



<b>WRITTEN DIRECTIVE</b>	No.	PD19-1705	Page:	1 of 4
	Subject:	Effective Date: 8/26/19		
	STRIP SEARCHES AND BODY CAVITY SEARCHES	Supersedes/Amends: PD18-1705		
		Reference: 1.2.8		



**I. Purpose**

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

**II. Policy**

It shall be the policy of the Lynchburg Police Department that strip searches and body cavity searches of suspects be conducted in accordance with the guidelines and prohibitions set forth in the Code of Virginia, Section 19.2-59.1.

**III. Procedure**

**A. GENERAL**

1. A *strip search* shall be defined, for the purposes of this directive, as the removal or arrangement of some or all of a suspect's clothing:
  - a. so as to permit a visual inspection of the genitals, buttocks, anus, breasts, or undergarments of the suspect
  - b. for the purpose of detecting or recovering any evidence, contraband or weapon.
2. Authorization to conduct a strip search must be granted by an LPD sworn supervisor, ranked Sergeant or higher.
3. A search warrant will be obtained prior to conducting a strip search unless:
  - a. the investigating officers have a "clear indication" that evidence is located within a suspect's body and
  - b. officers face exigent circumstances where there is risk of destruction of evidence, risk of imminent medical harm to the suspect, or secretion of a weapon provides exigent circumstances for a search involving intrusion beyond the body's surface, or
  - c. consent from the suspect is obtained.

1.2.8 A

4. A *body cavity search* shall be defined, for the purposes of this directive, as an intrusive search:
  - a. of the throat, nostrils, ear canals, vagina, anus or any subcutaneous (i.e. beneath the epidermal skin layer) region of the body
  - b. for the purpose of detecting or recovering any evidence, contraband or weapon.
5. The investigating officer will notify a supervisor at any time that a body cavity search appears to be justified.
6. A search of any body cavity other than the mouth must be conducted:
  - a. by or under the supervision of medically trained personnel
  - b. under sanitary conditions.
7. Strip searches and/or body cavity searches will not be conducted on juveniles without,
  - a. notification of the on-duty watch commander, and
  - b. authorization by the on-duty watch commander, and
  - c. the notification of the juvenile's legal guardian, unless:
    - i. there is reasonable cause to believe that the juvenile is concealing a weapon, or
    - ii. a search warrant is obtained and a reasonable effort is made to contact the juvenile's legal guardian.

#### B. LIMITATIONS OF STRIP SEARCH

1. Strip searches will not be conducted on any person in custodial arrest for a traffic infraction, Class 3 or 4 misdemeanor, or a violation of a city ordinance unless there is reasonable cause to believe that the person is concealing a weapon.
2. Strip searches will only be conducted when:
  - a. a search warrant has been obtained, or
  - b. conditions exist as identified in section III.A.3 of this directive, or

- c. consent from the suspect is obtained.

**1.2.8 B****C. CONDUCTING OF STRIP SEARCH**

1. Per state and federal law (Code of Virginia §19.2-59.1), only members of the same sex as the person being searched will perform a strip search. For the purpose of this policy, sex is defined by the genitals possessed by an individual. A person's gender identity or expression will not be taken into account when determining sex.
  - a. At least one other officer of the same sex should be present to serve as a witness.
  - b. If sufficient officers of the same sex are not available, a request for assistance may be made to the Lynchburg Sheriff's Office or the Blue Ridge Regional Jail Authority.
2. A strip search must be conducted in a location where the search cannot be observed by persons not physically conducting the search.
3. If, during the course of a strip search, a seizable item (as described in III. B.2) is observed protruding from a body cavity:
  - a. the item should not be removed
  - b. body cavity search procedures will be initiated (see III.D).

**1.2.8 A****D. CONDUCTING OF BODY CAVITY SEARCH**

1. A search of any body cavity other than the mouth will require:
  - a. the obtaining of a *search warrant* by the officer, to establish the probable cause as basis for the search to be conducted, *and if necessary*,
  - b. the obtaining of a *court order* directing a particular medical facility (i.e. hospital, clinic, etc.) to:
    - 1) execute the search warrant by performing the body cavity search
    - 2) perform such search under sanitary conditions
    - 3) conduct such search either by or under the supervision of medically trained personnel, or
    - 4) consent is given by the suspect

2. The appropriate supervisor will accompany the officer to the medical facility to assist in the service of the search warrant and court order.

**1.2.8 C****E. DOCUMENTATION OF SEARCH**

1. The reporting officer shall include in the incident report the details of any strip search or body cavity search, to include but not be limited to:
  - a. suspect identification
  - b. probable cause
  - c. item(s) sought
  - d. location of search (i.e. hospital, police department, etc.)
  - e. all persons present during search
  - f. item(s) obtained
  - g. use of force, if any.
2. The Report Review Officer will forward a copy of any incident report detailing a strip search or body cavity search to the investigating officer's Deputy Chief.

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Ryan M. Zuidema  
Chief of Police

August 26, 2019

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Date