



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

4068 R-2

STRIP & BODY CAVITY SEARCHES

Effective Date: 04/15/2001

Revision Dates: R-1 01/10/2005; **R-2 05/25/2022**

INTRODUCTION

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; and to detect and secure evidence. However, they are a substantial intrusion on a person's privacy and therefore, shall only be conducted with the proper authority and justification and in accordance with the procedures set forth in this general order.

DEFINITIONS

Strip Search: Any search of an individual involving the removal or rearrangement of some or all of the individual's clothing to permit the visual inspection of skin surfaces including breasts, buttocks and/or the genital area.

Body Cavity Search: Any search involving not only the visual inspection of the skin surfaces, but also the internal physical examination of body cavities such as the rectal and vaginal cavities.

STRIP SEARCHES

Strip searches may only be conducted when:

- the officer has a search warrant for the person to be strip searched; or
- the person is under arrest and the officer has probable cause to believe that the individual is concealing contraband or evidence in or around his/her private areas; ; or
- the person consents specifically to be strip-searched.

Supervisor approval is required for all strip searches. Supervisors shall consider the reasonableness of the search under the totality of the circumstances including, but not limited to, the justification/need for the search; the nature of the offense; the age of the suspect; the intrusiveness of the search; the location of the search; and steps available to ensure the suspect's privacy during the search.

All strip searches will be performed by an officer that is of the same sex as the person to be searched. If an individual identifies as transgender or non-binary, they should be asked their preference as to which the sex of the searching officer.

The search will be conducted in an area that ensures the privacy of the person being searched and cannot be seen by any person other than the officers involved in the search. Absent consent, a roadside strip search will

only be constitutional if there is probable cause to believe that the suspect is concealing contraband or evidence in or around his/her private areas and exigent circumstances necessitate an immediate search.

Officers equipped with body-worn cameras may video the location of the search immediately prior to beginning the search, however they may not video the search itself. Officers may use the body-worn camera for recording **audio only** as long as the camera lens is covered or obscured during the search.

For officer safety purposes, strip searches should be conducted with two officers, one conducting the search and the other acting as cover officer. In the event that there are not two officers available of the same sex as the person to be searched, the search may be conducted by one officer, however a second officer will standby in close proximity, but not in view of, the search being conducted.

BODY CAVITY SEARCHES

Body cavity searches will only be conducted if the officer has probable cause to believe that the person is concealing a weapon or evidence of a crime in a body cavity.

The following procedures must be followed to conduct a body cavity search:

- The officer will consult with his/her immediate supervisor to determine if probable cause exists to seek a search warrant for a body cavity search.
- A search warrant that specifically orders a body cavity search must be obtained prior to the search. The only exception would be a consent search to be performed by medical personnel. A consent search **must** be carefully documented.
- A body cavity search pursuant to a search warrant must be conducted by a physician, or other medically trained personnel under the direction of a physician. An officer of the same sex as the person being searched will be present when the search is conducted.
- Body cavity searches shall be performed with due recognition of privacy and hygienic concerns.
- The authorized medical personnel conducting the search will furnish a copy of their report to the police officer serving the search warrant.

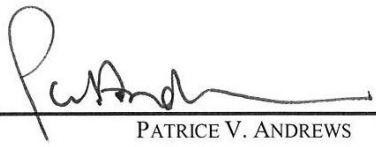
SEARCHES INVOLVING JUVENILES

Unless exigent circumstances necessitate an immediate warrantless search, no strip search shall be conducted on a juvenile without a search warrant. No body cavity search shall be conducted on a juvenile without a search warrant specifically authorizing the search. No officer shall conduct, or apply for a search warrant authorizing a strip or body cavity search of a juvenile, without first obtaining supervisor approval. If authorized, the same procedures for conducting a strip and body cavity search of an adult shall be followed.

REPORTING REQUIREMENTS

Any officer conducting a strip search and/or a body cavity search must complete an incident report and any other relevant report(s). The officer must document the sex/gender of the searching officer, the cover officer, specific location where the search was conducted, and the supervisor who approved the search.

See also: G.O. 4003 *Transport & Handling of Prisoners* and G.O. 4004 *Warrantless Searches & Seizures*.



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CHIEF OF POLICE