

DEPARTMENT: Information Protection and Security	POLICY DESCRIPTION: Search and Seizure
PAGE: 1 of 6	REPLACES POLICY DATED: 10/1/20
EFFECTIVE DATE: January 1, 2023	REFERENCE NUMBER: IP.PS.008
APPROVED BY: Ethics and Compliance Policy Committee	

<p>SCOPE: HCA Healthcare (also referred to as “Company”) and Company-affiliated facilities located in the U.S. including, but not limited to, hospitals, off-campus emergency departments, ambulatory surgery centers, imaging and oncology centers, physician practices, Parallon and corporate departments, Groups, Divisions and Markets (collectively “colleagues”).</p>
<p>PURPOSE: To provide criteria and procedures for conducting search and seizure in order to provide, as reasonably as possible, a safe environment for individuals within the facility.</p>
<p>POLICY:</p> <ul style="list-style-type: none"> A. It is the responsibility of Company colleagues to comply with this policy or to assess situations and act within reasonable guidelines and/or professional judgment. B. All individuals entering Company-affiliated facilities are subject to search. C. Searches will be conducted by trained nurses and/or security. Trained colleagues shall act with courtesy and respect towards the individual/individual’s belongings that are being searched. Colleagues will make every effort to protect the dignity of the individual during a search of their property. D. An individual who is actively violent, aggressive or seeking care for trauma due to violence (e.g., gunshot, stab, blunt force, injuries due to law enforcement chase, etc.), should be searched if colleagues suspect they are in possession of a weapon or other illegal/prohibited items, and their safety, or that of others are in danger. The search must be based on the suspicion as well as specific and articulable facts, taken together with rational inferences from those facts, and must be associated with the specific individual. E. A search is mandatory for patients who are seeking and/or admitted for behavioral health services. F. A visitor may be denied entry or escorted out of the facility if a perceived or actual threat exists, or if they refuse to be searched and/or have their items searched. G. This policy does not apply to, restrict or provide guidance to law enforcement officers acting on behalf of their sworn duty.
<p>DEFINITIONS:</p> <p>Behavioral health patient – Inpatient/outpatient seeking or being treated for behavioral health services, including individuals placed on a legal hold by physicians or law enforcement.</p> <p>Weapons, Illegal/Prohibited Items – Any items that are prohibited in the hospital and/or illegal at the city, county, State, and Federal level (e.g., firearm, knives, explosives, and/or drug paraphernalia).</p>

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<p>Frisk – Pass the hands over (someone/something) in a search for hidden weapons, drugs, or other items.</p> <p>Search – Examination of a person’s body or property.</p> <p>Trauma due to violence – Blunt or penetrating wounds such as gunshot, stab wounds, or trauma as a result of a law enforcement encounter.</p>
<p>PROCEDURE:</p> <p>A. Signage</p> <ol style="list-style-type: none"> 1. The facility and/or Company-owned/managed space will have signage posted at all designated public and employee entrances into the building. Signage will indicate, “<i>All persons are subject to search.</i>” 2. Signage will comply with state and federal laws, including ADA regulations. 3. If the facility is using a walkthrough metal detector, signage should include appropriate verbiage per state, federal and regulatory requirements. <p>B. Search Procedure</p> <ol style="list-style-type: none"> 1. Colleagues performing the search will provide an explanation to the individual regarding the rationale for the request to search and options for removal and/or securing property and personal belongings. 2. Colleagues will wear appropriate personal protective equipment when undertaking a search. 3. A search may include the patient’s person, personal property, and belongings. <p>C. Searching Property/Personal Belongings</p> <ol style="list-style-type: none"> 1. Ask the individual to place all carried items, any caps or headgear, and any items in their pocket(s) on a table. 2. Clarify with the individual if there is anything sharp that can cause injury to either party during the search. 3. If there are sharp objects, ask for a description of the item and the location to carefully locate the item. 4. Initiate search of belongings by any of the methods listed below: <ol style="list-style-type: none"> a. Frisk/search the belongings, remove and secure weapons, sharp objects or items that pose a risk and/or threat. b. A metal detector may be passed over bags, containers, cases at a distance of no more than three (3) to four (4) inches from the belongings.

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5. Alternatives to searching property may include:

- a. Removal of property from the facility, or
- b. Placing belongings in a secure holding area and denying access to the items until the individual is discharged (NOTE: ensure belongings are labeled, “Not Searched”).

D. Searching an Individual (Patient/Visitor/Colleague)

1. Colleagues will use their professional judgement in assessing whether the individual’s physical person requires searching due to the suspicion of having a weapon or illegal/prohibited item.
2. Colleagues that encounter a **patient** suspected to have a weapon, illegal/prohibited item and is refusing to be searched should do the following:
 - a. If the patient is an emergency patient, follow EMTALA protocol for conducting the medical screening exam, while security contacts law enforcement to conduct the search and/or manage the situation.
 - b. If the patient is a scheduled inpatient or outpatient who has not yet been admitted, either:
 - i. Advise patient that this constitutes a refusal of treatment; request the individual leave the facility; or
 - ii. Contact law enforcement to conduct search and/or manage the situation.
 - c. If the patient is an admitted inpatient or an outpatient currently present in the hospital receiving outpatient services, ask the patient’s physician/clinical care team to medically assess the patient. If medically stable, advise the patient that this constitutes a refusal of treatment; request the individual to leave the facility. If not medically stable, contact law enforcement to conduct search and/or manage the situation.
3. Colleagues that encounter a **visitor/colleague** suspected to have a weapon or an illegal/prohibited item and is refusing to be searched may either:
 - a. Request the individual to leave the facility; or
 - b. Contact law enforcement to conduct the search and/or manage the situation.
4. Depending on the circumstances and ability, colleagues may perform individual searches by any of the following methods listed below:
 - a. Metal Detector Procedure
 - i. Colleague will ask the individual to place all carried items, any caps or headgear, and any items in their pocket(s) on a table. The scannee should stand with their feet about 18 inches apart, facing away. Inform the scannee to hold their arms out to the sides, parallel to the floor.

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- ii. The metal detector should be passed over the scannee's body at a distance of no more than three (3) to four (4) inches. Avoid touching the body or clothing with the detector. (Note: the body scan should be performed each time in the same pattern so that the operator always knows what parts of the body still need scanning).
 - iii. If the metal detector identifies an item, but there is no visible source for the alarm (clothing is shielding the source object), require the person to show you what they have in that area.
- b. Frisk Procedure
- i. Colleagues will ask the individual to place all carried items, any caps or headgear, and any items in their pocket(s) on a table. The individual should stand with their feet about 18 inches apart, facing away. Inform the individual to hold their arms out to the sides, parallel to the floor.
 - ii. Ask individuals in a wheelchair or bed if they have any difficulty raising their arms, remaining in the position required for a pat-down, or any areas of the body that are painful when touched.
 - iii. Individuals will not be asked to remove or lift any article of clothing to reveal a sensitive body area.
 - iv. An individual of the same gender should conduct the pat down. The facility should attempt to have a witness or procedure viewed on security camera.
 - v. Colleagues should begin the frisk at the area of the person's clothing most likely to contain a concealed weapon or illegal/prohibited item.
 - vi. Begin the frisk with a pat down of the outside of the person's outer clothing. Do not reach inside the clothing unless an object is felt which the colleague reasonably believes to be a weapon or illegal/prohibited item. If the outer clothing is too bulky to determine if a weapon or illegal/prohibited item is concealed underneath, then the outer clothing may be opened to allow a pat down directly on the inner clothing.
 - vii. If the colleague has a reasonable belief, based on reliable information or personal knowledge and observations, that a weapon or illegal/prohibited item is concealed at a particular location on the person, such as a pocket, waistband, or sleeve, then the colleagues should cautiously reach directly into the suspected area.
 - viii. Colleagues may also frisk areas the person could reach to obtain an object that could be used to harm individuals. If colleagues reasonably suspect personal harm, the object should not be obtained.

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- ix. If during the course of a frisk, a container capable of holding a weapon or illegal/prohibited item is discovered, and if the colleague reasonably believes it does contain such an item, the colleague may look inside the container and briefly examine the contents.

E. Discovery of a Weapon, an Illegal/Prohibited Item or Other Property

1. If a search results in the discovery of a weapon, illegal/prohibited item or any other property, possession of which the colleague reasonably believes may constitute a threat to personal safety, or that of others, the colleague may:
 - a. Require the individual, or designee, to remove the item from the facility;
 - b. Allow the individual to place item in amnesty bin;
 - c. Release property to law enforcement; or
 - d. Safely secure the item until the individual leaves the facility.
2. If the facility takes possession and stores the item, a secured location (e.g., weapons safe, locker, etc.) will be provided for storage of the items. A Personal Belongings Inventory or Chain of Custody form will be completed and stored appropriately per facility policy.

F. Documentation of Searches

1. All searches will be documented in written or electronic format. Supporting documentation (i.e., photo identification, proxy decision maker, etc.) or description of documentation will be included. All forms will be kept on file with the facility per the retention policy.
2. Colleagues performing the search will document:
 - a. Consent or refusal of consent to a search;
 - b. Criteria/suspicion on which the search was initiated; and
 - c. The outcome of the search and any items that were removed.
3. A written copy of the items and property secured by the facility should be provided to the individual, as applicable.

G. Returning Property

For individuals to receive secured property back, facility colleagues will document that property was returned with the specific name of the individual utilizing the appropriate form(s). If the owner is deceased, facility should follow facility policies regarding release of property.

H. Training

All colleagues performing searches should be trained prior to conducting a search with ongoing training and/or competencies performed annually.

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<p>REFERENCES:</p> <ol style="list-style-type: none">1. Physical Security Program, IP.PS.0012. Theft and Workplace Violence, IP.PS.0023. Chain of Custody, IP.PS.0044. EMTALA – Definitions and General Requirements, LL.EM.0015. Conditions of Admission Patient Consent form6. Sample Criteria for Search form
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