Policy 1013

Subject

STRIP SEARCHES AND BODY CAVITY SEARCHES

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By Order of the Police Commissioner

POLICY

The purpose of this policy is to provide members of the Baltimore Police Department (BPD) with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

1. **Safety.** 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 safeguard the security and related interests of BPD station houses and holding facilities.

2. **Evidence.** The use of strip searches and body cavity searches may, under certain conditions, also be necessary to detect and secure evidence of criminal activity.

3. **Privacy.** The BPD recognizes the intrusiveness of these searches on individual privacy. Such searches shall be conducted with due recognition and deference for the human dignity of those being searched and only with proper authority and justification in accordance with departmental policy.

DEFINITIONS

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

**NOTE:** A weapons pat-down or search based upon probable cause, of an individual’s clothing, is not considered a strip search.

**Body Cavity Search** — Any search of an individual 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.

**Cross-Gender Search** — Any search of an individual conducted by an officer of a different gender than the person being searched.
STRIP SEARCH REQUIREMENTS

1. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the arresting officer has reasonable articulable suspicion or probable cause to believe that the individual is concealing contraband or weapon(s). The search must be approved by a permanent-rank supervisor, lieutenant or above, and conducted in privacy. Reasonable suspicion may be based upon, but is not limited to the following:

   1.1. The nature of the offense.

   1.2. The arrestee’s appearance and demeanor.

   1.3. The circumstances surrounding the arrest.

   1.4. The arrestee’s criminal record, particularly past crimes of violence and narcotics offenses.

   1.5. The detection of suspicious objects beneath the suspect’s clothing during a search incident to arrest.

2. Individuals arrested for crimes of violence and/or narcotics may have a higher probability of being subject to strip searches if the arresting officer has reasonable articulable suspicion or probable cause to believe that the individual is concealing contraband or a weapon(s).

3. Less-intrusive means, such as pat-downs, metal detectors (where available), and clothing searches will be performed prior to the strip search.

4. Prior to conducting the strip search the officer will explain to the subject why they are being strip searched and give the person the opportunity to voluntarily produce the suspected item. The person will be allowed to voluntarily produce the item only if the officer and permanent-rank supervisor, lieutenant or above, believe that the item can be produced without compromising officer safety or risking destruction of evidence.

5. Strip searches of prisoners shall be conducted only in the rarest conditions under exigent circumstances where the life of officers or others may be at risk, and only in privacy, at the nearest station house with the explicit approval of a permanent-rank supervisor, lieutenant or above.

6. Juvenile offenders transported to the Juvenile Booking Facility (JBF) will undergo a strip search in accordance with the JBF’s Standard Operating Procedure.

7. When authorized, strip searches shall be conducted by the fewest number of personnel necessary, in privacy, and only by those members of the same gender.

   7.1. Members shall not conduct cross-gender searches unless exigent circumstances exist. All cross-gender searches shall be documented on an Administrative Report, Form 95 and attached to the arrestee’s file.

   7.2. If exigent circumstances exist and a field search is required, the search must be conducted away from the public and in privacy. Expressed consent must be given by a permanent-rank supervisor, lieutenant or above, and a witnessing officer, of the same gender as the arrestee, must be present while the search is being conducted.
8. Where reasonable articulable suspicion or probable cause exists to conduct a strip search, the arresting officer shall document the approval on a Supplement Report, Form 04/007. The basis for the member’s suspicion must be clearly defined.

9. Following a strip search, the member performing the search shall submit a written report that details, at a minimum, the following:

   9.1. Date, time, duration, and location of the search.
   9.2. Identity of the member conducting the search.
   9.3. Identity of the individual searched.
   9.4. Identity of any other individual(s) present during the search.
   9.5. A detailed description of the nature and extent of the search.
   9.6. List of item(s) seized as a result of the search.

10. Following a strip search, the member will ensure the arrestee receives a Citizen/Police Contact Receipt per Policy 1112, Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches.

### BODY CAVITY SEARCHES

1. Body cavity searches, excluding the mouth, nose or ears, shall be conducted only upon receipt of a Search and Seizure Warrant.

   1.1. The decision to seek a search and seizure warrant, to include the mouth, nose or ears, shall be based upon the observance of a suspect’s attempt to hide items pertinent to the investigation.

2. Members shall consult with their immediate supervisors to determine whether probable cause exists to seek a search warrant for a body cavity search.

   2.1. 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 a BPD detention facility.

3. If probable cause exists for a body cavity search, a member will prepare an affidavit for a search warrant.

   3.1. The affidavit must clearly define the nature of the alleged offense and the basis for the officer’s probable cause.

   3.2. The member shall specify in the search warrant that the body cavity search shall be conducted by a licensed medical professional under sanitary conditions.

**NOTE:** While the Search and Seizure Warrant for a body cavity search is being obtained, the suspect shall be transported to the appropriate medical facility in case a medical emergency should arise.
4. If the arresting member and/or JBF member reasonably believes a body cavity search is needed for a juvenile arrestee, the member shall consult with the JBF supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search.

4.1. If approved, the juvenile offender must be transported to the hospital and searched upon receipt of a Search and Seizure Warrant.

4.2. If exigent circumstances exist for a body cavity search, the situation shall be treated as a medical emergency, a Medic shall be requested, and the juvenile shall be transported to the nearest pediatric hospital for examination.

5. The arrestee shall be under constant visual surveillance by a member of the same gender until the body cavity search is conducted.

6. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns. For safety and security reasons, the search shall be conducted by a licensed medical professional under sanitary conditions at a detention facility or other authorized medical facility in a room designated for this purpose. BPD officers shall NOT conduct the search.

7. Following a body cavity search, the member shall submit an appropriate field report relating to the incident that details, at a minimum, the following:

7.1. Date, time, duration, and location of the search.

7.2. Identity of the licensed medical professional conducting the search.

7.3. Identity of the individual searched.

7.4. Identity of the member witnessing the search.

7.5. Reference to the search warrant.

7.6. List of item(s) seized as a result of the search.

8. Following a body cavity search, the member will ensure arrestee receives a Citizen/Police Contact Receipt per Policy 1112, Field Interviews, Investigative Stops, Weapons Pat- Downs & Searches.

SUPERVISOR RESPONSIBILITIES

1. Approve/Disapprove requests by subordinates to conduct field strip searches.

2. Ensure cross-gender searches are not conducted unless exigent circumstances exist.

3. Ensure all strip searches and body cavity searches are documented in a Supplement Report, Form 04/007.

4. Collect, review, and approve field reports.
**JUVENILE BOOKING FACILITY SUPERVISOR RESPONSIBILITIES**

1. Approve/Disapprove requests by subordinates to conduct body cavity searches for juveniles in the custody of JBF.

2. Ensure cross-gender searches are not conducted unless exigent circumstances exist and ensure an administrative report is written and attached to the juvenile’s file.

3. Ensure all body cavity searches are documented on a Supplement Report, Form 04/007, and a copy is attached to the juvenile’s file.

4. Collect, review, and approve reporting.

**ASSOCIATED POLICY**

Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*

**RESCISSION**


**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.