



# HENRICO COUNTY POLICE DIVISION POLICY | Strip and Body Cavity Searches

General Order (G-48-20), effective 07/08/20 (rescinds G-48-17)

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## PURPOSE

To describe restrictions and procedures regarding strip and body cavity searches.

## DEFINITIONS

- Body cavity search – The search of any body cavity, including the mouth.
- Strip search – Having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of such person.

## PROCEDURES

### I. STRIP SEARCHES

#### A. For all strip searches:

1. Absent exigent circumstances, the strip search must be performed by a member of the same sex as the person arrested.
2. Less intrusive means, such as pat-downs, metal detectors (where available) and clothing searches should be performed prior to the strip search if circumstances allow.
3. The member must notify a Division Supervisor that a strip search has been conducted when safe to do so.
4. The member must perform the strip search in private and on premises where the search cannot be observed by persons not physically conducting the search. For officer safety reasons, there shall be two officers present during the strip search. The second officer should be the same sex or gender identity/expression as the violator unless exigent circumstances exist. If this occurs, the primary officer shall document the exigency in ICRBuilder.

#### B. A person in custodial arrest for a traffic infraction, Class 3 or Class 4 misdemeanor, or a violation of a local ordinance, which is punishable by no more than thirty days in jail may be strip searched only when the law enforcement officer authorizing the search has reasonable cause to believe that the individual is concealing a weapon. For a search performed pursuant to this subsection, “exigent circumstances” is defined as 1) the presence of an immediate threat to the officer or public; or 2) imminent harm to the suspect or a medical emergency.

#### C. A person in custodial arrest for any felony or any Class 1 or Class 2 misdemeanor may be strip searched only when the law-enforcement officer authorizing the search has probable cause to believe that the individual is concealing a weapon and/or contraband. For a search performed pursuant to this subsection, the term “exigent

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circumstances” includes, but is not limited to:

1. Presence of immediate threat to the officer or public; or
  2. Likelihood of destruction of evidence under the suspect’s control; or
  3. Imminent harm to the suspect or a medical emergency.
- D. No child under the age of 18 shall be strip searched or subjected to a search of any body cavity unless there is a reasonable cause to believe that the child is concealing a weapon.
- E. Nothing in this directive precludes an officer from obtaining a search warrant based on probable cause to execute a strip search.

### II. BODY CAVITY SEARCHES

- A. Any officer who has probable cause to believe that a body cavity search may reveal evidence of a crime, contraband, or a weapon shall:
1. Ensure that the arrestee is kept under observation;
  2. Notify a supervisor; and
  3. Obtain a search warrant for the items believed to be concealed.
- B. All body cavity searches shall be conducted:
1. Pursuant to a search warrant; and
  2. At a hospital by medically trained personnel.
- C. When an arrestee is found to have an object hidden in a body cavity through the use of the SecurPASS Scanner, utilized at the Henrico County Jail, the arrestee will be returned back over to the arresting officer. The officer will be required to transport the arrestee to Parham Doctors’ Hospital, or the nearest available medical facility if they are on diversion, for medical treatment. The officer shall maintain custody of the arrestee throughout the examination.
1. In the event the object is deemed to be non-life-threatening by hospital medical staff, the arrestee will be turned back over to the arresting officer. The officer shall return the arrestee, with their discharge documents, back to the Henrico County Jail for processing.
  2. In the event the object is deemed to be life-threatening by medical staff, the officer should document this on the ICR and notify their supervisor (refer to G-57).
  3. The scanner is only to be utilized by members of the Henrico County Sheriff’s Office. Officers should not transport a prisoner to the jail solely to have them scanned by use of any scanning device for contraband. If the officer has probable cause to believe evidence is concealed in a body cavity they should obtain a search warrant (refer to section II. A.).

### III. BODY CAVITY SEARCHES – MOUTH EXCEPTION

- A. Any officer who has reasonable cause to believe that a mouth cavity search may reveal

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evidence of a crime, contraband, or a weapon may conduct an immediate warrantless search of the mouth cavity only if:

1. The officer believes that evidence of a crime may be destroyed; and/or
  2. The officer believes that the health and welfare of the suspect or arrestee may be at risk.
- B. All mouth cavity searches shall be conducted:
1. Under the most sanitary conditions possible; and
  2. With due regard for the safety of the officer and the suspect or arrestee.

### IV. DOCUMENTATION

- A. All strip or body cavity searches shall be documented by the investigating officer using the Incident/Crime Report.
- B. At a minimum, information documented by the investigating officer shall include:
1. The offense(s) for which the person was arrested.
  2. The specific facts constituting reasonable suspicion or probable cause to believe the search was necessary.
  3. The name and code number of the supervisor notified of the search.
  4. The name and code number of the officer conducting the search.
  5. The name(s) of all other persons present during the search, the reason they were present, and any action or role they took during the search.
  6. The time, date, and place of the search.
  7. Any weapons, evidence, contraband, property, or health condition discovered as the result of the search.
  8. Any response to resistance used during the strip search requires completion of an HCPD-340.
- C. All persons undergoing a strip or body cavity search have an expectation of privacy. Members shall not capture strip or body cavity searches on a Body Worn Camera (BWC) or other digital image. Members may record interactions with the subject up to the beginning of the search and may resume recording immediately upon completion of the search.

By Order of: Humberto I. Cardounel, Jr., Chief of Police

References: G-57 Transportation of Persons in Custody, Code of Virginia §19.2-59.1, CALEA