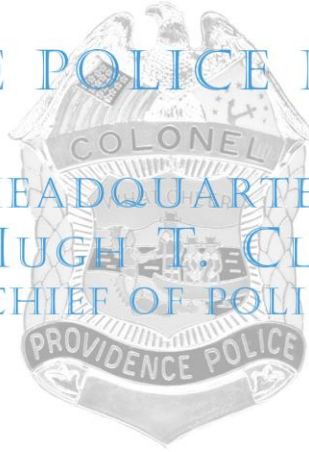


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS
COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	390.03	12/2/2019	12/2/2019
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Strip Searches & Body Cavity Searches		1/20/2018; 4/20/2015; 4/5/2013; 12/17/2009	
REFERENCE		RE-EVALUATION DATE	
CALEA 1.2.8		12/2/2021	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Personnel	

PURPOSE

The purpose of this policy is to provide Department members with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish protocols for the appropriate conduct of such searches.

POLICY

This Department recognizes that the use of strip searches and/or body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity; and/or to safeguard the security, safety and related interests of this agency's prisoner detention and holding facilities. Therefore, these procedures shall be equally applicable to both adult and juvenile detainees.

Recognizing the intrusiveness of these searches on individual privacy, it is the policy of this Department that such searches will be conducted with due recognition and deference for the human dignity of those being searched, in accordance with the protocols for conducting such searches as set forth in this directive.

DISCUSSION

For the purpose of this General Order, the following definitions shall apply:

Strip Search - Any search of an individual which requires the manipulation and/or removal of some or all of the individual's clothing in order to permit a visual inspection of undergarments and/or any and all skin surfaces, including but not limited to the genital area, buttocks, anus, and female breasts.

Body Cavity Search - Any search of the body cavities of an individual, including, in some instances, internal organs such as the stomach cavity.

Visual Body Cavity Search - A body cavity search which involves the visual inspection of a body cavity but does not involve physical intrusion into a body cavity.

Invasive Body Cavity Search - A body cavity search which involves physical intrusion into a body cavity.

PROCEDURE

I. STRIP SEARCHES

- A. Individuals arrested for traffic violations or for minor offenses of a non-violent nature shall not be subjected to strip searches unless articulable reasonable suspicion exists to believe that the individual is concealing contraband or weapons.

- B. Taking into account the totality of the circumstances, articulable reasonable suspicion that an arrestee is concealing contraband or weapons may be based upon, but is not limited to, one or more of the following criteria:
 - 1. The nature of the offense charged.
 - 2. The arrestee's appearance and demeanor.
 - 3. The circumstances surrounding the arrest.
 - 4. The arrestee's criminal record, particularly past crimes of violence and narcotics offenses.
 - 5. The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest.
 - 6. Detection of suspicious objects beneath the arrestee's clothing during a search incident to arrest.

- C. Field strip searches of arrestees will only be conducted when exigent circumstances exist and/or when the life or safety of officers or others may be at risk.
 - 1. A supervisor shall be notified as soon as practicable whenever a strip search is conducted in the field.

- D. Where articulable reasonable suspicion exists to conduct a strip search of an arrestee at Central Station, the officer will make a request for such action to the Officer-In-Charge of the Patrol Bureau (OIC).
- E. When performed in the field due to exigent circumstances, or when authorized by the OIC to be conducted at Central Station, strip searches shall be conducted only in the following manner (****NOTE: See Section II, below, for additional considerations pertaining to ANY type of in-custody searches performed on subjects who are transgender, gender non-conforming, or whose gender expression is contrary to their assigned sex at birth**):
 - 1. By the least number of civilian detention officers and/or sworn officers, of the same sex as the arrestee being searched, that is necessary to safely perform the search.
 - 2. In conformance with approved hygienic procedures and professional practices.
 - 3. Under conditions that provide privacy from all but those authorized to conduct the search.
 - 4. With a supervisor of the same sex present at the time of the search.
 - a. A supervisor of the same sex shall be called off the street when one is not available in the building.
 - b. In the event that a supervisor of the same sex is not available, a supervisor of the opposite sex shall be present nearby during the search but shall be positioned so as to not have a line-of-sight of the arrestee.

II. TRANSGENDER / GENDER IDENTITY / GENDER EXPRESSION CONSIDERATIONS

- A. Some detainees who come into our custody may be transgender or gender non-conforming, meaning that the gender they were assigned at birth does not match their current gender identity and/or that they do not identify with the gender binary (i.e. as strictly male or female). Furthermore, a detainee's gender expression (the external appearance of one's gender identity, usually expressed through behavior, clothing, haircut, and/or voice) may differ from their gender assigned at birth even without medical or other physiological modifications.
 - 1. In any such cases, detainees shall be taken to and processed within the detention facility that corresponds to their gender identities as presented by them.

- B. In cases where the gender expression of a detainee is unclear and/or unknown to detention attendants or processing officers, it is reasonable to inquire of the detainee, in a tactful and respectful manner, as to their gender identity.
- C. The anatomical sex of a detainee is not relevant to their gender identity/expression. Accordingly:
 - 1. Personnel shall not inquire about the intimate details of a detainee's anatomy or medical/surgical status/history in order to determine either the detainee's birth sex, anatomy, or gender identity/expression.
 - 2. A search/frisk/strip search shall not be performed for the purpose of determining a detainee's anatomical gender.
- D. Individuals who identify as transgender or gender non-conforming have the right to indicate their preference to be searched by either a male or female officer or detention attendant. If an individual's gender request can be reasonably and expeditiously accommodated without risk to officer safety, the request should be granted. Under exigent circumstances, including but not limited to the existence of reasonable suspicion of imminent threat of bodily harm or escape, any officer or detention attendant may conduct a search of any detainee[, regardless of the gender identity/expression of the detainee, officer, supervisor, or detention attendant.
 - 1. In the event that the individual's request cannot be honored, the search shall be conducted with proper decorum and due consideration for the privacy of the individual.

III. BODY CAVITY SEARCHES

- A. Should a visual examination of an arrestee during a strip search and/or other information lead a member to believe that the arrestee is concealing a weapon, evidence, or contraband within a body cavity, the following steps shall be taken:
 - 1. The member will consult with his/her immediate supervisor to determine whether or not articulable reasonable suspicion or probable cause exists to seek either the arrestee's signed, written consent or a search warrant for a body cavity search.
 - 2. The decision to determine whether articulable reasonable suspicion or probable cause exists to seek either consent or a search warrant will recognize that a body cavity search is highly invasive of personal privacy and is reasonable only when the suspected offense is of a serious nature, and/or poses a threat to the safety of any persons or to the security of the Department's detention operations.

3. If articulable reasonable suspicion or probable cause exists for a body cavity search, the member will first attempt to get written consent to search from the suspect.
 4. If the arrestee refuses consent to a body cavity search, an affidavit and search warrant will be prepared that clearly defines the nature of the alleged offense and the basis for seeking the warrant.
- B. When authorized by the supervising authority, body cavity searches may only be conducted:
1. At a medical facility.
 2. Only by a doctor or other medically trained personnel under a doctor's direction.
 3. In conformance with approved hygienic procedures and professional practices.
 4. In the presence of the least number of Department personnel that is necessary to ensure proper safety and security.
 5. Under conditions that provide privacy from all but those authorized to conduct the search.
- C. Visual body cavity searches may be performed by Department personnel without either signed, written consent from the arrestee or a valid search warrant whenever the following conditions exist:
1. The search can be performed without forcing compliance upon the arrestee.
 2. Such searches are restricted to an arrestee's mouth, nostrils, and/or ears, and are conducted in accordance with the procedure for strip searches as delineated in this General Order.
- D. Invasive body cavity searches of the mouth, nostrils, ears, or any other body cavity shall be conducted in accordance with the procedure for body cavity searches as delineated in this General Order.

IV. REPORTING

- A. Following a strip search or body cavity search, the following information, at a minimum, shall be documented in the appropriate incident report:
1. Facts and circumstances which established articulable reasonable suspicion or probable cause to conduct the search.

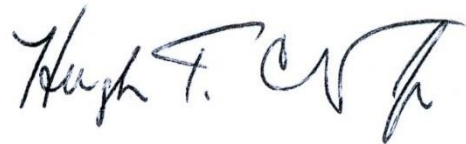
2. Date, place, and time of the search.
3. Identity of the officer(s) and/or medical personnel present and/or conducting the search.
4. Identity of the arrestee searched.
5. Identity of all other persons present during the search.
6. A detailed description of the nature and extent of the search.
7. Any weapons, evidence, or contraband found during the search.

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
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