
	GAITHERSBURG POLICE DEPARTMENT		
	Strip and Body Cavity Searches		
	GENERAL ORDER	601.2	
Effective Date	04/06/2022	1.2.8, 82.2.1, 44.2.1, 83.2.1	
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 04/06/2022

1. **PURPOSE** - Strip searches and body cavity searches are performed primarily for the purpose of ensuring the safety of detainees, officers and corrections personnel from the hazards presented by weapons and other contraband. These searches, which are more intrusive than routine field searches, also may result in the recovery of evidence. The purpose of this directive is to provide personnel with guidelines and procedure to ensure the safety of all involved, the protection of civil rights, and the admissibility of recovered evidence.

2. **POLICY** - It is the policy of the Department to conduct strip searches and body cavity searches under limited conditions, consistent with the law. In each instance the supervising officer must balance the reasonableness and need of a particular search against the invasion of personal rights. Supervising officers shall consider the scope of the intrusion, the manner in which the search is conducted, the justification for initiating the search, and the location where the search is to be conducted.

3. **DEFINITIONS**
 - 3.1. **Body Cavity Search** - Within the context of this directive, the general term “body cavity search” refers to a visual search or a manual internal inspection of body cavities for contraband such as illegal drugs, escape implements and weapons. It is more invasive than a standard strip search and is conducted under limited circumstances.

 - 3.2. **Field Search** - Within the context of this directive, the term “field search” refers to the initial search of a person who has been taken into police custody, performed for the purpose of removing weapons, contraband or escape implements. This term does not include more extensive searches such as strip searches and body cavity searches.

 - 3.3. **Manual Body Cavity Search** - Within the context of this directive, the term “manual body cavity search” refers to a procedure in which body orifices are probed using fingers or instruments. Because of the risk of injury, these searches can only be performed by medical professionals. These searches are far more invasive than others; therefore the circumstances under which they may be conducted are extremely limited.

 - 3.4. **Self-Identified Gender** – Within the context of this directive, the term “self-identified gender” refers to the gender identity as a personal conception of oneself being male or female (or rarely, both or neither), which a detainee expresses.

- 3.5. **Strip Search** - Within the context of this directive, the term “strip search” refers to a search that is more invasive than a field search and that may involve the removal, or in some cases merely the manipulation, of a person’s clothing for the purpose of recovering weapons or other contraband. A strip search will often also include a visual body cavity search.
- 3.6. **Visual Body Cavity Search** - Within the context of this directive, the term “visual body cavity search” refers to the visual inspection of body orifices including the mouth, penis (urethra and foreskin) or vagina, and rectum. Generally, the detainee is required to manipulate his or her own body so that these areas can be examined. The reasonableness of such a search is dependent upon the circumstances and the orifice being inspected.

4. **PROCEDURE**

4.1. **General Provisions**

- 4.1.1. The scope of the particular intrusion, the manner and place in which it is conducted and the justification for initiating it must be considered in order to evaluate the reasonableness of a search under the Fourth Amendment.
- 4.1.1.1. Warrantless searches are presumptively unreasonable and the burden of proving the applicability of an exception to the warrant requirement rests on the State ([State v. Bell](#)).
- 4.1.1.2. There must be a showing by those who seek exemption for the warrant requirement that the exigencies of the situation made that course imperative ([Coolidge v. New Hampshire](#)).
- 4.1.1.3. Police have the authority to conduct a field search of an arrestee, incident to a lawful arrest ([US v. Robinson](#)).
- 4.1.2. A search that is more intrusive than a field search shall not be conducted unless the search is conducted incident to arrest, with the following exception:
- 4.1.2.1. To retrieve a weapon, escape implement, or contraband concealed in interior clothing without conducting a strip search.
- 4.1.3. A search that is more intrusive than a field search must be conducted at a law enforcement, corrections, or medical facility that provides adequate protection of the arrestee’s privacy interests and reasonably ensures that the search is not visible to persons not actually conducting the search.

- 4.1.4. Officers will consult with, and secure the authorization of, a police supervisor before taking any further steps toward a search that is more intrusive than a field search.
- 4.1.5. Any time a search more intrusive than a field search is conducted, a related event report will be written and the narrative will document:
 - 4.1.5.1. The type of search and the fact that the search was conducted;
 - 4.1.5.2. The location where the search was conducted;
 - 4.1.5.3. The specific factors justifying the search; and
 - 4.1.5.4. The names of the approving supervisor, searching officer, and witness officer.

4.2. Strip Searches

- 4.2.1. Strip searches will only be conducted by sworn personnel, at a law enforcement, corrections, or medical facility. The search will be:
 - 4.2.1.1. Performed in a private area;
 - 4.2.1.2. Conducted by an officer of the detainee's self-identified gender; and
 - 4.2.1.3. Observed by a witness officer of the detainee's self-identified gender.
 - 4.2.1.4. Some detainees may identify as a gender other than strictly male or female. In such instances, if officers of the detainee's self-identified gender are not available, the detainee will be professionally and respectfully asked whether male or female officers are preferred as the searching and witnessing officers.
- 4.2.2. The detainee will not remain unclothed any longer than is necessary to perform the search.
- 4.2.3. When reasonably articulable, a strip search may also include a visual body cavity search.
- 4.2.4. See Section 4.5. *et seq.* for important policy restrictions, concerning searches of juvenile detainees.

4.3. Manual Body Cavity Searches

- 4.3.1. When probable cause exists to justify a manual body cavity search, to an orifice other than the mouth, a search warrant must be obtained prior to the search.
 - 4.3.1.1. The search warrant application will be reviewed and approved by a police supervisor and a bureau commander, prior to contacting court officials for judicial review.
 - 4.3.1.2. The arresting officer will ensure that the detainee is closely monitored at all times prior to the execution or denial of the search warrant.
- 4.3.2. If a search warrant application is approved, the manual body cavity search will be:
 - 4.3.2.1. Conducted by a medical professional;
 - 4.3.2.2. Conducted at a medical facility; and
 - 4.3.2.3. Witnessed by an officer of the detainee's self-identified gender.
 - 4.3.2.4. Some detainees may identify as a gender other than strictly male or female. In such instances, if an officer of the detainee's self-identified gender is not available, the detainee will be professionally and respectfully asked whether a male or female officer is preferred as the witnessing officer.
- 4.3.3. The witnessing officer will immediately take custody of any evidence recovered in the search and ensure that it is appropriately packaged, labeled and submitted.
- 4.3.4. The related event report will additionally document the names of:
 - 4.3.4.1. The approving supervisor and bureau commander;
 - 4.3.4.2. The witness officer;
 - 4.3.4.3. The judge who issued the warrant; and
 - 4.3.4.4. The physician who performed the search procedure.

4.4. Searches of Transgender Individuals

- 4.4.1. A thorough search of a transgender detainee should be conducted by an officer of the gender with which the transgender detainee self-identifies (e.g., if the transgender detainee presents feminine expression, the search should be conducted by a female officer). If officers are uncertain of the gender expression, officers will respectfully and in a professional manner, ask the detainee what their preference is with respect to the searching officer. A non-preferred same gender officer may conduct a pat-down search of a transgender detainee as long as the search does not extend to the genital and/or breast areas.
 - 4.4.1.1. Once the gender expression is identified, the strip or body cavity search will be conducted according to the above procedures.
- 4.4.2. A non-preferred same gender officer may fully search a transgender detainee if the officer sees any weapon, escape implement, or evidence, or if the officer has reason to believe that the individual is in possession of any of these items. Searches conducted by an officer other than the preferred same gender officer will be conducted in a professional manner and documented in the incident report.
- 4.4.3. A search or frisk shall not be performed for the sole purpose of determining an individual's anatomical gender, and transgender individuals shall not be subjected to more invasive search or frisk procedures than non-transgender individuals.

4.5. Searches of Juveniles

- 4.5.1. When probable cause exists to justify the strip search of a juvenile, a search warrant shall be obtained prior to the search.
 - 4.5.1.1. The search warrant application will be reviewed and approved by a police supervisor and a bureau commander, prior to contacting court officials for judicial review.
 - 4.5.1.2. If the patrol supervisor believes that an exigence exists, which negates this warrant requirement, approval shall be obtained from the appropriate bureau commander prior to the search.
- 4.5.2. A juvenile being charged as an adult will be handled in the same manner as an adult detainee.