



THE CITY OF
NORFOLK
POLICE DEPARTMENT

Operational General Order – 495: Strip Searches

Office of Preparation: Office of Support Services (mar)

CALEA: 1.2.8

LEGAL REVIEW DATE:	<i>11/19/19</i>	PRESCRIBED DATE:	<i>12/22/19</i>
City Attorney:	<i>[Signature]</i>	City Manager/Director of Public Safety:	<i>[Signature]</i>
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>[Signature]</i>	

Purpose:

The purpose of this order is to establish a written policy regarding strip searches by departmental personnel, as required by Virginia Code Section 19.2-59.1 and consistent with the provisions of the law.

Policy:

Strip searches are not permitted except in strict accordance with this order and when absolutely necessary. Officers who determine, under the conditions of this order, that a strip search is indispensable, should be prepared to articulate specific facts justifying such action, and their action will be closely scrutinized. When in any doubt about the appropriateness of a strip search, an officer should request guidance from a supervisor.

Supersedes:

1. G.O. OPR-495: May 13, 2014
2. Any previously issued directive conflicting with this order

Order Contents:

- I. When Strip Searches Are Permitted
- II. Personnel Authorized to Conduct Strip Searches
- III. Location of Strip Searches
- IV. Body Cavity Searches
- V. Juveniles
- VI. Reporting

- I. When Strip Searches Are Permitted (CALEA 1.2.8a)
- A. When a person is under arrest for a felony or a Class 1 or Class 2 misdemeanor, and there is reasonable cause to believe on the part of the officer authorizing the search that the individual is concealing a weapon and/or contraband.
 - B. When a person is under arrest for a Class 3 or Class 4 misdemeanor, and there is reasonable cause to believe on the part of the officer authorizing the search that the individual is concealing a weapon.
 - C. When the officer conducting the search has a search warrant for the strip search of the person to be searched.

- II. Personnel Authorized to Conduct Strip Searches (CALEA 1.2.8b)
- A. All strip searches must be performed by persons of the same sex as the person searched.
 - B. Personnel authorized to conduct strip searches of persons of the same sex include:
 - 1. Investigative personnel assigned to the:
 - a. Detective Division
 - b. Vice and Narcotics Division
 - c. Criminal Intelligence Unit
 - 2. Uniformed officers with the rank of Sergeant or above.
 - C. Any of the personnel listed in Section II. B. may directly authorize a strip search by uniformed personnel with the rank of Police Officer provided:
 - 1. The officer conducting the search is the same sex as the person being searched; and,
 - 2. The person authorizing the search is responsible for the search to the same extent as the officer conducting the search.

- III. Location of Strip Searches (CALEA 1.2.8b)
- A. Strip searches must be conducted in private and on premises where the search cannot be observed by persons not physically conducting the search. Two officers are required for a strip search: one officer's role is to observe, for officers' safety; the other officer will conduct the search. Strip searches will not be conducted in the field except under exigent circumstances constituting a threat to the safety of any persons involved in the search or arrest.
 - B. Whenever possible, officers will conduct such searches inside buildings operated by the Police Department or Sheriff.
 - C. Officers conducting a strip search in an alternate location must be prepared to justify such action.

IV. Body Cavity Searches

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, other than the mouth, the following procedures must be followed:

- A. The officer will consult with his immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. A body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature or poses a threat to the safety of officers or others.
- B. On the basis of a search warrant, a body cavity search will be performed only by a physician or other authorized personnel appointed by such physician, and only at the physician's direction. The officer will document the name(s) of the physician and/or the person appointed to conduct the body cavity search.
- C. Norfolk Police Department personnel will not witness the search unless requested by the medical professional for security reasons.
- D. To maintain the chain of evidence, the officer will receive the evidence directly from the medical professional conducting the search and will document the medical professional's name.

V. Juveniles (CALEA 1.2.8c)

Strip searches and/or body cavity searches will not be conducted on juveniles without:

- A. Authorization from a lieutenant or above.
- B. The notification of the juvenile's legal guardian, unless:
 - a. There is reasonable cause to believe that the juvenile is concealing a weapon, or
 - b. A search warrant is obtained and a reasonable effort is made to notify the juvenile's legal guardian.

VI. Reporting (CALEA 1.2.8d)

The officer performing the search will submit a report via the Electronic Reporting System (refer to G.O. OPR-145: Electronic Reporting System, Section III). The submitted report must include, at a minimum:

- A. Date and place of search.
- B. Identity of person conducting the search.
- C. Identity of person searched.
- D. Identity of persons present during the search.
- E. The specific facts constituting reasonable suspicion or probable cause to believe the search was necessary.
- F. A detailed description of the nature and extent of the search.
- G. Any weapons, evidence, or contraband found during the search.

Definitions

Body Cavity Search: The inspection of a person's anus, genitalia or the internal physical examination of body cavities or organs such as the stomach, excluding the mouth, which is conducted visually, manually, or by means of any physical instrument.

Sex: For purposes of this policy, sex is defined by the genitals possessed by an individual. Officers will not consider a person's gender identity or expression when determining sex.

Strip Search: The inspection of a person who has been ordered to remove or arrange some or all of his or her clothing to permit a visual inspection of the genitals, buttocks, anus, female breasts or under garments; or, the inspection by an officer that has removed or arranged some or all of a person's clothing to permit a visual inspection as described.

Related Documents:

1. G.O. OPR-428: Search Warrants
2. G.O. OPR-210: Transporting Prisoners