



# Apex Police Department General Order



<b>Title</b> Strip and Body Cavity Searches		<b>Order Number</b> 702-20
<b>Effective Date:</b> August 19, 2020	<b>Amends:</b> General Order 702-16	
<b>CALEA Standard:</b> 1.2.8	<b>Rescinds:</b>	
<b>Reference:</b> NCGS 15A-222, 15A-231, 15A-242, 15A-243	<b>Pages:</b> 3	
<b>Forms:</b>		

## Strip and Body Cavity Searches

### Purpose

The purpose of this directive is to establish guidelines for conducting strip and body cavity searches.

### Policy

It is the policy of the Apex Police Department to conduct strip and body cavity searches of suspects in accordance with North Carolina General Statutes (NCGS). **Employees will have a sound knowledge of all applicable laws, statutes, and constitutional requirements governing strip and body cavity searches. Employees will conduct these types of searches, and resulting seizures, with due regard for all current and associated constitutional, statutory, and judicial guidelines.**

### Definitions

**Body Cavity Search** – An intrusive search of the throat, nostrils, vagina, ear canals, anus, or any subcutaneous (i.e. beneath the epidermal skin layer) region of the body.

## Strip and Body Cavity Searches

*Strip Search* – The removal or rearrangement of some or all of the suspect’s clothing to enable a visual inspection of concealed areas of the body, including, but not limited to, the genitals, buttocks, anus, breasts, or undergarments of the suspect.

### Procedure

#### Strip Searches

1. A strip search will be made only pursuant to a lawful, custodial arrest.
2. Officer(s) will not strip search a suspect or arrestee unless: (1.2.8 (a))
  - Probable cause exists to believe he/she is concealing weapons, contraband, or evidence, and exigent circumstances exist (i.e. there is a risk of imminent medical harm to the suspect, a weapon is believed to be secreted, etc.)
  - A search warrant has been obtained
  - The subject gives consent
3. An on-duty supervisor or Watch Commander will be notified for approval prior to the search being conducted.
4. Prior to initiating any strip search, officers will take the necessary precautions to prevent bloodborne pathogen, or any other, contamination.
5. The subject to be searched will be informed of the officer’s intention to perform the strip search; thereby, allowing the opportunity for the subject to voluntarily surrender any items of concern.
6. The search will be conducted by the fewest number of officers necessary, by officers of the same gender as the subject, and under conditions that cannot be observed by anyone other than those authorized to conduct the search to provide for a reasonable protection of the subject’s privacy. (1.2.8 (b))
  - If an officer, from this or another department, of the same gender is unavailable, a civilian employee of the same gender may be used.

#### Body Cavity Searches

1. A body cavity search will be made only incident to a lawful, custodial arrest.
2. A body cavity search should be supported by probable cause and, unless compelling exigent circumstances exist, a search warrant will be obtained. (1.2.8 (a))
3. Prior to the search being conducted, an on-duty supervisor or Watch Commander must be contacted and grant approval for the search.

## Strip and Body Cavity Searches

4. A search of any body cavity (except a visual inspection of the mouth) will be conducted by medical personnel. (1.2.8 (b))
5. An appropriate number of officers of the same gender as the subject may be present. (1.2.8 (b))
6. The search should be conducted in a location and under conditions that cannot be observed by anyone other than those authorized to conduct the search to provide for a reasonable protection of the subject's privacy. (1.2.8 (b))
7. The subject to be searched will be informed of the officer's intention to request that a body cavity search be performed; thereby, allowing the opportunity for the subject to voluntarily surrender any items of concern.

### Documentation of Search

1. The reporting officer will document the search in his/her case incident narrative. The narrative must include the details of the search, to include but not limited to: (1.2.8 (c))
  - Suspect identification
  - Probable cause
  - Items sought
  - Location search conducted
  - All persons present during search
  - Items obtained
  - Any Uses of Force

Text in "Green" denotes a significant change in policy

**BY ORDER OF:**



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John W. Letteney  
Chief of Police