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<b>Body Cavity and Strip Searches</b>		



## I. Introduction

Strip and body cavity searches conducted by law enforcement officers on adults and juveniles arrested or detained for misdemeanor crimes or traffic offenses are regulated by the Ohio Revised Code (ORC). Sworn personnel may become criminally liable if a strip search, body cavity search, or the documentation of a strip or body cavity search does not comply with the provisions of the ORC.

## II. Definitions

### A. Body Cavity Search

An inspection of the anal or vaginal cavity of a person that is conducted visually; manually; by means of any instrument, apparatus, or object; or in any other manner while the person is detained or arrested for the alleged commission of an offense.

### B. Strip Search

An inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or arrangement of some or all of a person's clothing that directly covers the person's genitalia, buttocks, breasts, or undergarments and that is conducted visually; manually; by means of any instrument, apparatus, or object; or in any other manner while the person is detained or arrested for the alleged commission of an offense.

## III. Policy Statements

- A. Division personnel shall not condone, assist, or facilitate a strip or body cavity search that is performed by a private entity or not conducted in compliance with the law.
- B. When conducting a strip or body cavity search, sworn personnel should make all attempts to do so in a manner that maintains the dignity of the individual being searched.
- C. Sworn personnel may allow the individual to voluntarily remove items (***other than weapons***) from his or her person to avoid being subjected to a strip search, ***but only if the items can be removed without compromising officer safety or risking destruction of evidence***. Items retrieved in this manner shall be documented in the appropriate report.

- D. Sworn personnel may allow jail personnel to conduct a strip or body cavity search and remove items from a prisoner who will be slated.
  - E. Safety and the preservation of evidence shall take priority during each search.
  - F. Sworn personnel may immediately remove any item reasonably believed to be a firearm from a person detained or in custody.
  - G. A strip search or body cavity search shall be conducted only upon probable cause that the person being searched is concealing on his or her person evidence of a crime, including fruits or tools of a crime, contraband, or a deadly weapon that could not otherwise be discovered without the search. A strip search or body cavity search may also be completed for any legitimate medical or hygienic reason.
  - H. Absent exigent circumstances, sworn personnel may conduct a strip search, or have a body cavity search conducted, only after authorization has been obtained from a sworn supervisor.
    - 1. Written authorization shall be required for searches stemming from a misdemeanor crime or traffic offense unless there is a legitimate medical reason or medical emergency that makes obtaining written authorization impractical.
    - 2. A supervisor's authorization shall not be required for strip searches stemming from felony arrests when exigent circumstances exist (for example, a search conducted during a tactical raid or when retrieving a deadly weapon).
- Note: The execution of a search warrant does not automatically equate to authorization to conduct a strip search of all occupants inside a structure.
- 3. Sworn personnel may have a body cavity search conducted only after a search warrant has been issued unless there is an immediate legitimate medical reason or medical emergency.
  - I. A body cavity search shall only be conducted under sanitary conditions by a physician, a registered nurse, or a licensed practical nurse who is registered and licensed to practice in Ohio unless exigent circumstances exist.
  - J. A strip search or body cavity search shall only be completed by persons of the same sex as the person being searched, and in a place in which only the persons conducting the search and the person being searched can observe the search, unless exigent circumstances exist. When an apparent discrepancy exists between a person's appearance, government-issued identification, and/or any law enforcement database record, sworn personnel should ***defer to the sex listed on the person's government-issued identification.***

- K. Sworn personnel shall report all strip searches or body cavity searches to a sworn supervisor as soon as practical and document the search in a written report.
  - 1. Searches stemming from a misdemeanor crime or traffic offense shall be documented using the Strip/Cavity Search Authorization, form U-10.125, and Strip/Cavity Search Results, form U-10.126.
  - 2. Searches stemming from a felony arrest may be documented on these forms or in an investigative letter written by the authorizing supervisor.
  - 3. Include in the report any exigent circumstances involved with the search or when a search warrant was obtained to conduct the search.
- L. A copy of the completed Strip/Cavity Search Authorization form and the Strip/Cavity Search Results form shall be provided to individuals searched for a misdemeanor crime or traffic offense at the time of the search.

#### **IV. Procedures**

##### **A. Sworn Personnel**

- 1. Establish probable cause that a strip search or body cavity search is necessary.
- 2. Complete the Strip/Cavity Search Authorization form for searches stemming from a misdemeanor crime or traffic offense.
- 3. Absent exigent circumstances, obtain authorization from a sworn supervisor prior to conducting the search. The Strip/Cavity Search Authorization form must be reviewed and signed by a sworn supervisor before the search is conducted for an arrest stemming from a misdemeanor crime or traffic offense.
- 4. Absent exigent circumstances, conduct the search as follows:
  - a. Strip search
    - (1) Escort the person to a private location where the only persons that can observe the search are the officers conducting the search and the person being searched.
    - (2) Ensure persons of the same sex as the person being searched conduct the search (refer to Section III,J as necessary).
    - (3) Collect items of evidentiary value from the person.
  - b. Body Cavity Search
    - (1) Obtain a search warrant.
    - (2) Transport the individual to a medical facility.
    - (3) Have medical personnel inspect/search the individual.
    - (4) Collect items of evidentiary value that are retrieved/removed from the individual.
- 5. Complete the Strip/Cavity Search Results form for searches stemming from a misdemeanor crime or traffic offense.

6. Notify the authorizing supervisor to review the completed forms.
  7. Provide a copy of the approved Strip/Cavity Search Authorization form and Strip Search Results form to persons searched for a misdemeanor crime or traffic offense.
  8. Submit the collected evidence to the Property Control Unit and record the property number(s) on the Strip/Cavity Search Results form.
  9. Forward copies of the forms for inclusion with the arrest or investigative packet.
  10. Forward the original Strip/Cavity Search Authorization and Strip/Cavity Search Results forms to the authorizing supervisor.
- B. Authorizing Supervisor**
1. Respond to the scene.
  2. Review the probable cause.
  3. Approve or disapprove the request for the search. Absent exigent circumstances, complete and sign the "Written Authorization" section of the Strip/Cavity Search Authorization form before a search is conducted for an arrest stemming from a misdemeanor crime or traffic offense.
  4. Ensure the search is conducted within Division policy.
  5. When the search is for an arrest stemming from a misdemeanor crime or traffic offense:
    - a. Review the completed forms to ensure all required information is documented,
    - b. Complete the Supervisor's Review section of the Strip/Cavity Search Results form, and
    - c. Ensure copies of the forms are provided to persons searched.
  6. When the search is for an arrest stemming from a felony arrest:
    - a. Complete the Strip/Cavity Search Authorization and Strip/Cavity Search Results forms, or
    - b. Complete an investigative letter and ensure all information requested on the Strip/Cavity Search Authorization and Strip/Cavity Search Results forms is included in the letter.
    - c. Forward copies of the forms or investigative letter for inclusion with the arrest and/or investigative packet.
  7. Complete a Data Processing Worksheet, form U-10.164, and forward it with the Strip/Cavity Search Authorization and Strip/Cavity Search Results forms or investigative letter to the Internal Affairs Bureau.
- C. Internal Affairs Bureau**
- File and maintain original copies of the forms and investigative letters in compliance with the applicable records retention schedule.