



# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Unclothed and Body Cavity Search</b>	Effective Date: June 28, 2016	Policy Number: <b>6.02</b>
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Attachments:	L. Shane Nelson, Sheriff	

## I. PURPOSE

The purpose of this policy is to provide deputies with guidelines for determining if and under what conditions the use of unclothed searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

## II. POLICY

This Sheriff's Office recognizes that the use of unclothed searches and body cavity searches may, under certain conditions, be necessary to protect the safety of deputies, civilians, and other prisoners, to detect and secure evidence of criminal activity, and to safeguard the security, safety, and related interests of this agency's prisoner detention and holding facilities.

Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of this agency 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 policy.

## III. DEFINITIONS

*Partial Unclothed Search* means any search which requires a person to remove or arrange some of their clothing to permit inspection of undergarments and skin surfaces to include genitals, buttocks, or female breasts. (This may also be done during a search warrant for hidden contraband)

*Unclothed Search* is a search of an individual requiring the removal of all clothing to permit the visual inspection of skin surfaces including genital areas, breasts, and buttocks. An unclothed search may include not only a visual inspection of the exterior of the body, but also a visual examination of body cavities.

*Body Cavity Search* means 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.

## IV. PROCEDURES

### A. Unclothed Searches

1. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to unclothed searches unless the arresting deputy has probable cause to believe that the individual is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to:
  - a. the nature of the offense charged;

- b. the arrestee's appearance and demeanor;
  - c. the circumstances surrounding the arrest;
  - d. the arrestee's criminal record, particularly past crimes of violence and narcotics offenses;
  - e. the discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest; and
  - f. detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.
2. Field unclothed searches of prisoners shall be conducted only in the rarest of circumstances under exigent circumstances where the life of deputies or others may be placed at risk and only in privacy with the explicit approval of a supervisor.
  3. When authorized by a supervisor, unclothed searches may be conducted only:
    - a. in conformance with approved hygienic procedures and professional practices;
    - b. by the least number of personnel necessary and only by those of the same gender; and
    - c. in a location and under conditions that provide privacy from all but those authorized to conduct the search. In the event of a search warrant or during a street situation prior to transport, this may not be possible.
  4. Following an unclothed search, the deputy performing the search shall submit a written report to the division commander, via chain of command, that details, at a minimum:
    - a. date and place of the search;
    - b. identity of the deputy conducting the search;
    - c. identity of the individual searched;
    - d. those present during the search;
    - e. a detailed description of the nature and extent of the search; and
    - f. any weapons, evidence or contraband found during the search.

#### **B. Body Cavity Searches**

Should visual examination of a suspect during an unclothed search and/or other probable cause lead a deputy to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the below procedures shall be followed:

1. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.
2. The deputy shall consult with his immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. 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 the suspected offense is of a serious nature and/or poses a threat to the safety of deputies, the subject, or others, and/or the security of the agency's detention operations.
3. If probable cause exists for a body cavity search, an affidavit for search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the deputy's probable cause.
4. On the basis of a search warrant, a body cavity search shall be performed only by a physician or by other medically trained personnel at the physician's direction.
5. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy.
6. The authorized individual conducting the search shall file a report with the requesting law enforcement agency. The witnessing deputy shall co-sign that report and comply with information requirements specified in item IV, A, 4 of this policy.