

STRIP AND BODY CAVITY SEARCHES	Document Number	GO 603
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1. PURPOSE

The purpose of this policy is to provide guidelines for strip and body cavity searches and to establish guidelines for the appropriate conduct of such searches.

2. PERSONS AFFECTED

All sworn personnel.

3. POLICY

3.1. It shall be the policy of the Hawai'i Police Department that the use of strip 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 the department's detention facilities.

3.2. Recognizing the intrusiveness of these searches on individual privacy, it is the policy of the department that such searches shall be conducted only with proper authorization and justification, with due recognition and deference for the human dignity of those being searched and in accordance with procedural guidelines for conducting such searches as set forth in this policy.

4. DEFINITIONS

4.1. **Strip Search** – Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of the genitals, buttocks, anus, female breasts, or underclothing covering these areas.

4.2. **Body Cavity Search** – Any search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity.

5. RESPONSIBILITIES

5.1. **Commanding Officer** – The decision to conduct a strip or body cavity search shall be made by the highest ranking police supervisor on duty and assigned to the respective division, bureau, district, section, and/or watch where this decision is to be made.

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5.2. Officer

5.2.1. Any decision to authorize a strip search must be based on reasonable and individualized suspicion that a weapon, evidence, or contraband could be concealed on the person and could not be detected by a pat down search.

5.2.2. The following considerations on the performance of strip and body cavity searches are based on U.S. Supreme Court rulings, and shall be considered by police supervisors prior to the authorization of any such search(es):

- a. The reason(s) why such a search was initiated, and
- b. The method (how) and manner in which the search, if deemed appropriate, is undertaken.

6. PROCEDURES

6.1. Strip Searches

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

- 6.1.4. In the event a supervisor authorizes a strip search, the following provisions must be followed:
- a. The strip search of a suspect or arrestee shall take place in a private area. This private area must eliminate the possibility of visual access by person(s) not involved in the search;
 - b. Except for exigent circumstances, the officer conducting the search of the suspect or arrestee shall be of the same gender of the person being searched. If the gender identity/gender expression of the person being searched is different from his/her biological sex, the officer conducting the search shall be of the same biological sex. No person of the opposite gender shall be allowed to view the search;
 - In cases where gender identity/gender expression is in question, officers shall ask the person being searched to clarify his/her biological sex and consult with a supervisor for further assistance if needed. If either is necessary, this information shall be documented in the appropriate incident report.

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- c. The person conducting the search shall avoid using unnecessary or demeaning language or remarks;
- d. The scope is governed by the principle that a search should not be more extensive than necessary to ascertain the existence of the type of weapon, evidence, or contraband believed to be concealed on the suspect or arrestee.

[REDACTED]

[REDACTED]

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6.1.7. Following a strip search, the officer authorized to perform the search shall include the following information in the appropriate incident report:

- a. Name, age, and gender of person(s) subjected to the search;
 - If applicable, the person's gender identity/gender expression and biological sex.
- b. Name and gender of all persons conducting and assisting in the search;
- c. Time, date, and place of the search;
- d. Justification for conducting the strip search;
- e. A list of all items recovered from the person searched.

6.2. Body Cavity Searches – Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that a suspect or arrestee, or juvenile suspect or arrestee, is concealing a weapon, evidence, or contraband within a body cavity, the following procedures shall be followed:

- 6.2.1. A body cavity search may be conducted only with a valid search warrant and by a licensed physician or other medically qualified personnel;
- 6.2.2. Where there exists reasonable and appropriate cause to support a body cavity search, officers shall apply for a search warrant;
 - a. Utilizing buccal swabs to collect DNA samples from convicted felons pursuant to Section 844D-31(a) of the Hawaii Revised Statutes, as amended, does not require a

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search warrant and does not require the subject be taken to a medical facility. Personnel may conduct these themselves.

- 6.2.3. If a search warrant is granted, the search will be conducted by a licensed physician or other medically qualified personnel. If deemed necessary, the subject shall be transported to the nearest medical facility or physician's office in order to conduct the search;
- a. When executing search warrants for examinations of the oral cavity (e.g. buccal swabs for the purpose of collecting DNA), personnel may conduct these themselves. Examinations of the oral cavity may also be done with the consent of the subject.
- 6.2.4. An officer of the same gender of the subject receiving the body cavity search shall be present to witness the search, and to recover any weapons, evidence, or contraband. If the gender identity/gender expression of the person being searched is different from his/her biological sex, the officer observing the search shall be of the same biological sex;
- a. In cases where gender identity/gender expression is in question, officers shall ask the person being searched to clarify his/her biological sex and consult with a supervisor for further assistance if needed. If either is necessary, this information shall be documented in the appropriate incident report.
- b. Officers who are present to witness the search who are wearing issued body-worn cameras (BWCs) shall ensure that the cameras are deactivated prior to starting and during the body cavity search.
- 6.2.5. The officer who was present to witness the body cavity search shall include the following information in the appropriate incident report:
- a. Name, age, and gender of the person searched;

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- If applicable, the person's gender identity/gender expression and biological sex.
- b. Name of the person who conducted the search;
- c. Time, date, and place of the search;
- d. A list of all items recovered from the person searched;
- e. Name and gender of all department personnel present at the search;
- f. A copy of the search warrant, which shall be attached to the report.