

§511.11

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objects as defined in §511.11(c) into an institution, Bureau of Prisons staff may subject all persons entering an institution, or during their presence in an institution, to a search of their persons and effects.

(b) Title 18, United States Code, section 3050 authorizes Bureau of Prisons employees (does not include United States Public Health Service employees)—

(1) To make an arrest on or off Bureau of Prisons premises without warrant for violation of the following provisions regardless of where the violation may occur: section 111 (assaulting officers), section 751 (escape), section 752 (assisting escape) of title 18, United States Code, and section 1826(c) (escape) of title 28, United States Code;

(2) To make an arrest on Bureau of Prisons premises or reservation land of a penal, detention, or correctional facility without warrant for violation occurring thereon of the following provisions: section 661 (theft), section 1361 (degradation of property), section 1363 (destruction of property), section 1791 (contraband), section 1792 (mutiny and riot), and section 1793 (trespass) of title 18, United States Code, and

(3) To arrest without warrant for any other offense described in title 18 or 21 of the United States Code, if committed on the premises or reservation of a penal or correctional facility of the Bureau of Prisons if necessary to safeguard security, good order, or government property. Bureau policy provides that such an arrest may be made when staff has probable cause to believe that a person has committed one of these offenses and when there is likelihood of the person escaping before a warrant can be obtained.

[59 FR 5924, Feb. 8, 1994]

§511.11 Definitions.

(a) *Reasonable suspicion*. As used in this rule, *reasonable suspicion* exists if the facts and circumstances that are known to the Warden warrant rational inferences by a person with correctional experience that a person is engaged, or attempting or about to engage, in criminal or other prohibited behavior. A reasonable suspicion may be based on reliable information, even if that information is confidential; on a

positive reading of a metal detector; or when contraband or an indicia of contraband is found during search of a visitor's personal effects.

(b) *Probable cause*. As used in this rule, *probable cause* exists if the facts and circumstances that are known to the Warden would warrant a person of reasonable caution to believe that an offense has been committed.

(c) *Prohibited object*. A firearm or destructive device; ammunition; a weapon or an object that is designed or intended to be used as a weapon or to facilitate escape from a prison; a narcotic drug, lysergic acid diethylamide, or phencyclidine; a controlled substance or alcoholic beverage; any United States or foreign currency; and any other object that threatens the order, discipline, or security of a prison, or the life, health, or safety of an individual.

[59 FR 5924, Feb. 8, 1994]

§511.12 Procedures for searching visitors.

(a) The Warden shall post a notice outside the institution's secure perimeter advising all persons that it is a Federal crime to bring upon the institution grounds any weapons, intoxicants, drugs, or other contraband, and that all persons, property (including vehicles), and packages are subject to search. A person may not use either a camera or recording equipment on institution grounds without the written consent of the Warden.

(b) The Warden may require visitors entering the institution from outside the secure perimeter to submit to a search:

(1) By electronic means (for example, walk-through and/or hand-held metal detector).

(2) Of personal effects. The institution ordinarily provides locker space for personal effects not taken into the visiting room.

(c) The Warden may authorize a pat search of a visitor as a prerequisite to a visit when there is reasonable suspicion that the visitor possesses contraband, or is introducing or attempting to introduce contraband into the institution.

(d) The Warden may authorize a visual search (visual inspection of all

body surfaces and cavities) of a visitor as a prerequisite to a visit to an inmate in a low and above security level institution, or administrative institution, or in a pretrial or in a jail (detention) unit within any security level institution when there is reasonable suspicion that the visitor possesses contraband or is introducing or attempting to introduce contraband into the institution.

(e) The Warden may authorize a breathalyzer or urine surveillance test or other comparable test of a visitor as a prerequisite to a visit to an inmate when there is reasonable suspicion that the visitor is under the influence of a narcotic, drug, or intoxicant. As stated in § 511.14, the visitor may refuse to take the test, but the visit will not be allowed.

(f) A pat search, visual search, or urine surveillance test is to be conducted by a person of the same sex as the visitor. A pat search, visual search, urine surveillance, or breathalyzer test shall be conducted out of the view of other visitors and inmates.

[49 FR 44057, Nov. 1, 1984, as amended at 51 FR 26126, July 18, 1986; 56 FR 4159, Feb. 1, 1991; 59 FR 5925, Feb. 8, 1994; 63 FR 11818, Mar. 10, 1998]

§ 511.13 Controlled visiting—denying visits.

(a) The Warden may restrict visiting to controlled situations or to more closely supervised visits when there is any suspicion that the visitor is introducing or attempting to introduce contraband, or when there has been a prior incident of such introduction or attempted introduction, or when there is any concern, based upon sound correctional judgment, about the visitor presenting a risk to the orderly running of the visiting room or area.

(b) The Warden may deny visiting privileges when a controlled or closely supervised visit is not possible.

(c) Staff shall deny admission to the institution to a visitor who refuses to be screened by a metal detector or who refuses to undergo a search of person and/or effects as dictated by these rules.

§ 511.14 Right of refusal/termination of a visit.

(a) A visitor who objects to any of the search or test or entrance procedures has the option of refusing and leaving the institution property, unless there is reason to detain and/or arrest.

(b) Staff may terminate a visit upon determining that a visitor is in possession of, or is passing or attempting to pass contraband not previously detected during the search process, or is engaged in any conduct or behavior which poses a threat to the orderly or secure running of the institution, or to the safety of any person in the institution. The staff member terminating the visit is to prepare written documentation describing the basis for this action.

§ 511.15 Detaining visitors.

(a) Staff may detain a visitor or any person who is found to be introducing or attempting to introduce such contraband as narcotics, intoxicants, lethal or poisonous chemicals or gases, guns, knives, or other weapons, or who is engaged in any other conduct which is a violation of law (including, but not limited to, actions which assist escape, such as possession of escape paraphernalia, or which induce riots), pending notification and arrival of appropriate law enforcement officials. The standard for such detention is a finding, based on probable cause, that the person has engaged in such a violation. Institution staff should not interrogate suspects unless immediate questioning is necessary to protect the security of the institution or the life or safety of any person.

(b) Staff shall employ only the minimum amount of force necessary to detain the individual. Visitors will be detained in an area away from the sight of, and where there can be no contact with, other visitors and inmates.

§ 511.16 Use of arrest authority.

To effect an arrest under any of the cited sections in § 511.10(b) of this part, or under any future arrest authorization statute that may be approved by the Congress of the United States, staff shall have probable cause that the suspected individual is violating the law.