



TIVERTON POLICE DEPARTMENT GENERAL ORDERS

Subject: Strip and Body Cavity Searches		General Order Number: 360.40
Section: 300- Law Enforcement Operations		Subsection: 60- Searches
Amends/Supersedes:		
Effective Date: 04/13/2015	Revised Date: 04/13/2015	Review Date: As Needed
Per Order Of: Patrick W. Jones, Chief of Police		
RIPAC:		
Distribution: Sworn Department Members		

NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

I. PURPOSE

To establish guidelines for determining if and under what conditions the use of strip and body cavity searches are legally permissible and to establish procedures for the appropriate conduct of such searches.

II. POLICY

The Tiverton Police Department recognizes that the use of strip and body cavity searches, under certain circumstances, may be necessary to protect the safety of officers, civilians and other persons, detect and seize necessary evidence of criminal activity and safeguard the security, safety and related interests of the Department's holding facilities.

The Department also recognizes that such searches are highly intrusive and should only be conducted under limited circumstances justifying such an intrusion. Therefore, it is the policy of the Tiverton Police Department to conduct strip and body cavity searches only with proper authority and justification, with due recognition and deference for the human dignity of those being searched in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

III. DEFINITIONS

- A. **STRIP SEARCH** – Any search which requires an arrestee to remove or arrange some or all of his/her clothing to permit the visual inspection of his/her genitals, buttocks, anus, breasts, or undergarments.
- B. **BODY CAVITY SEARCH** – Any search involving not only visual inspection, but also the internal, physical examination of body cavities, such as the anus, vagina or stomach.

IV. STRIP SEARCHES

- A. Individuals who are arrested shall not be subjected to strip searches unless articulable, reasonable suspicion exists to believe that the individual is concealing necessary evidence, contraband, or weapons.

- B. A sworn officer, with prior supervisory approval, is authorized to conduct strip searches when he/she has articulable, reasonable suspicion based upon, but not limited to, one or more of the following conditions:
 - 1. The nature of the offense charged;
 - 2. The arrestee's appearance and demeanor;
 - 3. The circumstances surrounding the arrest;
 - 4. The arrestee's criminal record, particularly past crimes involving weapons or controlled substances;
 - 5. The discovery of evidence of a major offense in plain view or in the course of a search incident to arrest, or;
 - 6. Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.
- C. When articulable, reasonable suspicion exists to justify a strip search, the arresting officer shall inform a supervisory officer of his/her suspicion and request that the arrestee be strip-searched. The supervisory officer shall only approve of the strip search when the arresting officer's suspicions are reasonable and justifiable.
- D. When authorized by the supervisory officer, strip searches shall be conducted only in the following manner:
 - 1. By a sworn officer, preferably the arresting officer, designated by the supervisory officer;
 - 2. In conformance with acceptable hygienic procedures and professional practices;
 - 3. In a room that affords privacy to the prisoner. Strip searches shall not be conducted within the field of view of video cameras;
 - 4. In the presence of the least number of sworn officers necessary and only by those of the same sex, and;
 - 5. Within view of only those authorized to conduct the search.
- E. Field strip searches of arrestees shall be conducted:
 - 1. Only under exigent circumstances in which the lives of officers or others may be at risk, and;
 - 2. Only with the approval of a supervisory officer.
- F. Following any strip search, the officer conducting the search shall complete a detailed police report. The officer's report shall include the following information, at a minimum:
 - 1. Date, time and location of the search;
 - 2. Identity of the officer(s) conducting the search;
 - 3. Identity of the individual searched;
 - 4. Identity of those present during the search;
 - 5. Description of the nature and extent of the search, and;
 - 6. Any evidence, contraband or weapons discovered during the search.

V. BODY CAVITY SEARCHES

- A. Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing necessary evidence, contraband or weapons within a body cavity, the following procedures shall be followed:
 - 1. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken;
 - 2. The officer shall consult with his/her immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall 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 and/or poses a threat to the safety of officers or others, and/or the security of the Department's detention operations;
3. If probable cause exists for a body cavity search an affidavit for search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause;
 4. On the basis of a search warrant a body cavity search shall be performed only by an authorized physician or by other medically trained personnel at the physician's direction, within an appropriate medical facility;
 5. Except in emergency situations, a physician will not conduct a body cavity search with or without a search warrant unless the suspect/prisoner consents to the search. If the suspect/prisoner refuses to allow the search, the suspect/prisoner may be detained and held until the evidence can be obtained through the elimination of body waste. If this becomes the course of action, the suspect shall be kept under constant visual surveillance until the evidence is retrieved.
 6. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy.
 7. The authorized individual conducting the search shall complete a witness statement. This statement shall be filed with Tiverton Police Department. The witnessing officer shall co-sign the statement and comply with the same documentation requirements specified in Section IV (F) of this policy.