

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 7: Force, Detention, and Arrest
Topic: SEARCHING OF PRISONERS
Approved: 01/18/19
Review: Annually in January by Patrol Commander
Supersedes: G.O. 775 dated 02/01/15

Order Number: 775
Issued by: Chief of Police

.01 PURPOSE:

To establish procedures for searching persons placed under arrest.

.02 CROSS-REF:

G.O. [580](#) Interaction with Transgender Persons
G.O. [760](#), "Physical Arrest"
G.O. [770](#), "Prisoner Transport"
G.O. [773](#), "Sick or Injured Prisoners"
CALEA STANDARDS: 1.2.8; 1.3.1; 70.1.1; 70.1.2

.03 DISCUSSION:

.04 POLICY:

Officers will search all arrested persons. Searches will be conducted by officers of the same sex whenever possible. The reasonableness of the officer's conduct in searching an arrested person of the opposite sex depends upon the exigencies warranting the search and the intrusiveness of the search.

.05 DEFINITIONS:

FIELD SEARCH - A thorough search of an arrested person (conducted at the scene or at a safer location) which includes going into all pockets, articles of clothing, purses, knapsacks, etc. to locate weapons, evidence, or contraband. It does not include a strip search or a body cavity search.

FRISK - The "patting down" of the outer garments of an individual for the purpose of locating a weapon.

STRIP SEARCH - Having an arrested person remove or arrange some or all of their clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of such person.

.10 SEARCH INCIDENT TO ARREST:

1. Officers will search all prisoners incidental to an arrest and prior to transport.
2. Any officer who becomes responsible for the transportation of a prisoner (adult or juvenile taken into custody for a "delinquent act") will conduct at least a thorough field search of the prisoner for contraband and weapons prior to transport regardless of any prior searches. *If exigent circumstances exist*, minimally a "frisk" will be conducted for weapons.
3. Whenever a Frederick Police Officer receives a prisoner from another officer, the officer to whom custody is relinquished will field search the prisoner.
4. The transporting or arresting officer will search the prisoner compartment of the transport vehicle **before and after** prisoner transport to ensure that the vehicle is free of weapons and contraband.

.15 FIELD SEARCHES:

1. Officers of the same sex as the prisoner will conduct field searches of prisoners.
2. An officer may conduct a patting of the clothing of a prisoner of the opposite sex as long as the search does not extend to the groin area of the male or the genital and/or breast areas of the female.
3. If a more thorough search must be conducted for safety reasons, the arresting officer will request an officer of the same sex to conduct the search.
4. *Under exigent circumstances*, an officer may thoroughly field search a prisoner of the opposite sex if the officer sees any weapon, escape implement, or evidence, or if he has reason to believe that the prisoner is in possession of any of these items *and there is no same sex officer available*.
 - A. When fully searching a prisoner of the opposite sex, officers are reminded that the primary purpose of a search is to check for weapons.
 - B. All opposite-sex field searches will be conducted in a professional manner, utilizing appropriate search techniques, documented in the incident narrative and witnessed by another officer with a body worn camera (BWC) whenever possible.

.20 STRIP SEARCHES:

No person arrested for a traffic violation or misdemeanor will be strip searched by an officer unless there is reasonable, articulable suspicion that the individual is concealing a weapon or a controlled substance.

1. No strip search, other than examination of the mouth, will be conducted without approval of a supervisor.
2. Strip searches must be conducted only by a member of the same sex and will be observed by a witness officer of the same sex (if available).
3. The decision to conduct such a search must be based on specific factors or reasonable suspicion that the prisoner may be concealing weapons, escape implements, contraband, or evidence.
4. To protect the privacy of the person being searched, the search will be completed at Headquarters, Central Booking, or in an area that cannot be observed by persons not involved in the search and is conducive to privacy.
5. Prisoners will not remain unclothed any longer than necessary.
6. Civilian employees are not permitted to conduct or assist with strip searches.
7. The primary officer handling the strip search will document in the narrative of the incident report that the strip search was conducted; the specific reason(s) why it was necessary; and the names of the approving supervisor and witness officer.

.25 SEARCHES INVOLVING TRANSGENDER PERSON(S):

1. Field Searches:
 - A. Field searches will be conducted by an officer who is the same gender as the arrestee as determined in section .20 of [G.O. 580, "Interaction with Transgender Persons."](#) *The exception to this policy will be those person(s) who have completed operative procedures for gender reassignment.*
 - (1) Male to female person(s) will be processed as a female;
 - (2) Female to male person(s) will be processed as a male.
 - (3) For persons in transition from one gender to another, the arresting officer will respectfully inquire whether the person's genitalia is currently male or female. Depending on the stage of transition of the arrested person, the search may be split between female and male officers. Under no circumstances will a female officer be required to search male genitalia, nor will a male officer be required to search female genitalia, regardless of gender expression.
 - B. A person may request an officer of the same gender identity or expression is present while the search takes place. When reasonable, an officer of the same gender expression as the arrestee will be requested to respond to the incident scene to be present for the field search.
 - C. If an arrestee objects to being searched by a female or male officer, the officer will inquire the nature of the objection. The officer will consult with their supervisor and document the objection in the incident report narrative, specifically indicating the person's stated preference.
 - D. Transgender persons will not be subject to more invasive search or pat down procedures than non-transgender persons.
 - E. Identity-related items such as clothing, wigs, and other cosmetic items may be temporarily seized:
 - (1) Only as necessary to ensure officer safety;
 - (2) Consistent with procedures while processing non-transgender persons; and
 - (3) In accordance with [General Order 775, "Searching Of Prisoners."](#)
2. Strip Searches: Strip searches of arrested transgender persons will be conducted in accordance with [General Order 775, "Searching Of Prisoners."](#)
 - A. The officer conducting the search will be the same gender as the arrestee, as identified in sections .20 and .25 of this order.
 - B. The search will be witnessed by any available sworn supervisor of the same gender.

.30 BODY CAVITY SEARCHES:

1. Officers will not conduct a body cavity search without a warrant. A search warrant *must* be obtained prior to a body cavity search.

- A. The mouth is the only body cavity that can be searched without a search warrant.
 - B. An item protruding from a body cavity may be removed as long as there is no insertion or probing of the suspect's body by the officer.
2. Supervisors must approve all body cavity search warrant applications.
 3. An officer will monitor the prisoner to ensure that the prisoner does not dispose of evidence while the search warrant is being obtained.
 4. Only licensed physicians are authorized to search body cavities other than the mouth and the search will be performed in a sanitary area after the search warrant has been issued.
 5. Officers will use only the force necessary to execute the warrant and to accomplish lawful objectives.
 6. At least one officer of the same sex as the prisoner will witness a body cavity search.
 7. Body cavity searches must be conducted in a location that prohibits the view of persons not involved in the search.
 8. The witnessing officer will take custody of the item(s) recovered and ensure proper evidence procedures are followed.
 9. The witnessing officer will document in the incident narrative the fact that a body cavity search was conducted and will include the names of the approving supervisor, the judge that issued the warrant and the physician conducting the search. All search warrant paperwork will be attached to the incident narrative.

.40 SUPERVISOR CONSIDERATIONS:

Prior to approving a strip search or application for a search warrant concerning a body cavity search, supervisors must consider the following factors:

1. The type of crime for which the person was arrested;
2. The prisoner's age;
3. Prior arrest record, if known (i.e., known drug offender)
4. Circumstances of the arrest, and
5. The specific factors giving rise to the belief that the item(s) sought are concealed somewhere on/in the prisoner's body.

.50 REMOVAL OF PROPERTY:

1. All personal property removed from prisoners during a search must be taken prior to the prisoner being placed in a holding cell. Property to be removed will include:
 - A. All items carried,
 - (1) Exception - money may be left on the individual if it is not evidence or contraband
 - B. All removable jewelry,

- (1) Wedding rings and religious symbols may be retained as long as they do not pose a threat of safety or destruction
 - C. Belts,
 - D. All outdoor wear,
 - E. Shoes and/or laces,
 - F. Purses and all items within,
 - G. Clothing draw strings which are removable, and
 - H. Any item which could pose a hazard or be used as an escape tool.
2. Prior to transport to Central Booking, the arresting or processing officer will inventory the prisoner's personal property, package it accordingly, and submit it to the Records section as releasable personal property or as evidence, as appropriate. Central Booking staff will not accept personal property beyond a purse or wallet.