

TOWN OF CHEEKTOWAGA POLICE DEPARTMENT

Effective: August 9 th , 2013	Subject: PRISONER SEARCHES
Rescinded:	

GENERAL ORDER O-11-2E

Purpose:

The purpose of this general order is to establish a standard and uniform procedure for the safe effective handling and searching of prisoners. Officers should adhere to security practices to ensure the safety of the officers and the prisoners. Proper search guidelines will ensure that all searches are conducted in a professional manner so as to avoid any appearance of impropriety. In addition, the searches must be conducted with the utmost regard for the integrity and decency of the prisoner.

Policy:

It is the policy of the Town of Cheektowaga Police Department to provide a safe and well controlled police lockup that is free of dangerous items and contraband. All prisoners will be afforded their protections as guaranteed under the Constitution of the United States and the State of New York. The Supreme Court of the United States has permitted visual body cavity searches on less than probable cause when the significant and legitimate security interests of the institution outweigh the privacy interest of the offender.

Procedures:

A. Reasons to Search

1. Detention – all prisoners are subjected to the same intake and search process, regardless of the criminal charge or reason for commitment.
2. Weapons
3. Contraband
4. Evidence
5. Medical reasons (including injury documentation, evidence of intravenous drug use, and prior suicide attempts.)

B. Types of Prisoner Searches

Personnel of the same gender as the prisoner should conduct searches. In the event that it is not possible an officer of the opposite gender may conduct a metal detector search or limited pat down search with the back side of the hand for officer safety.

- 1. Metal Detector** – A search in which a prisoner is passed through a metal detector or in which a hand held metal detector is passed over a prisoner's person or a prisoner is required to sit in a body orifice scanning system to determine whether there are metal objects in his or her clothing or attached or concealed with his or her body.
- 2. Body Imaging Device** – A device that uses an infrared scanner that detects hidden objects without penetrating clothing. A virtual pat down that identifies contraband, including but not limited to plastic weapons, pills and powdered substances, tobacco, precious metals, money, and other articles of interest.
- 3. Pat Down Frisk** – A search by hand of a prisoner's person and his or her clothing while the prisoner is clothed, except that a prisoner is required to remove his or her coat, hat, shoes, and secondary layers of clothing. The prisoner may be required to run fingers through their hair and spread fingers for visual inspection. In an effort to detect contraband, a pat down frisk should be conducted on each prisoner when being admitted and any subsequent moves throughout the facility.
- 4. Mouth Search** – A visual inspection of a prisoner's mouth. The prisoner will be requested to open their mouth, remove dentures, and move tongue up and down and from side to side. Have them pull back their lower and upper lips to expose the underside for secreted contraband.
- 5. Strip Search** – A search of a prisoner's clothing once they are removed by the prisoner and a visual inspection of the prisoner's naked body. A strip search must be conducted by the same gender officer or matron. Universal hygienic considerations and precautions should be taken. **Searches should be done in an area that provides privacy, with as few persons involved as necessary. This search requires supervisor authorization.** It may be conducted when one has reasonable suspicion to believe that the prisoner is hiding contraband on his or her body or in anal, genital, or other body cavities.
- 6. Body Cavity Search** – A physical examination of a prisoner's anal, genital, or other body cavities, **conducted by a physician or other certified medical personnel**. A manual body cavity search will be conducted only under the authority of a search warrant and under the aforementioned restrictions.

C. Officer Responsibility

For the strip and body cavity searches, the officer should be able to articulate reasonable suspicion to believe that the individual is hiding contraband or weapons on his / her person. Reasonable suspicion for this situation may be based upon, but is not limited to the following.

1. The nature of the offense charged.
2. Circumstances surrounding the arrest.
3. Prisoner's criminal record, past crimes and or narcotic related offenses.
4. Detection of suspicious objects beneath the prisoners clothing during pat down, metal detection, or body scan.
5. Objects observed on video or suspicious behavior indicating the offender has an object inside his / her cell.
6. Any violent felony offense.
7. Any offense involving escape or use of a deadly weapon.
8. Any offense involving possession of a drug or controlled substance under section 220.00 of the NY Penal Law.

When authorized by a supervisor to conduct a strip or cavity search, the supervisor must complete the Strip Search Authorization supplement to include the following information.

1. Complaint number and criminal charges.
2. Prisoner's name.
3. Officer requesting search.
4. Person conducting the search.
5. Name of the supervisor authorizing the search.
6. Names of all employees present and involved.
7. Date, time, and location of search.

8. Reasonable suspicion or probable cause.
9. List of weapons, evidence, or contraband recovered during the search.
10. Any other pertinent information regarding the search.

D. Rules of Searching

1. **Systematic** – Conduct search in a planned and systematic manner.
2. **Thorough** – Every search must be thorough. Do not take short cuts because of embarrassment or comments made by prisoner.
3. **Careful & Safe** – Do not put hands where eyes cannot see. Use flashlights, lighting or mirrors when needed. Use gloves to protect against sharp objects such as needles. Use gloves to protect against blood borne pathogens, diseases, or chemicals.
4. **Be prepared** – Have all your tools readily available before starting the search, such as gloves, lights evidence bags, and respiratory protection.

Date:

Chief of Police: