

# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 10-30 SECTION G-7

### STRIP SEARCHES AND BODY CAVITY SEARCHES Revisions Approved: June 12, 2018

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This General Order contains the following numbered sections:

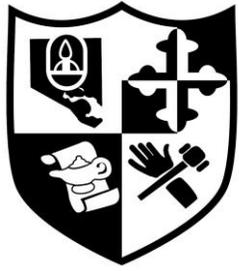
- I. Directive
- II. Purpose
- III. Definitions
- IV. Responsibilities/Procedures
- V. Strip Searches
- VI. Body Cavity Searches
- VII. Extracting Evidence from a Suspect's Mouth
- VIII. Professional Standards Unit
- IX. Effective Date

#### **I. DIRECTIVE**

It is the intent of this department to conduct a thorough search of all arrestees. Furthermore, under limited and controlled circumstances, it may be necessary to conduct a strip search and/or body cavity search. All strip searches and/or body cavity searches shall be conducted in accordance with the mandates of this General Order. A strip search may only be conducted when exigent circumstances require such action. Only in instances where the safety of officers or others is clearly at risk and where other alternatives are not readily available, should a strip search be performed outside of a detention center. Final determination of the need for such a search should be the domain of a supervisor and the search should be conducted in privacy.

The department recognizes that 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; to detect and secure evidence of criminal activity; and to safeguard the security, safety, and related interests of detention facilities. Recognizing the intrusiveness of these searches on individual privacy; however, it is the policy of the department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this General Order to ensure the protection of rights of all individuals.

#### **II. PURPOSE**



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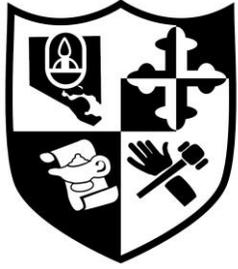
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The purpose of this General Order is to set procedures for personnel of the Baltimore City School Police Force (BCSPF) in conducting strip and body cavity searches that will maximize safety, seize necessary evidence, and be considered reasonable by applicable judicial authority.

#### III. DEFINITIONS

- A. **Arrest:** Taking a person into custody.
- B. **Body Cavity Search:** Any search 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 cavity.
- C. **Contraband:** Any item that is illegal to possess.
- D. **Exigent Circumstances:** A situation in which a police officer must take immediate action to effectively make an arrest, search, or seizure for which probable cause exists, and thus may do so without first obtaining a warrant. Such emergency situations are those that “would cause a reasonable person to believe that entry (or relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.”
- E. **Gender Expression:** is the external manifestation of one’s gender identity, including displays of gender identity through dress, demeanor, and language. These are external characteristics and behaviors that are socially viewed as masculine or feminine.
- F. **Gender Identity:** is a person’s sense of being a man or a woman. This gender-related identity, appearance or behavior may be different from that traditionally associated with the person’s physiology or assigned gender at birth.
- G. **Strip Search:** Any search of an individual requiring the removal of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas, buttocks, anus, female breasts or undergarments.



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### IV. RESPONSIBILITIES/PROCEDURES

- A. Any criminal evidence discovered during the search of the arrestee's person shall be seized and preserved in accordance with current department evidence procedures.
- B. Strip searches and body cavity searches should be observed by a witness officer, unless expressly waived for cause (ie. exigency/officer safety factors) by a supervisor.

### V. STRIP SEARCHES

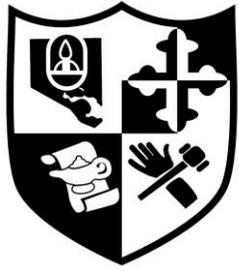
A strip search of an arrestee must be both justified and reasonable. Failure to conform to either of these requirements will likely make the search illegal.

*Justification:* The necessity for the search must be greater than the extent to which the search invades the personal rights of the arrestee.

*Reasonableness:* Even when a strip search is justified, it must be accomplished in a reasonable manner. It must not be conducted in an abusive manner or one that disregards the basic precepts of human dignity.

#### A. Strip Searches in the Field

1. Field strip searches of prisoners may be conducted under exigent circumstances when necessary to prevent physical harm to the officers or other persons or to prevent destruction of evidence, and only in privacy with the explicit approval of a supervisory officer.
2. A strip search that is conducted in the field under exigent circumstances and approved by a supervisor shall adhere to the following procedures:
  - a. The strip search should be conducted systemically.
  - b. The strip search must conform with the legal restrictions for these searches, including:
    - i. The strip search should be justified.
    - ii. The officer conducting the strip search must receive appropriate supervisory approval prior to conducting it.
    - iii. Officers should ensure that they have a private, designated location for



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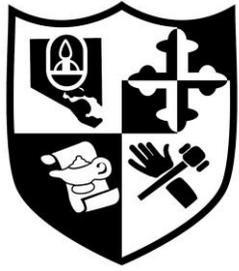
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- conducting the search that prohibits all but designated personnel from viewing the search.
- iv. Officers should have received the training necessary to conduct the search in a professional manner.
  - v. These searches should always be conducted by an officer of the same gender, or (for a transgender arrestee) the same gender expression, and with as few officers present as necessary.
  - vi. In conducting the search, it should always be remembered that this is a visual inspection that should not involve touching in any manner. An officer should never remove anything from or violate a body orifice.
  - vii. Any items of contraband should be fully documented and secured as evidence for possible criminal charges.
3. Following a strip search, the officer performing the search shall submit a written report to the supervisory who approved the strip search that details, at a minimum, the following:
- a. Date, time and place of the search
  - b. Identity of the officer conducting the search
  - c. Identity of the supervisor who approved the search
  - d. Identity of the individual searched
  - e. Those present during the search
  - f. A detailed description of the nature and extent of the search.
4. This written report shall be submitted for approval, with a copy of the report being forwarded through the chain of command to the Professional Standards Unit.

### **VI. BODY CAVITY SEARCHES**

1. Body cavity searches shall not be conducted in the field.
2. Should visual examination of a suspect during a field strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed:
  - a. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.
  - b. The officer shall consult with their immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search.



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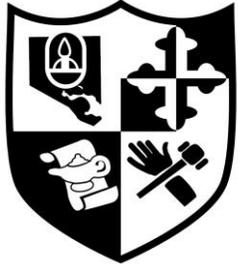
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- c. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where:
    - i. The suspected offense is of a serious nature and/or
    - ii. Poses a threat to the safety of officers or others and/or security of the law enforcement facility.
  3. If probable cause exists for a body cavity search, an affidavit for a 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 agency physician or by other medically trained personnel at the physician's direction.
  5. For safety and security reasons, the search shall be conducted at a licensed medical facility, detention facilities used by the department or other authorized facility; and in the room appropriate for such purposes.
  6. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns.
  7. Following a body cavity search, the officer performing the search shall submit a written report to the supervisor who approved the strip search that details, at a minimum, the following:
    - a. Date, time and place of the search.
    - b. Identity of the officer conducting the search
    - c. Identity of the supervisor who approved the search
    - d. Identity of the individual searched
    - e. Those present during the search
    - f. Reference to search warrant or exigent circumstances
    - g. Name of licensed medical professional conducting the search
    - h. A detailed description of the nature and extent of the search
    - i. Any weapons, evidence or contraband found during the search

### **VII. EXTRACTING EVIDENCE FROM A SUSPECT'S MOUTH**

1. Use of physical force to search a suspect's mouth for contraband is prohibited, unless:
  - a. A lawful arrest of the person has been made, based upon probable cause;
  - b. There is probable cause to believe that the suspect has hidden a seizable item (e.g. illegal drugs) within their mouth;
  - c. There is a clear indication that a seizable item will be found within the suspect's



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mouth and

- d. Either a search warrant has been issued authorizing an intrusion into the suspect's mouth or exigent circumstances (e.g. imminent destruction of evidence or a medical emergency) exist.
2. Once all of the prerequisites listed above have been satisfied, an officer may use reasonable force to extract the contraband hidden in the suspect's mouth.
3. A supervisor shall be notified and shall ensure that a Use of Force report is completed whenever force is used in these situations.
4. If an officer reasonably believes that a suspect has swallowed contraband that could have a negative effect on their health, the officer shall seek medical attention for the suspect as soon as reasonably possible.

#### **VIII. PROFESSIONAL STANDARDS UNIT**

1. The Professional Standards Unit shall maintain a database record of all searches governed by this policy, and prepare administrative reports based on the data as needed.

#### **IX. EFFECTIVE DATE**

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature \_\_\_\_\_ Date \_\_\_\_\_