Public Act 22 of 2025
Article 2, Section 721
Review of MDOC Search Practices

Sec. 721. It is the intent of the legislature that the department reform the strip search protocol so that it results in fewer and less intrusive strip searches of prisoners to maintain the safety and security of correctional facilities. If the department undertakes any efforts to perform fewer and less intrusive strip searches under this section, it must provide a report by April 1 on the efforts undertaken.

The Michigan Department of Corrections (MDOC) remains committed to operating humane, safe, and secure prisons. Due to the unique risks presented by weapons and contraband in prisons, including potentially dangerous drugs, the MDOC like all correctional agencies, utilizes a wide variety of search techniques that are appropriate to individual settings, activities, and risks. In several scenarios, the only comprehensive search to prevent the introduction or movement of weapons and contraband is conducting a properly completed strip search.

These searches are completed only by trained staff of the same gender as the prisoner (absent extenuating circumstances) in designated areas with appropriate privacy to prevent other staff or incarcerated individuals from viewing someone in a state of undress. The individual being searched provides each article of clothing to the designated employee to be searched, prior to the employee conducting a visual inspection of all body surfaces, before the individual has their clothing returned to them to dress before leaving the designated area. There is no physical contact between the subject of the search and the employee during the visual search.

The Department utilizes a suspicion-based search if there are concerns that a prisoner has contraband and/or weapons. There are other scenarios identified in policy where these types of searches are required. These scenarios primarily relate to when an incarcerated person will be transported outside of a facility (e.g., court writ, hospital or medical appointment) for the safety of staff and the public, scenarios in which there is an increased risk that the incarcerated person may introduce contraband or drugs into a secure facility (e.g., after working a job assignment in an area where members of the public may also be able to access, after in-contact visits with the public, etc.), and scenarios where individuals may have access to sensitive areas within a facility (e.g., job assignments with

access to dangerous or critical tools, job assignments in high-custody level units where property is intentionally limited, etc.).

The MDOC has established specific, appropriate search requirements, such as pat-down, strip, and clothed-body searches, for different areas within the facility as well as people, to keep staff, volunteers, the public and incarcerated individuals safe. While all of these search types routinely result in the discovery of contraband and weapons, often these items are only found as part of a strip search and are not recovered during the other search types due to their limitations.

The Department recognizes that there is some public discourse related to searches within prisons including calls for reduced searches or limiting some search techniques. We further recognize the Legislature's interest in this subject and agree that while all policies and procedures should be subject to routine review, including search policies, it is important that the policies remain in place that effectively protect the public, as well as those who live and work within Michigan's prisons from weapons, contraband, and drugs.

The MDOC conducted a review of current strip search requirements and found that policies regarding searches before and/or after certain institutional job assignments should be further clarified in policy for consistency and to reduce the use of strip searches in certain scenarios, although strip searches remain necessary in situations where there is an increased risk for the introduction of contraband. One of the key changes that will be made after this Departmental review is the elimination of strip searches in conjunction with routine drug tests, as other protocols can be utilized to ensure the validity of samples collected during these tests.

This review reaffirmed, however, that the use of a strip search before and after an incarcerated individual leaves or returns to a prison in all cases, as well as after activities during which there is a higher risk for the introduction of contraband through contact with the public, such as certain job assignments or in-person visits, remains the most sound correctional policy.

Finally, the MDOC continues to develop policies around the use of current and future search technologies, but due to availability within facilities, cost, and other limitations on use, continues to view these as supplemental measures to increase the safety of facilities, rather than a replacement for searches conducted pursuant to policy by appropriately trained staff. The Department will continue to explore available technologies and communicate its findings to the Legislature.