

Case No. 46,129-L, The First National Bank of Midland, Midland, Texas.

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Memorandum and Resolution re: First National Bank, Snyder, Texas, Seminole State National Bank, Seminole, Texas, Security National Bank of Lubbock, Lubbock, Texas.

Memorandum and resolution re: Final amendments to Parts 303 and 308 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control," and "Rules of Practice and Procedures," respectively, which (1) permit establishment of additional remote service facilities and relocation of existing remote service facilities after notice to the appropriate FDIC regional director, provided that the regional director does not object to the proposal; (2) expand the Director of the Division of Bank Supervision's and regional directors' delegated authority to act on additional remote service facilities applications and remote service facilities relocation applications; (3) specify the content of petitions for reconsideration; (4) specify who within the FDIC will reconsider denied applications, petitions, or requests; (5) shorten the time period during which comments on merger applications may be filed from 45 days to 30 days; (6) clarify procedures for section 19 reconsiderations; and (7) shorten the maximum waiting time for a hearing on a section 19 denial from 60 to 30 days.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Summary Audit Report re: The Deschutes Bank, Redmond, Oregon, AP-364 (Memo dated October 18, 1984).

Summary Audit Report re: City and County Bank of Jefferson County, White Pine, Tennessee, AP-370 (Memo dated October 18, 1984).

Summary Audit Report re: Metro Bank, Midland, Texas, AP-356 (Memo dated October 18, 1984).

Summary Audit Report re: Audit of Headquarters Renovation Costs (Memo dated October 16, 1984).

Discussion Agenda: No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed

to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 29, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 84-28898 Filed 10-30-84; 12:09 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, October 29, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Society Bank of the Firelands, Vermilion, Ohio, an insured State member bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Sandusky Branch of The Broadview Savings and Loan Association, Cleveland, Ohio, a non-FDIC-insured institution.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver liquidator, or liquidating agent of those assets:

Case No. 46,097-L (Amended), City and County Bank of Knox County, Knoxville, Tennessee; City and County Bank of Anderson County, Lake City, Tennessee; First Peoples Bank of Washington County, Johnson City, Tennessee; United American Bank in Hamilton County, Chattanooga, Tennessee.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: October 29, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 84-28937 Filed 10-30-84; 2:49 pm]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION

FEDERAL REGISTER No. 84-28309.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, November 1, 1984, 10:00 a.m.

CHANGE IN MEETING: The Open Meeting scheduled for this date has been cancelled.

DATE AND TIME: Tuesday, November 6, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation, Audits, Personnel.

DATE AND TIME: Thursday, November 8, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Draft Advisory Opinion No. 1984-52, Marty Russo, Member of Congress
Draft Advisory Opinion No. 1984-53, Randall B. Moorhead, on behalf of the Realtors Political Action Committee
Draft Advisory Opinion No. 1984-54, William C. McNeal, Friends of Bob Livingston
Draft Advisory Opinion No. 1984-55, Warren L. Blackmon, AmeriFirst Good Government Committee of AmeriFirst Federal Savings & Loan Association
Petition for rulemaking filed by the National Council of Farmer Cooperatives—11 CFR § 114.1(e)
Finance Committee Report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer, 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission

[FR Doc. 84-28875 Filed 10-30-84; 10:28 am]

BILLING CODE 6715-01-M

8

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—November 8, 1984.

PLACE: Hearing Room One—1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

1. Docket No. 84-26: Rules Governing Agreements by Ocean Common Carriers and Other Persons Subject to the Shipping Act of 1984—Consideration of comments and proposed final rule.

2. Docket No. 84-32: Amendments to Rule Governing Agreements by Ocean Common Carriers and Other Persons Subject to Shipping Act of 1984—Consideration of comments and proposed final rule.

Portions Closed to the public:

1. Agreement No. 202-010656: Establishment of North Europe-U.S. Gulf Freight Association.
2. Docket No. 84-7: A & A International, A Division of Tandy Corporation v. Kawasaki Kisen Kaisha, Ltd.—Consideration of the record.

CONTACT PERSON FOR MORE

INFORMATION: Francis C. Hurney,
Secretary (202) 523-4725.

Francis C. Hurney,
Secretary.

[FR Doc. 84-28947 Filed 10-30-84; 3:59 pm]

BILLING CODE 6730-01-M

9

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE: Thursday November 1, 1984—2:00 p.m.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately three cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble,
Chief Analyst, National Appeals Board,
United States Parole Commission (301)
492-5987.

Dated October 30, 1984.

Joseph A. Barry,

General Counsel, United States Parole
Commission.

[FR Doc. 84-28916 Filed 10-30-84; 2:49 pm]

BILLING CODE 4410-01-M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF

PREVIOUS ANNOUNCEMENT: (49 FR 42853
10/24/84)

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW.,
Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday,
October 19, 1984.

CHANGE IN THE MEETING: Additional
item.

The following item was considered at
a closed meeting held on Tuesday,
October 23, 1984, at 10:00 a.m.

Trading suspension.

Chairman Shad and Commissioners
Treadway, Cox, Marinaccio and Peters
determined that Commission business
required the above change and that no
earlier notice thereof was possible.

At times changes in Commission
priorities require alterations in the
scheduling of meeting items. For further
information and to ascertain what, if
any, matters have been added, deleted
or postponed, please contact: David
Powers at (202) 272-2091.

Shirley E. Hollis,

Acting Secretary.

October 30, 1984.

[FR Doc. 84-28946 Filed 10-30-84; 3:58 pm]

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Thursday
November 1, 1984

Part II

**Department of
Justice**

Bureau of Prisons

28 CFR Part 511

**Control, Custody, Care, Treatment, and
Instruction of Inmates; Final Rule**

28 CFR Part 545

**Control, Custody, Care, Treatment, and
Instruction of Inmates; Proposed Rule**

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 511

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Prisons is publishing its final rule on searching/detaining of non-inmates; arresting authority; and use of metal detectors. The rule is intended to prevent the introduction of contraband (such as narcotics and weapons) into Bureau of Prisons institutions. The rule also discusses the authority of Bureau employees to detain visitors and to make an arrest without a warrant.

EFFECTIVE DATE: December 1, 1984.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document, the Bureau of Prisons is publishing its final rule on searching/detaining of non-inmates; arresting authority; and use of metal detectors. A proposed rule on this subject was published in the *Federal Register* January 3, 1984 (at 49 FR 195 et seq.). Interested persons were invited to submit comments on the proposed rule. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the *Federal Register*.

This rule is finalized in an effort to help ensure institution security and good order. The rule is intended to prevent the introduction of contraband (such as narcotics and weapons) into Bureau of Prisons institutions. The rule authorizes staff to subject all persons entering a Bureau of Prisons institution, or during their presence in an institution, to a search of their persons and effects. Procedures used in conducting this search may include the use of metal detectors, pat searches, visual searches, and breathalyzer and urine surveillance tests. 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. The rule also states Bureau policy with respect to detaining and/or arresting a non-inmate.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. The Bureau of Prisons has determined that E.O. 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

Summary of Changes

1. Section 511.10—The recently passed Comprehensive Crime Control Act of 1984 revised the language of 18 U.S.C. 1791 and 1792. Based on this revision, § 511.10(a) is rewritten to read that Bureau staff may subject all persons entering an institution, or during their presence in an institution, to a search of their persons and effects. While the language of this paragraph has been rewritten, its purpose continues to be preventing the introduction of contraband into an institution, since such introduction is presumably for the purpose of providing contraband to an inmate. Section 511.10(b) inserts the new titles of 18 U.S.C. 1791 and 1792. Section 511.10(b) also adds language requiring the existence of "probable cause" for staff to make an arrest without warrant. Probable cause is a higher standard than the proposed rule's requirement of "reasonable suspicion". Probable cause must also exist for staff to detain an individual (see § 511.15).

2. Section 511.11—Section 511.11 is retitled "Definitions". The proposed rule's definition of reasonable suspicion is clarified and becomes final § 511.11(a). As revised, reasonable suspicion exists if the facts and circumstances 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. Probable cause is defined in new § 511.11(b). Probable cause exists when the facts and circumstances known to the Warden would warrant a person of reasonable caution (not necessarily a law enforcement officer) to believe an offense has been committed. Internal staff instructions are generally responsive to a comment that the rule does not define "reliability", nor require the confidential information to be provided by a credible source. The Bureau's internal staff instructions state reliability may be determined by a record of past reliability or by other factors which reasonably convince the decision-maker of the individual's

reliability. To the extent practicable, staff are to verify the information received. We do not agree with a comment that the requirements for reliability and verification of confidential source information as applied to the search of a visitor must be no less than that applied to an inmate facing an institution disciplinary hearing and possible placement in special housing. The situations are considerably different. In the disciplinary context, an inmate is charged with committing a prohibited act. If found to have committed this act, the inmate is subject to having sanctions imposed by a disciplinary committee, including placement in a special housing status. The institution visitor is not confronted with either situation. In fact, the visitor ordinarily has the option to refuse the search procedure and to leave the institution property, an avoidance opportunity not afforded the inmate. In addition, the nature of a correctional institution allows staff more readily to obtain "independently verified" corroboration of information provided by a confidential source concerning an occurrence, or "planned" occurrence, within the institution. Information received about a visitor often does not present the same opportunity.

3. Section 611.12—Because paragraph (a) contains specific examples of contraband (modified to read weapons, intoxicants, and drugs), the final rule inserts the term "other contraband" for "contraband". Section 511.12(d) inserts the phrase "in a pre-trial or jail (detention) unit within any Security Level institution". This addition recognizes that inmates in these units (pre-trial inmates) represent a cross-section of different security levels, like inmates in an administrative institution. Section 511.12(e) adds language referencing § 511.14, specifically a statement that the visitor may refuse to take the test, but the visit will not be allowed. The first paragraph of § 511.12(f) is deleted, with Bureau of Prisons staff ordinarily conducting the search or test. This intent is now contained in a rewriting of proposed § 511.12(f) (1) and (2), now new § 511.12(f). The Bureau's revision of § 511.12(f) is responsive to a comment that the Federal Bureau of Investigation not be requested to conduct the search of visitors.

A commenter, referring to Standard 6.13 of the Department of Justice's *Federal Standards for Prisons and Jails*, states that searches of visitors, even more so than prisoners, must be conducted to "avoid unnecessary force and strive to preserve . . . dignity and

integrity . . . and . . . property". Although Standard 6.13 is directed to the searches of facilities and inmates, not visitors, the Bureau's rule on searches of visitors is consistent with the standard. Bureau policy requires the search of a visitor to be done by a person of the same sex as the visitor, with the search conducted out of the view of other visitors and inmates. Internal instructions clearly state that staff may not use force to require a visitor to submit to any of the search or test or entrance procedures. We also believe the rule clearly supports a comment that, whenever feasible, non-intrusive sensors and other techniques be used instead of body searches. A pat search may be done only where there is reasonable suspicion; further, a visual search may not be done in lower security level institutions, and may be done in other Bureau institutions (or pre-trial or jail units) only upon a finding of reasonable suspicion that the visitor possesses contraband or is introducing or attempting to introduce contraband into the institution.

A commenter to § 511.12(e) suggested that forbidding visitors under the influence of a narcotic drug or intoxicant, or detaining them for possible arrest pursuant to § 511.15 would raise "grave constitutional questions". The commenter states that under the Eighth Amendment, the government cannot punish mere status. The Bureau's rule is not intended to punish "mere status". The rule is intended to relate to a legitimate governmental interest, institution security and good order, which may be threatened by allowing into the institution a person who is intoxicated or under the influence of a drug. For example, the person could become disruptive or have a reaction (e.g., withdrawal) to the intoxicant or narcotic while visiting. Either situation can adversely affect institution operations. A person who is observed by staff to be under the influence of narcotic, drug, or intoxicant, but who makes no apparent effort to bring such items into the institution would ordinarily not be detained. Staff, however, may advise appropriate law enforcement officials of this situation.

We do not agree with a comment that the use of breathalyzer or urine surveillance or other comparable tests on visitors, even with reasonable suspicion, raises serious constitutional privacy questions. Such tests as a precondition to visiting are reasonable under the Fourth Amendment. The tests are only moderately intrusive, and are considered reasonable when balanced

against the government's interest in keeping persons under the influence of narcotics or intoxicants out of the institution, as well as recognizing the visitor's option to refuse the test, and leave the institution. For these reasons, we do not agree with the commenter who states that a urine surveillance or similar test requires a greater showing of necessity than reasonable suspicion.

A commenter states the use of urine surveillance and breathalyzer tests raises evidentiary problems. Such tests, however, without more, are administered not to effect an arrest, but rather, to serve as a screening device. In addition, a visitor is not requested to take such a test unless a reasonable suspicion exists that the visitor is under the influence of a narcotic, drug, or intoxicant. Even where this suspicion exists, the visitor ordinarily retains the right to refuse testing and to leave the institution property.

4. Section 511.13—Section 511.13(c) is clarified to read "person and/or effects."

5. Section 511.15—Section 511.15(a) specifies probable cause as the applicable standard for detaining an individual. The intent of this paragraph is further clarified to apply to "any person", and to add intoxicants and lethal or poisonous chemicals or gases as other examples of contraband. The phrase, "such as possession of escape paraphernalia" is now included as an example of an action which assist an escape, and the more specific phrase "induce riots" is substituted for "encourage riots".

6. Section 511.16—Based on the discussion earlier in this preamble, the final rule inserts the higher standard "probable cause". The rule also adds language recognizing the Bureau's authority to arrest "under any future arrest authorization statute that may be approved by the Congress of the United States".

A commenter suggests the Bureau rule specify that the search provisions do not apply to Bureau of Prisons employees, believing such practices, if permitted, would raise serious constitutional questions. The Bureau does not agree. Publication of the rule places visitors to the institution on notice. Bureau employees are, and have been, subject to search. Specifically, each Bureau of Prisons employee, upon joining the Bureau, receives a copy of the Bureau's Standards of Employee Conduct and Responsibility, and learns of the search policy in the Bureau's training program. The current policy (issued November 1981) provides notice that the employee is subject to a search of person or

property on a "reason to suspect" basis. In addition, the Bureau's proposed procedures on searching/detaining of non-inmates, as well as a discussion of the procedures for searching employees, were internally routed for review, with copies sent to various areas, including the exclusive representatives of bargaining unit employees of the Federal Bureau of Prisons.

List of Subjects in 28 CFR Part 511

Prisoners.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR Chapter V is amended by adding a new Part 511 to Subchapter A.

Dated: October 26, 1984.

Norman A. Carlson,
Director, Bureau of Prisons.

Amend Subchapter A of 28 CFR, Chapter V as follows: In Subchapter A, add a new Part 511 to read as follows:

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 511—GENERAL MANAGEMENT POLICY

Subpart A—[Reserved]

Subpart B—Searching/Detaining of Non-Inmates; Arresting Authority; Use of Metal Detectors

Sec.

- 511.10 Purpose and scope.
- 511.11 Definitions.
- 511.12 Procedures for searching visitors.
- 511.13 Controlled visiting—denying visits.
- 511.14 Right of refusal/termination of a visit.
- 511.15 Detaining visitors.
- 511.16 Use of arrest authority.

Authority: 5 U.S.C. 301; 18 U.S.C. 751, 752, 1791, 1792, 3050, 4001, 4012, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99, 6.1.

Subpart A—[Reserved]

Subpart B—Searching/Detaining of Non-Inmates; Arresting Authority; Use of Metal Detectors

§ 511.10 Purpose and scope.

(a) In an effort to prevent the introduction of contraband (such as narcotics and weapons) into its institutions, 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 Services employees) to make an arrest without warrant for any violation of the provisions of section 751—Prisoners in Custody of Institution or Officer; section 752—Instigating or Assisting Escape; section 1791—Providing or Possessing Contraband in Prison; and section 1792—Mutiny and Riot Prohibited. 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 fleeing or escaping before a warrant can be obtained.

§ 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, although confidential information; 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. "Mere suspicion" is not a sufficient standard under which an arrest may be made.

§ 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.

(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 Security Level IV, V, VI, or administrative institution, or in a pre-trial or 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 section 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.

§ 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), 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. Whenever possible, the Warden or designee shall make the determination as to whether an arrest should occur.

[FR Doc. 84-28823 Filed 10-31-84; 8:45 am]

BILLING CODE 4410-05-M