

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

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INTRODUCTION

The purpose of this policy is to provide department members 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.

POLICY STATEMENT

The use of strip searches and body cavity searches of persons under arrest may, under certain conditions, be necessary to protect the safety of officers, civilians, and persons in police custody, to detect and secure evidence of criminal activity, and to safeguard the security, safety, and related interests of the Asheville Police Department. Recognizing the intrusiveness of these searches on individual privacy, it is the department's policy that such searches be conducted only with proper authority, justification, due recognition, and deference to the dignity of those being searched.

DEFINITIONS

Strip Search: A search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any skin surfaces typically covered by undergarments, including genital areas, breasts (in the case of females), and buttocks.

Field Strip Search: A strip search occurring at any location other than the Buncombe County Detention Facility.

Body Cavity Search: A search involving the internal physical examination of body cavities.

Body Cavities: A person's ear canals, navel, nostrils, rectum, stomach, and vagina.

RULES AND PROCEDURES

606.1 STRIP SEARCHES

- A. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature will not be subject to strip searches unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing evidence or weapons. Reasonable suspicion may be based upon but is not limited to, the following: [1.2.8 a]
1. The nature of the offense charged.
 2. The arrestee's demeanor.
 3. The circumstances surrounding the arrest.
 4. The arrestee's criminal record, particularly past crimes of violence and narcotics offenses.
 5. The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest.
 6. Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.

606.2 STRIP SEARCH PROCEDURES

- A. Officers will take appropriate hygienic and safety precautions, such as using latex gloves and/or other personal protective equipment.
- B. At least two (2) officers, including the officer conducting the search, but not more than two unless absolutely necessary, will be present at the time of the search.
- C. Officers present during the search will be of the same gender as the person to be searched. [1.2.8 b]
- D. All searches of transgender, **gender-variant, and non-binary (TGN) individuals** will be performed by officers of the gender requested by the **TGN individual**. [1.2.8 b]

1. If the **individual** refuses or **cannot** specify a gender preference, the search will be performed by officers of the same gender as the person's apparent gender presentation.
 2. If the **individual** refuses or **cannot** specify a gender preference and officers **cannot** ascertain an apparent gender presentation, the person will be searched by one female and one male officer.
- E. Searches are to be conducted under conditions that provide privacy from all but those necessary to conduct the search. [1.2.8 b]
- F. Field strip searches will be conducted only with explicit approval from a supervisor, and only when exigent circumstances exist that may place the life of officers or others at risk.
- G. Except for field strip searches conducted in accordance with section 606.2(E) of this policy or searches pursuant to a court order, strip searches must be conducted at the Buncombe County Detention Facility.
- H. Strip searches of a juvenile will only be conducted if the officer has a court order or if a parent or legal guardian consents in writing. [1.2.8 c]
- I. Following a strip search, the officer performing the search will complete an incident or other appropriate report that includes, at a minimum, the following: [1.2.8 d]
1. Date and place of the search.
 2. Identity of the officer conducting the search.
 3. Identity of the individual searched.
 4. The basis for the officer's reasonable suspicion that the individual was concealing evidence or weapons.
 5. Those present during the search.
 6. A detailed description of the nature and extent of the search.
 7. Any evidence or weapons found during the search.
- J. The officer must notify the Professional Standards Section of the strip search by email to include the case number of the incident. [1.2.8 d]

606.3 BODY CAVITY SEARCHES

- A. The procedures in this section will be followed should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence, or contraband within a body cavity.
- B. The suspect will be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action is taken.
- C. The officer will consult with their immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search, see [Policy 604 - Search Operations](#). The decision to seek a search warrant will recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature, poses a threat to the safety of officers, [community members](#), the person to be searched, or to the security of any detention facilities. [1.2.8 a]
- D. If probable cause exists for a body cavity search, an affidavit for a search warrant will be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause. [1.2.8 a]
- E. On the basis of a search warrant, a body cavity search will be performed only by a physician or other medically trained personnel under a physician's supervision. An officer of the same sex as the persons searched will observe the search. Where the person to be searched is transgender, the observing officers' gender will be determined according to this policy's guidelines in section [606.2\(C\)](#). [1.2.8 b]
- F. Absent exigent circumstances requiring a body cavity search take place elsewhere, such searches will be conducted at a medical facility equipped to handle emergencies. [1.2.8 b]
- G. The officer will complete an incident report and comply with the information requirements specified in section 606.2(H) of this policy. The officer must also attach a copy of the signed search warrant to the report. [1.2.8 d]
- H. The officer must notify the Professional Standards Section of the body cavity search by email to include the case number of the incident. [1.2.8 d]

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'ML LH', is written over a horizontal line.

Michael Lamb
Interim Chief of Police