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# DPS TRAINING BULLETIN

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LEGAL BULLETIN NO. 217  
May 9, 1997

SEARCH OF CONVICTED PERSON BY CORRECTIONS OFFICER  
INCIDENT TO INCARCERATION IN PRISON

Reference: State of Alaska  
v.  
Shelton L. Landon

Alaska Court of Appeals  
Opinion No. 1525  
\_\_\_\_\_ P.2d \_\_\_\_\_  
April 18, 1997

FACTS:

Landon was convicted of running a marijuana-growing operation and was sentenced to a two-year term of imprisonment. Landon reported to the Mat-Su Pretrial Correctional Facility to start serving his sentence. Upon Landon's arrival, prison officials searched private belongings he brought with him. During the search, prison officials removed the insoles of Landon's shoes and discovered hollowed-out compartments which contained packages of marijuana. Landon was charged with smuggling a controlled substance into a corrections facility.

Landon argued that the search of his shoes was illegal. He argued that the Alaska Supreme Court had already addressed this issue in Reeves v. State (see Legal Bulletin No. 27). In that case, the court held that an arrested person has privacy interest in their personal effects during the booking-process inventory of his or her possessions.

ISSUE:

In the absence of a search warrant, are prison officials authorized to search the private belongings of prisoners who are being booked into a corrections facility to begin serving their sentence?

HELD: Yes.

REASONING:

1. The decision in Reeves turns on the fact that jail officials have only a limited interest in searching the personal belongings of an arrestee who may shortly post bail and depart. (emphasis added)

2. Prison officials often become long-term involuntary bailees of convicted prisoners' personal belongings.

3. Prison officials have an on-going need to make sure that weapons, contraband and other prohibited items remain unavailable to prisoners.

4. Alaska Administrative Code, 22 AAC 05.067(c), authorizes prison officials to strip-search a prisoner at the conclusion of any contact visit, or whenever the prisoner returns from a classroom or any other area where tools are present or in use, or whenever the prisoner returns from the grounds of a facility which are accessible for the introduction of contraband, or similar circumstances.

5. Prison officials have an on-going interest in making sure that a prisoner's stored personal belongings do not contain weapons, contraband, or other prohibited items. (emphasis added)

NOTES:

This case is a "prison search" of a convicted prisoner and should not be confused with a "jail search" (see Reeves) conducted as an incident to incarceration of a short-term arrestee who is likely to post bail.

Review of the following cases is recommended:

Zehrunig v. State, Legal Bulletin No. 1

State v. Daniel, Legal Bulletin No. 19

Reeves v. State, Legal Bulletin No. 27

Gray v. State, Legal Bulletin No. 149

These cases involve searches conducted as incident to incarceration by jail personnel or, in the case of Daniel, the inventory of a briefcase found in a vehicle pursuant to impound. Evidence in all of the above cases was suppressed.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section E--"Search Incident to Arrest," Section F--"Inventory," and Section N--"Warrantless Searches Conducted by Probation Officers or Private Persons," of your Contents and Text. File Legal Bulletin No. 217 numerically under Section R of the manual.