

# **DEPARTMENT POLICY - 99-01**

## **STRIP SEARCH AND BODY CAVITY SEARCHES**

### **I. PURPOSE**

The purpose of this policy is to provide officer with guidelines for determining when strip searches and body cavity searches are legal and necessary and to establish guidelines for the appropriate conduct of such searches.

### **II. POLICY**

Usually the objectives of safety, security, and evidence retrieval can be met by thorough searches and metal detectors. However, this Department recognizes that strip searches and body cavity searches may be necessary to protect officers, civilians, and other prisoners; to secure evidence; and to safeguard the security of the Department's prisoner detention facilities. Recognizing the intrusiveness of these searches on individual privacy, it is the policy of this Department that such searches will be conducted with proper authorization and justification, with respect for human dignity, and in accordance with the procedures for conducting such searches.

If a persons' self-identified or expressed gender is unclear, the officer should make a determination based on any other available information. Gender information on government-issued identification and other documents may be used as presumptive evidence of gender identity only in the absence of self-identification by the individual or some other obvious expression of gender identity.

Officers shall avoid unnecessary personal questions regarding the individuals' anatomy or sexual history.

Under no circumstances shall a strip search be conducted to ascertain genital status, presence or absence of breasts, or for any demeaning purpose.

- See PR-120 (*Interactions with Transgender Individuals*)

### **III. DEFINITIONS**

**Strip Search:** Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of all areas of the body including the skin surfaces, the genital areas, breasts, buttocks or area between the buttocks.

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

### **IV. PROCEDURES**

#### **A. Strip Searches**

1. No arrested person will be strip searched, especially persons arrested for traffic violations and misdemeanors, unless the arresting officer has reasonable suspicion to believe that the prisoner is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to the following:
  - The nature of the offense.
  - The arrestee's behavior or actions that may indicate concealment of contraband or weapons.

- The circumstances surrounding the arrest.
  - The arrestee's criminal record, particularly past violent crimes and narcotics offenses.
  - The discovery of evidence weapons, narcotics or contraband at a stage prior to the arrest.
  - Detection of suspicious objects beneath the suspect's clothing.
  - A positive reading on the magnetometer (metal detector) after a thorough search of the clothing.
2. Field strip searches of prisoners will only be conducted in the rarest of cases under exigent circumstances where the life of officers or others may be at risk, and only in privacy with the explicit approval of a supervisor.
  3. Confidential informants may be strip searched before purchasing contraband in connection with a police investigation and the strip search must be documented in the case report.
  4. Where reasonable suspicion exists for strip search, the arresting officer shall request permission from the Tour Commander or Supervisor that clearly defines the reason for the suspicion. The Tour Commander or Supervisor will be responsible for the authorization and proper conduct of the search but does not have to be present during the search.
  5. When properly authorized, strip searches may be conducted only in the following manner:
    - In a room which provides privacy from all but those authorized to conduct the search
    - By the fewest numbers of personnel necessary and only by those of the same sex. In the event of Transgender, Intersex, or Gender Non-conforming situations, the individual shall be offered the option of choosing the gender of the officer that will conduct the search as outlined in PR-145.
    - In a professional manner with respect for the person being searched.
  6. After a strip search, the officer performing the search will submit a written report to the Chief of Police that details the date, time and place of the search as well as:
    - Facts that led to reasonable suspicion that search was necessary.
    - Identity of officer conducting the search.
    - Identity of the searched suspect.
    - Identity of the supervisor who authorized the search.
    - Those present during the search.
    - Results of the search.
  7. The Tour Commander will review and sign the above report and forward it to the Chief of Police.

## **B. Body Cavity Searches**

If visual inspection of a suspect during a strip search or other information leads an officer to have reasonable cause to believe that the suspect is concealing a weapon, evidence, or contraband within a body cavity, the following procedures will be followed:

1. The suspect will be kept under constant visual surveillance until the body cavity search is done or an alternative course of action is taken.
2. The arresting officer will consult with the Tour Commander or Detective Division supervisor to determine if reasonable cause to believe exists to apply for a search warrant.
3. If a body cavity search is considered necessary, the duty A.D.A. will be advised and their

instructions complied with and documented. If it is not during business hours the on-call A.D.A. will be contacted through the Westchester County Police Department.

4. A search warrant must be obtained in order to conduct a body cavity search.
5. A body search must be conducted by a medical doctor or other medically trained personnel under the physician's direction in the privacy of an examining room of a doctor's office or hospital so as to insure hygienic surroundings and minimal discomfort.
6. An officer must be present to witness the search and secure any evidence retrieved.
7. After a body cavity search the arresting officer will submit a written report regarding the results of the search and that the search was conducted pursuant to Section IV Sub 6 of this policy.