those searches is reasonably necessary after the scan.	The body scanner should be used whenever reasonably practicable in place of a modified strip search, or strip search, or body cavity search of an incarcerated person in housing unless a modified strip search or strip search is reasonably necessary following the body scan.
R9	514.4 (a) 1.	All strip searches shall be conducted in a private location, such that persons not participating in the search cannot observe the person being searched.	All strip searches shall be conducted in a private location, such that persons not participating in the search cannot observe the person being searched, except that an incarcerated person should be permitted to request that more than one department employee of the same gender be	All strip searches shall be conducted in a private location, such that persons not participating in the search cannot observe the person being searched.
R10	514.4 4.	Strip searches shall be recorded on the Strip Search Authorization form and shall be kept on file at the jail facility for one year. After one year, the records should be put into storage and retained in accordance with the department records storage policy.	Strip searches conducted based on reasonable suspicion shall be recorded on the Strip Search Authorization form and shall be kept on file at the jail facility for one year. After one year, the records should be put into storage and retained in accordance with the department records storage policy.	Strip searches shall be recorded on the Strip Search Authorization form and shall be kept on file at the jail facility for one year. After one year, the records should be put into storage and retained in accordance with the department records storage policy.
R11	514.4.1 Added text	N/A	The body scanner, whenever available, should be used in place of a modified strip search, or strip search, of an incarcerated person unless there is reasonable suspicion that the person is concealing contraband, supervisor approval, and a modified strip search or strip search is reasonably necessary following the body scan.	N/A

R12	514.4.1 (b)	(b)Neither supervisor approval nor reasonable suspicion is required if the incarcerated person meets the following criteria: 1.is charged with a felony or misdemeanor crime of drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence; or 2.is charged with a felony AND has been convicted or arrested within the last 5 years for drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence, as documented in the criminal history information system; or 3.is charged under California Penal Code Section 3056 or booked with a State Parole hold; or 4.is charged under California Penal Code Section 1203.2; or 5.is in the custody of another agency and is booked into the jail for safekeeping, including an incarcerated person booked on a U.S. Marshall hold; or 6.has been sentenced.	(b)Neither supervisor approval nor reasonable suspicion is required if the incarcerated person meets the following criteria: 1.is charged with a felony or misdemeanor crime of drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence; or 2.is charged with a felony AND has been convicted or arrested within the last 5 years for drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence, as documented in the criminal history information system; or 3.is charged under California Penal Code Section 3056 or booked with a State Parole hold; or 4.is charged under California Penal Code Section 1203.2; or 5.is in the custody of another agency and is booked into the jail for safekeeping, including an incarcerated person booked on a U.S. Marshall hold; or 6.has been sentenced.	(b)Neither supervisor approval nor reasonable suspicion is required if the incarcerated person meets the following criteria: 1.is charged with a felony or misdemeanor crime of drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence; or 2.is charged with a felony AND has been convicted or arrested within the last 5 years for drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence, as documented in the criminal history information system; or 3.is charged under California Penal Code Section 3056 or booked with a State Parole hold; or 4.is charged under California Penal Code Section 1203.2; or 5.is in the custody of another agency and is booked into the jail for safekeeping, including an incarcerated person booked on a U.S. Marshall hold; or 6.has been sentenced.
R13	514.4.2 Added Text	N/A	The body scanner, whenever available, should be used in place of a modified strip search, or strip search, of an incarcerated person unless there is reasonable suspicion that the person is concealing contraband and a modified strip search or strip search is reasonably necessary following the body scan.	N/A
R14	514.4.2 Booked Incarcerated Persons (a) 1.	Pre-sentenced booked incarcerated persons may be strip-searched at any time if there is reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the strip search.	Pre-sentenced booked incarcerated persons may be strip-searched at any time if there is reasonable suspicion that the person is concealing contraband that cannot be detected through a less intrusive search and supervisor approval on the Strip Search Authorization Form prior to the strip search.	Pre-sentenced booked incarcerated persons may be strip-searched at any time if there is reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the strip search.
R15	514.4.2 Booked Incarcerated Persons (a) 2.	Neither prior supervisor approval nor reasonable suspicion for the strip search is required if the incarcerated person:	Prior supervisor approval nor reasonable suspicion for the strip search is required if the incarcerated person:	Neither prior supervisor approval nor reasonable suspicion for the strip search is required if the incarcerated person:
R16	514.4.2 Booked Incarcerated Persons (a) 2. (c)	is returning from a work detail, a court-ordered pass, a hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside their assigned housing unit.	is returning from a work detail, a court-ordered pass, a hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside their assigned housing unit, a body scanner shall be used in lieu of a strip search. If the results of the body scan reveal any evidence of contraband, unless the contraband is produced voluntarily, a strip search may be conducted after supervisor approval. This permissible option does not limit the ability to strip search an incarcerated person as otherwise permitted in this policy.	is returning from a work detail, a court-ordered pass, a hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside their assigned housing unit, a body scanner should be used in lieu of a strip search. If the results of the body scan reveal any evidence of contraband, unless the contraband is produced voluntarily, a strip search may be conducted

R17	514.4.2 Booked Incarcerated Persons (b)	Sentenced incarcerated persons may be strip-searched at any time as part of a security search.	Sentenced incarcerated persons may be strip-searched at any time if there is reasonable suspicion that the person is concealing contraband that cannot be detected through a less intrusive search.	Sentenced incarcerated persons may be strip-searched at any time as part of a security search.
R18	514.4.2 Booked Incarcerated Persons (c)	Following a contact visit with any person from the incarcerated person's legal team (attorney, investigator, paralegal, expert witness, etc.)	Following a contact visit with any person from the incarcerated person's legal team (attorney, investigator, paralegal, expert witness, etc.), if there is reasonable suspicion that a person is hiding contraband, then a body scanner shall be used. If the results of the body scan reveal any evidence of contraband that cannot be detected through a less intrusive search, a strip search shall be conducted after supervisor approval.	Following a contact visit with any person from the incarcerated person's legal team (attorney, investigator, paralegal, expert witness, etc.), a body scanner should be used in lieu of a strip search. If the results of the body scan reveal any evidence of contraband, unless the contraband is produced voluntarily a strip search shall be conducted. This permissible option does not limit the ability to strip search an incarcerated person as otherwise permitted in this policy.
R19	514.6 Non-Intrusive Sensor Scanning Device Search	A search conducted on a clothed person using either a hand-held or walk- through mechanical device or metal detector or other non-intrusive detection device.	<i>Deleted based on policy sub-group review and other added language.</i>	Deleted.
R20	514.7 Transgender Searches (a)	A TGN incarcerated person must be offered one of two options for a strip search preference: 1.A sworn employee whose gender identity is male; or 2.A sworn employee whose gender identity is female	A TGN incarcerated person must be offered one of two the following options for a strip search preference: 1.A sworn employee whose gender identity is male; or 2.A sworn employee whose gender identity is female 3.A sworn employee whose gender identity is non-binary, if available	A TGN incarcerated person must be offered one of two options for a strip search preference: 1.A sworn employee whose gender identity is male; or 2.A sworn employee whose gender identity is female