

## **1.2.5 Strip and/or Body Cavity Searches**

### **I. POLICY**

This department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interests of this agency's prisoner detention and holding facilities. Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of this department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy. As with any other search, the individual's rights guaranteed by the Fourth Amendment to the United States Constitution shall be honored at all times.

### **II. PURPOSE**

The purpose of this policy is to provide officers with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

#### **A. Strip Searches**

Strip searches incident to arrest may be conducted on a defendant **ONLY** when the officer has clear and articulable reasons to believe the defendant has evidence, weapons or other contraband that could not be detected without removing the persons clothing.

1. The reasons for conducting the strip search shall be made a part of the narrative of the incident report completed for the case.
2. A strip search shall first be approved by a supervisor.
3. The room used to conduct the search shall not have any video monitoring equipment that would allow the search to be viewed from a remote location. If no other room is available, the officers will ensure that all remote view monitors are turned off during the search.

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4. The room/area used will also not be subject to extremes in environments, either extremely cold or hot, so as to affect the individual being searched.
5. A strip search should be conducted, when possible, by members of the same gender. The search shall be witnessed. Only those officers directly involved in the search shall be permitted in the area where the search is taking place.
6. Searching officers shall ask the arrestee if there are any medical conditions or other factors that may affect the search, and if any, the search must carefully not interfere with any such condition.
7. Officers shall consider the balance between officer safety, safety of the arrestee and appropriate regard to the dignity of the suspect.
8. A strip search by members of the opposite gender is permissible in ONLY the most exigent or life threatening situations. At NO time will this be done in a one on one situation. A minimum of two officers will be present.
  - a. Any time an opposite gender strip search is conducted, the supervisor will be immediately notified of the search and the exigent circumstances that necessitated the search.

#### B. Body Cavity Search

A body cavity search is a procedure whereby an arrested person's body openings or organs such as a stomach are actually examined to look for contraband, weapons, drugs, evidence, etc.

1. A body cavity search that involves manual probing of body cavities shall be done by qualified medical personnel in a hygienic setting, except in the most urgent circumstances that include life and death.
2. Officers shall consider the balance between officer safety, safety of the arrestee, and appropriate regard to the dignity of the suspect.
3. A body cavity search shall first be approved by a supervisor.
4. A police officer shall be present during the body cavity search to collect any evidence that may be recovered, so as to limit the chain of custody.

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5. The reasons for the body cavity search shall be articulated in the narrative of the incident. The incident report shall also document the personnel present for the search and the medical personnel conducting the body cavity search.

### C. Search Warrant Requirements

An individual's Fourth Amendment rights must be weighed against the necessity of the search. Therefore, all requests for body cavity searches shall be done only pursuant to a lawfully issued search warrant. A search warrant is also required for a strip search if the suspect is not under arrest. The search warrant will have the approval of the Cambria County District Attorney's Office, prior to being submitted to an issuing authority for an independent review of the facts.

1. An officer possessing a search warrant for a body cavity search must make contact with a medical facility to have the search conducted by trained medical personnel at their facility.
2. The search shall be conducted in an area partitioned so as to limit access and view from persons not involved in the search.
3. If the subject is under arrest, strip searches and body cavity searches shall never be done randomly or at the whim of the officer or his/her immediate supervisor. The mere fact of an arrest does not allow a strip search or body cavity search; there must be additional factors. Such as:
  - a. The nature and seriousness of the offense.
  - b. The past criminal record of the arrestee, along with any open warrants and charges.
  - c. Whether or not there is reasonable suspicion to believe that the person arrested is carrying or may have any contraband, weapons, evidence, drugs, etc.
  - d. The amount of time the arrestee will be in custody prior to arraignment, release, or transport to another agency.
  - e. Whether or not the arrestee will be held with another or alone.
  - f. Whether the arrestee physically resisted arrest or otherwise used violence or force toward the arresting officer[s] or others.

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- g. Whether or not the arrestee has any history of violence, hiding of contraband, drug use, etc.
- 4. A strip search may be conducted after considering all of the circumstances for the following reasons:
  - a. When an officer has reasonable suspicion based on facts, circumstances and the officer's experience, that the arrestee has contraband, weapons, drugs or some other prohibited substance or property or evidence of a crime.
  - b. When the arrestee has a criminal record for arrests for felonies and misdemeanors involving weapons or contraband.
  - c. When the arrestee is going to be held in police custody for an extended period of time after the arrest.
  - d. When the officers have a reason to believe that the arrestee is a danger to himself/herself or others.
  - e. When there is a valid search warrant.
- 5. Body cavity searches are controversial, even when legally permissible. These searches shall only be conducted when legally necessary and reasonable.

Effective:

Date: March 22, 2006

By Order Of:

Craig Foust  
Chief Of Police