



Apex Police Department General Order



Title Strip and Body Cavity Searches		Order Number 702-21
Effective Date: April 16, 2021	Amends: General Order 702-20	
CALEA Standard: 1.2.8	Rescinds:	
Reference: NCGS 15A-222, 15A-231, 15A-242, 15A-243	Pages: 3	
Forms:		

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. Officers 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
1. Prior to the search being conducted, an on-duty supervisor or Watch Commander must be contacted and approve the search.
3. Prior to initiating any strip search, officers will take the necessary precautions to prevent bloodborne pathogens or any other contamination.
4. 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.
5. To provide for reasonable protection of the subject’s privacy, the search will be conducted by the fewest number of officers necessary, by officers of the same gender as the subject whenever possible, and under conditions that cannot be observed by anyone other than those authorized to conduct the search. (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 to witness the search.

Body Cavity Searches

2. A body cavity search will only be made incident to a lawful, custodial arrest.
3. 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))
4. Prior to the search being conducted, an on-duty supervisor or Watch Commander must be contacted and approve the search.

Strip and Body Cavity Searches

5. A search of any body cavity (except a visual inspection of the mouth) will be conducted by medical personnel. (1.2.8 (b))
6. An appropriate number of officers of the same gender as the subject may be present. (1.2.8 (b))
7. To provide for reasonable protection of the subject's privacy, 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. (1.2.8 (b))
8. 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 (d))
 - 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:



Anthony L. Godwin
Chief of Police