




Clayton County Police Department

PROCEDURES

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| Subject STRIP & BODY CAVITY SEARCHES | | Procedure # D20 | |
| Authorizing Signature  | Effective 08-13-2021 | <input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Rescinds | Total Pages 9 |

I. PURPOSE

The use of strip searches and/or body cavity searches may, under certain conditions, be necessary to protect the safety of officers, the public and the offender, and to detect and secure evidence of a crime.

II. POLICY

The Clayton County Police Department recognizes the intrusiveness of strip and body cavity searches on individual privacy, 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. This policy does not address inspections of subjects who have been relinquished to other agencies.

III. DEFINITIONS

Body Cavity Search: Any search involving the physical or visual examination of a person's internal, genital, or anal cavities. It may, in some instances, include internal organs, such as the stomach cavity.

Gender-Nonconforming: A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expression does not fit neatly into a category. Related terms include genderqueer, nonbinary, androgynous, and gender-variant.

Intersex: A general term used to describe a variety of conditions in which a person is born with a variation in sex characteristics, including chromosomes, reproductive anatomy and/or or genitals, and therefore cannot be distinctly identified as male or female. For example, a person may be born with genitalia that appear female, but with internal anatomy that is predominantly male. Being intersex is different from being transgender; the term “intersex” is not synonymous with the term “transgender”.

Strip Search: Any search of an individual requiring them to remove or rearrange some or all of their clothing to permit the visual inspection of skin surfaces, specifically the buttocks, genital/groin area, and/or breasts.

Transgender: An umbrella term for people whose gender identity or expression is different from cultural expectations associated with their assigned sex at birth. “Trans” is shorthand for “transgender.” Transgender is an adjective, not a noun; thus, “transgender people” is appropriate but “transgenders” is disrespectful. Being transgender does not imply any specific sexual orientation; therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

IV. PROCEDURES

- A. When any person comes into the custody of an officer, that individual will be, as thoroughly as conditions permit, searched for any weapons and contraband.
- B. As in all situations, certain factors must be considered by the officer taking the person into custody when deciding the extent to which a search will be conducted.
 1. These factors include but are not limited to:
 - a. The sex and age of the person in custody.
 - b. The sex of the officer making the search.
 - c. The crime with which the person in custody is charged.
 - d. The disposition toward violence displayed by the person in custody.
 - e. The urgency of the situation or the presence of a crowd.
 - f. The conditions present in the area in which the person is being taken into custody.
 - g. The physical condition of the person in custody.
 2. Factors that will not be considered are as follows:
 - a. The statement of another officer that the person in custody has already been searched.

- b. The fact that the person in custody has been in custody of another law enforcement officer or been incarcerated in a holding facility.
 - c. The fact that the officer taking the person into custody has watched that person being searched by another.
- C. The purpose of an offender search is to provide for the detection of weapons, contraband or any items which might be used to aid an escape. Each officer that takes custody of a prisoner is required to complete an offender search which is as thorough as circumstances permit. It is required that all items in the possession of an offender be thoroughly examined. Any item which is contraband or which can be used as a weapon will be removed from the offender and disposition of the offender's property will be made in accordance with Department policy.
- D. All persons arrested should be searched at the scene of the arrest. These searches should be conducted by persons of the same sex as the person arrested, if practical. If searching someone of the opposite sex, it is recommended that another officer be present. Nothing in this section is intended to preclude officers from conducting searches that are authorized and consistent with officer safety and as authorized by Department policy and State law.
- E. Search Incident to a Lawful Arrest

The type of search conducted is dependent upon the situation surrounding the detention or arrest. A recognized exception to the search warrant requirement is a search incident to a lawful arrest. This exception permits an officer to perform a warrantless search during or immediately after a lawful arrest. The reason for the search is to remove any weapons the arrestee may use to resist arrest or effect an escape, or to search and seize any evidence in order to prevent concealment or destruction. During the retrieval of weapons or contraband, the officer shall make every effort not to expose the arrestee's undergarments, buttocks, anus, genitals, or breasts to view.
- F. Strip Search
 - 1. A strip search incident to a lawful arrest shall be conducted only when properly authorized by a supervisor and only in the event that there is reasonable articulable suspicion that the offender is concealing a weapon, evidence or contraband. The following does not constitute a strip search:

- a. The removal or rearranging of clothing reasonably required to render medical treatment or assistance.
 - b. The removal of articles of outer clothing, such as coats, ties, belts or shoelaces.
 - c. The removal of a weapon or contraband, if, pursuant to a lawful frisk or pat-down (Terry frisk) or during a lawful search incident to arrest, even if retrieving such weapon or contraband, would involve the rearranging of clothing, to permit the inspection of a person's undergarments.
2. The arresting officer will request permission from a supervisor prior to conducting a strip search. When seeking approval, the officer should clearly outline and document the specific reasons for requesting the search, the characteristics of the offender to be searched that substantiate the reasonable suspicion or probable cause for the search (e.g., nervousness, indications of drug use); any details regarding the subject that may affect how the search is conducted (e.g., medical devices, pregnancy). If there is a perceived overriding need for a "strip search" to occur, a supervisor shall approve the officer's request.
 3. This type of search is most appropriately conducted by the Clayton County Sheriff's Office as that agency possesses appropriate facilities and trained personnel. Strip searches will take place out of the sight of unauthorized persons. Any video recording devices located where the search takes place shall be turned off. Only in the rarest of instances, where the safety of officers or others is clearly at imminent risk and where other reasonable alternatives are not readily available should a strip search be performed outside of a police/detention or medical facility. The Clayton County Sheriff's Office establishes policy for conducting strip searches inside the Clayton County Jail.
 4. The vast majority of strip searches will be conducted by officers of the same gender as the offender being searched. Two officers (2) will be present during the search. Should the offender pose a risk to the safety of the two (2) officers conducting the search, additional officers should be utilized. Absent exigent circumstances, only persons of the same gender as the offender are permitted to perform or witness a strip search.

Transgender, Intersex and Gender Non-Conforming (TIGN) offenders have the right to indicate their preference to be searched by either a male or female officer. If a TIGN offender's gender request can be accommodated reasonably and expeditiously,

without risk to officer safety, the request should be granted. Under exigent circumstances, including but not limited to the existence of reasonable suspicion of imminent threat of bodily harm or escape, any officer may conduct a search of any offender, regardless of the gender identity/expression of the offender, officer, supervisor, or intake officer.

5. All officers present shall be aware of proper hygiene procedures when conducting a strip search, to include the use of personal protective equipment such as gloves, mask and in more extreme cases, protective coveralls to prevent biologic contamination. Any recovered evidence should also be processed and handled in accordance with agency policy regarding biologic material collection. Prior to conducting the search, officers may ask the offender if they have any communicable diseases or other medical conditions that may affect the search.
6. Officers will not touch the offender while they are being strip searched unless it is necessary to remove a weapon, evidence or contraband, or when it is necessary for officer safety purposes.
7. Juveniles will not be subjected to strip searches without prior approval of a juvenile court judge, juvenile intake officer or pursuant to a search warrant.
8. All officers present during the strip search will conduct themselves in a professional manner. Officers conducting strip searches should perform the search in a manner that minimizes the embarrassment and discomfort of the offender being searched. Officers will not use any words, terms, phrases or hand gestures to embarrass, humiliate, demean or criticize the offender or any parts of the offender's body.
9. The arresting officer will complete an incident report detailing the circumstances of the strip search. All strip searches should be thoroughly documented, to include the following information:
 - a. All information concerning the arrest of the offender.
 - b. The probable cause justifying the strip search.
 - c. The name of the supervisor approving the strip search.
 - d. The name of all officers present during the strip search.
 - e. Location of search, including steps taken to protect privacy.
 - f. The location on the body and a detailed description of any evidence or contraband that was found or recovered.
 - g. Any problems encountered or complaints made.

10. All officers witnessing the strip search and the supervisor approving the strip search will complete a supplemental report.
11. If force was used against the offender, all appropriate documents will be completed in accordance to the Department's Use of Force policy.
12. In the event that evidence or information is disclosed during the search that leads the officer to believe that a body cavity search is warranted, the nature of that evidence shall be included with the report with recommendation for further action. This level of additional intrusion often requires judicial review and approval and the presence of medical professionals.

G. Body Cavity Search

Searches incident to arrest and strip searches are often the primary means of establishing the probable cause necessary for conducting a subsequent body cavity search.

1. Body cavity searches are prohibited unless there is probable cause to believe that a person who has been arrested is concealing a weapon, evidence or other contraband. A cursory visual inspection of the mouth is not considered a body cavity search.
2. When reasonable articulable suspicion exists for a body cavity search, an officer shall:
 - a. Notify his/her supervisor of the probable cause for the body cavity search and the importance of recovering the weapon, evidence or contraband within a body cavity, and request permission to have a body cavity search conducted.
 - b. When approved by a supervisor, the officer will need to complete a search warrant affidavit application and submit it to his/her supervisor for review and/or approval.
 - c. When the Search Warrant Application is approved by the officer's supervisor, the officer will present it to the appropriate judicial officer.
 - d. Upon a judicial officer signing the search warrant, it will be the responsibility of the officer to execute the search warrant.
3. When a search warrant is obtained, the officer must advise the offender that a judicial officer has signed a search warrant for a

body cavity search. If practicable, the officer shall display the warrant to the offender and allow them to read it. If not, the officer should read to the offender the portion of the warrant authorizing the body cavity search and the limits of the search.

4. Body cavity searches should be performed only in an authorized facility and in a room designated for this purpose. Body cavity searches must be conducted in a secure area with sufficient privacy so that the search cannot be observed by persons not directly involved with the search. Any video recording devices that are located where the search is taking place shall be turned off. This does not apply to any recording devices utilized by the medical personnel for the purpose of documenting the procedures as a part of a medical record.
5. Body cavity searches should be conducted only by a medical professional, such as a physician or a registered or licensed practical nurse, who is knowledgeable about body cavity search procedures and has the requisite equipment and training. Trained medical personnel are better equipped to conform to hygienic requirements, may prevent harm or injury while performing the search, and have a greater likelihood of detecting medical conditions or limitations that would influence the search.
6. On most occasions, two officers (2) of the same gender as the offender will be present during the medical examination to provide security for the medical personnel and to document any evidence that may be found and recovered. Should the offender pose a risk to the safety of the medical personnel or the two (2) officers witnessing the examination, additional officers should be utilized. Absent exigent circumstances, only persons of the same gender as the offender are permitted to perform or witness a strip search.

Transgender, Intersex and Gender Non-Conforming (TIGN) offenders have the right to indicate their preference to be searched by either a male or female medical professional. If a TIGN offender's gender request can be accommodated reasonably and expeditiously, without risk to officer safety, the request should be granted. Under exigent circumstances, including but not limited to the existence of reasonable suspicion of imminent threat of bodily harm or escape, any officer may conduct a search of any offender, regardless of the gender identity/expression of the offender, officer, supervisor, or intake officer.

7. All officers present shall be aware of proper hygiene procedures when conducting a body cavity search, to include the use of

personal protective equipment such as gloves, mask and in more extreme cases, protective coveralls to prevent biologic contamination. Any recovered evidence should also be processed and handled in accordance with agency policy regarding biologic material collection. Prior to conducting the search, officers may ask the offender if they have any communicable diseases or other medical conditions that may affect the search.

8. Officers will not touch the offender during a body cavity search unless it is necessary to remove a weapon, evidence or contraband, or when it is necessary for officer safety purposes.
9. Juveniles will not be subjected to a body cavity search without prior approval of a juvenile court judge, juvenile intake officer or pursuant to a search warrant.
10. All officers present during the body cavity search will conduct themselves in a professional manner. Officers will not use any words, terms, phrases or hand gestures to embarrass, humiliate, demean or criticize the offender or any parts of the offender's body.
11. Body cavity searches should be thoroughly documented. The reporting officer shall appropriately document the following information.
 - a. All information concerning the offender's arrest.
 - b. The name of the supervisor authorizing the search.
 - c. The name of the officers present during the search and the name of the officers witnessing the recovery of weapons, evidence or contraband, or any other item, if applicable.
 - d. The name of the physician, registered nurse, or licensed practical nurse performing the search and any other medical personnel that were present and how they were involved in the examination and recovery of the weapon, evidence or contraband, or any other item, if applicable.
 - e. The location within the offender's body and the description of the weapon, evidence or contraband, or any other item that was recovered and/or found during the search.

V. REVIEW

This policy shall be reviewed periodically to ensure it remains in compliance and to determine if any additional training or changes to policy or procedures are necessary.

VI. CANCELLATION

- A. This procedure rescinds and supersedes the following standard operating procedure: D20: *Strip & Body Cavity Searches*, dated January 1, 2009.