



HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

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Strip Searches and Body Cavity Searches

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1. Purpose

The use of strip and body cavity searches may, under certain conditions, be necessary to protect the safety of deputies and the public and to detect and secure evidence of criminal activity.

2. Policy

Due to their intrusive nature, the Harford County Sheriff's Office (HCSO) has developed procedures for strip and body cavity searches which respect the rights and privacy of the person being searched while ensuring the safety of deputies and the arrestee.

3. Definitions

BODY CAVITY SEARCH: any search involving the physical or visual examination of a person's internal, genital, or anal cavities. It may, in some instances, include internal organs, such as the stomach cavity which must be conducted by a medical professional.

PROBABLE CAUSE (PC): a reasonable amount of suspicion, supported by circumstances sufficiently strong to justify a prudent and cautious person's belief that certain facts are probably true.

STRIP SEARCH: any search of an individual requiring him to remove or rearrange some or all of his clothing to permit the visual or manual inspection of skin surfaces, specifically the buttocks, genital/groin area, undergarments, and/or breasts.

4. References

Ballentine's Law Library
International Association of Chiefs of Police (IACP) Law Enforcement Policy Center

5. Procedures

A. Strip Searches

1. The circumstances under which strip searches are performed are based on applicable legal precedents.
2. Will never be routine and will be permitted:

- a. Only when the arresting deputy has articulable facts and circumstances (probable cause) known to the deputy that would lead a reasonable person to believe the arrestee is concealing a weapon, an item that could facilitate escape, contraband or evidence; or
 - b. Upon authority of a search warrant.
3. A strip search will never be conducted in place of, or before, an exterior body search has been conducted to help reveal a weapon or suspected contraband.
4. Must be approved by a supervisor.
5. Will be conducted by a minimum of two deputies.
6. Under no circumstances will a civilian employee conduct or assist with a strip search.
7. Deputies involved in the strip search will not touch the arrestee's body except for safety and control purposes.
8. If the arrestee is a juvenile, the supervisor must be present during the strip search.
9. The arrestee will not remain unclothed any longer than necessary.
10. Will be noted in the narrative of the Incident Report, and will contain the:
 - a. Fact that the strip search was conducted;
 - b. Name of the individual searched;
 - c. Date and time of when the search was conducted;
 - d. Justification for performing the search;
 - e. Supervisor providing approval and/or on-scene supervisor;
 - f. Name of the deputy directing and conducting the strip search;
 - g. Names of all individuals present during search, both deputies and civilians;
 - h. The location of the search, including steps taken to protect privacy;
 - i. Items of contraband, if found; and
 - j. Any problems encountered.
11. If evidence or information is disclosed during the search that leads the deputy to believe that a body cavity search is warranted, the nature of that evidence will be included in the narrative of the Incident Report.

- a. After consultation with a member of the State's Attorney's Office, deputies may use this information, or other evidence obtained, to seek a warrant for a body cavity search.

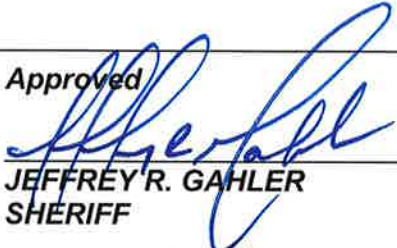
B. Body Cavity Searches

1. Body cavity searches are particularly intrusive and violative of a person's privacy. Therefore, they must meet a higher standard to be deemed justifiable and to conform with the requirements of reasonableness in the way they are performed.
2. A search for items within a body cavity may be conducted only with a search warrant unless exigent circumstances exist.
3. The mouth is the only body cavity that may be searched without a warrant and there must be probable cause to believe the prisoner is concealing contraband, or items of evidentiary value.
 - a. Reasonable force, other than electronic conduction devices, may be used to prevent the swallowing of contraband or items of evidentiary value.
4. The requirement of a search warrant recognizes that a body cavity search is highly invasive of personal privacy and is reasonable only when the suspected offense is of a serious nature or poses a threat to the safety of deputies or others.
5. Body cavity searches will be conducted only by a medical professional, such as a physician or a registered or licensed practical nurse, who is knowledgeable about body cavity search procedures and has the requisite equipment and training.
6. Absent exigent circumstances, all deputies witnessing the search will be of the same gender as the person being searched.
7. Those witnessing the search will be limited to only those necessary to conduct and document the search.
8. Body cavity searches will be conducted in a secure area with enough privacy so that the search cannot be observed by persons not directly involved with the search.
9. Force may be used to the extent necessary to comply with directions set forth in the search warrant.

C. Supervisor Responsibilities

1. Ensure there is probable cause before authorizing a search.
2. Ensure deputies of the same gender are going to conduct the search.
3. Ensure searches are conducted in an Agency facility, when possible.

4. Ensure searches are conducted in private away from the view of others not involved in the search.
5. A supervisor must be present for a body cavity search.
6. Any time there is a refusal or serious problem in conducting a strip search or body cavity search, the supervisor will notify the on-duty watch commander immediately.

Approved

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SHERIFF
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