

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Beachwood Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible. "Strip search" does not mean the visual observation of a person who was afforded a reasonable opportunity to secure release on bail or recognizance, who fails to secure such release, and who is to be integrated with the general population of any detention facility, while the person is changing into clothing that is required to be worn by inmates in the facility.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing

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officer should be present during the search. Officers should utilize available body worn and/or dash camera recording equipment to document searches.

900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Beachwood Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

All inmates will be visually observed while changing into inmate clothing prior to entering general population.

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Beachwood Police Department identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall sign the booking record which notes the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.5 STRIP SEARCHES

No individual in temporary custody at any Beachwood Police Department facility shall be subjected to a strip search unless there is probable cause based upon specific and articulable facts to believe

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the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining probable cause include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex detainee shall be searched or examined for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner.

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Beachwood Police Department facilities shall be conducted as follows:

- (a) Written authorization from the Officer in Charge shall be obtained prior to the strip search unless there is a legitimate medical reason or medical emergency (ORC § 2933.32(5)).
- (b) All members involved with the strip search shall be of the same sex as the individual being searched (ORC § 2933.32(B)(6)).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include (ORC § 2933.32):
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.

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3. The written authorization for the search, obtained from the Officer in Charge. If the strip search was conducted before or without the granting of written authorization by the Officer in Charge, the legitimate medical reason or medical emergency that made obtaining written authorization impracticable.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
 - (a) [See attachment: Strip.Body Cavity Search Report \(002\).pd](#)
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the written report shall be retained and a copy shall be provided to the individual searched (ORC § 2933.32(C)(2)).

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Officer in Charge authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Officer in Charge authorization does not need to be in writing.

900.6 BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Officer in Charge and only upon a search warrant or approval of legal

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counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

- (b) Only a physician, registered nurse or licensed practical nurse who is registered or licensed to practice in Ohio who is of the same sex as the individual to be searched may conduct a physical body cavity search (ORC § 2933.32(B)(4)).
- (c) All persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present (ORC § 2933.32(B)(6)).
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search (ORC § 2933.32(B)(4); ORC § 2933.32(B)(6)).
- (e) All such searches shall be documented in a written report, including (ORC § 2933.32):
 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The Officer in Charge's written approval.
 4. Legal counsel approval if the search was conducted for a legitimate medical reason or medical emergency without a warrant.
 5. A copy of the search warrant.
 6. The name of the individual searched.
 7. The time, date and location of the search.
 8. The medical personnel present.
 9. The names, sex and roles of any department members present.
 10. Any contraband or weapons discovered by the search.
- (f) A copy of the written report shall be retained and shall be provided to the individual who was searched or other authorized representative (ORC § 2933.32(C)(2)).

900.7 TRAINING

The Training Officer shall ensure members have training that includes:

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.

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- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Attachments

Strip.Body Cavity Search Report (002).pdf

BEACHWOOD POLICE DEPARTMENT

STRIP SEARCH / BODY CAVITY SEARCH REPORT CR# _____

A. NAME / SIGNATURE OF PERSON AUTHORIZING SEARCH (MUST BE OBTAINED PRIOR TO THE SEARCH):

(O.R.C. 2933.32 C1A1) NAME: _____ SIGNATURE: _____

**IF SIGNATURE NOT OBTAINED, SECTION F MUST BE COMPLETED

B. PRISONER'S NAME: _____ **SSN:** _____

TYPE OF SEARCH: STRIP SEARCH _____ *BODY CAVITY SEARCH _____

*SEARCH WARRANT MUST BE OBTAINED PRIOR TO BODY CAVITY SEARCH AND CAN BE DONE ONLY BY A PHYSICIAN, REGISTERED NURSE, OR LICENSED PRACTICAL NURSE.

C. PERSON(S) CONDUCTING SEARCH:

NAME _____ SIGNATURE _____

NAME _____ SIGNATURE _____

DATE OF SEARCH: _____ **TIME OF SEARCH:** _____

LOCATION OF WHERE SEARCH TOOK PLACE: _____

D. ITEMS RECOVERED DURING SEARCH: _____

OBSERVATIONS DURING SEARCH: _____

E. PROBABLE CAUSE FACTS (Include nature of offense, circumstances of arrest, prior record):

F. TO PERFORM A SEARCH WITHOUT WRITTEN AUTHORIZATION, THERE MUST BE A MEDICAL REASON OR MEDICAL EMERGENCY THAT JUSTIFIES THE WARRANTLESS SEARCH. PLEASE LIST THE MEDICAL REASON(S) OR MEDICAL EMERGENCY THAT PROMPTED THE SEARCH WITHOUT SIGNATURE AUTHORIZATION:

BEACHWOOD POLICE DEPARTMENT

****A COPY OF THIS REPORT MUST BE FURNISHED TO THE PERSON WHO WAS SEARCHED AND A COPY KEPT ON FILE BY THIS AGENCY. (O.R.C. 2933.32 C2)**

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