

Section 2: Reception and Release

Subject: Searches – Contraband Found During Initial Frisk Search

Minimum Standard: 5120:1-8-01(6)

Revised: 07/2009, 12/2011, 06/2015, 09/2015

Authorized: _____ Effective date: _____
Sheriff Paul A. Sigsworth

POLICY

The Erie County Jail shall implement policies and procedures and produce documentation that evidences compliance showing the Erie County Sheriff's Office policy to seize as evidence all items that are suspected to be illegal in nature that are in the possession of a prisoner being presented for admission to the Erie County Jail. Any suspected illegal item(s) found in the possession of a prisoner during the initial frisk search will be deemed as evidence. Suspected illegal items found at the time of the initial frisk search will remain in the custody of the Erie County Sheriff's Office, unless the transporting officer for the arresting agency is present at the time of the discovery of the item(s) and agrees to accept the item(s) into his/her possession as evidence.

PROCEDURE

- A. In the event that any suspected illegal item is found in the possession of a prisoner being presented for admittance to the Erie County Jail, the employee discovering the item will immediately notify the Jail supervisor and will proceed as follows:
1. The employee will take custody of the evidence. The evidence will remain in the physical custody of the employee who discovered the item at all times, except as listed below. The employee will properly package and label the item(s) using established agency procedures. Evidence suspected of containing blood or other body fluids will always be packaged in paper or other material that "breathes" to prevent putrefaction of the biological substance. Such evidence will not be packaged in plastic or other impervious material.
 2. Once the evidence is properly packaged and labeled, it will be secured in an appropriate locker or other location pursuant to current agency procedure. Any questions about the appropriate location to store the evidence should be directed to the Jail supervisor. If the Jail supervisor is unable to provide an answer, the question will be directed through the agency's chain of command.
 3. Any evidence seized will be thoroughly described in the appropriate report format. That report will also include a detailed explanation of the facts that led to the discovery of the evidence, the exact location of the evidence at the time that it was discovered, a listing of the employee(s) that discovered the evidence, and the exact storage location of the evidence.

B. EXCEPTION

1. If the transporting officer representing the agency that arrested the prisoner is still in the Jail at the time of the discovery of the evidence, the evidence may be released directly to that officer without

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following the packaging, labeling, or storage requirements listed above. An appropriate report will still be completed as described above, and that report will include the name of the officer to whom the evidence was released.

2. If the transporting officer has left the Jail vehicle sally port at the time of the discovery of the evidence, or if the transporting officer refused to accept possession of the evidence, then the item(s) will be handled as listed above and will not be released to the transporting officer.
 - a. The name of any transporting officer refusing to take possession of evidence will be appropriately documented.