

RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entity's and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Steven Pitts /s/		
General Order No: T-430-04	Issued: February 3, 2005	Revised: Mar 1, 2012
General Order Title: UNCLOTHED SEARCHES		

POLICY

The Department recognizes that the use of unclothed searches and 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. Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of this department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

DEFINITIONS

Unclothed Search: Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas, breasts and buttocks.

Body Cavity Search: Any search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities, and, in some instances, organs such as the stomach cavity.

PROCEDURES

Strip Unclothed Searches

1. Individuals detained for citation for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches.
2. Individuals detained for a criminal investigation shall not be subject to unclothed searches unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing contraband or weapons.
3. Any search must be conducted consistent with the Fourth Amendment of the Constitution, as well as all applicable statutes. When in doubt employees will seek legal guidance and/or a warrant as may be required.

4. Employees will obtain supervisory approval prior to conducting an evidentiary unclothed search of a suspect or defendant. While a warrant may not be required, employees must justify any unclothed search or seizure based on reasonable suspicion, which must be based upon, but is not limited to, the following:

- The nature of the offense charged;
- The arrestee's appearance and demeanor;
- The circumstances surrounding the arrest;
- The arrestee's criminal record, particularly past crimes of violence and narcotics offenses;
- The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest; and/or
- Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.

5. Field unclothed searches of prisoners shall be conducted only in the rarest of circumstances and only in privacy with the approval of a supervisor.

6. When authorized, unclothed searches may only be conducted using the following guidelines:

- in conformance with approved hygienic procedures and professional practices;
- in a room specifically authorized for this purpose;
- by a minimum of two, unless security concerns warrant additional personnel, and only by those of the same sex;
- under conditions that provide privacy from all but those authorized to conduct the search;
- ensuring, as far as reasonably practicable, that the way the person is searched causes minimal embarrassment to that person; and
- if the search is conducted at a holding or jail facility, it is conducted at a location so designated by the facility.

7. Following an unclothed search, the officer performing the search shall submit a written report that details, at minimum, the following:

- Date and place of the search;
- Identity of the officer conducting the search;
- Identity of the individual searched;
- Those present during the search;
- A detailed description of the nature and extent of the search;
- Any weapons, evidence, or contraband found during the search; and
- A delineation of the reasonable suspicion or probable cause for the search.

Administrative Strip Searches

When necessary, unclothed searches may be conducted on private citizens cooperating with criminal investigations. Unclothed searches under this section will only be conducted when failure to do so will provide an affirmative defense to the parties being investigated, for example: The Defendant being able to claim that the Citizen had the contraband in question in his possession prior to meeting with the Defendant.

Unclothed searches of cooperating citizens will only be conducted under all of the following guidelines:

- Upon the direction of a Reno Police Department supervisor; and
- On persons formally registered with the Reno Police Department Criminal; and Intelligence Unit as a confidential informant; and
- With consent of the person being searched; and
- By an officer of the same sex.

Body Cavity Searches

Should visual examination of a suspect during an unclothed search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence, or contraband within a body cavity, the procedure should be as follows:

1. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.
2. The officer shall consult with his/her immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall 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 officers or others and/or the security of the Department's detention operations.
3. If probable cause exists for a body cavity search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause.
4. On the basis of a search warrant, a body cavity search shall be performed only by an authorized physician or by other medically trained personnel at the physician's direction.
5. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy.
6. The authorized individual conducting the search shall file a report with the requesting law enforcement agency. The witnessing law enforcement officer shall co-sign that report and comply with information requirements specified in this policy.

Detention Facility

Department personnel will not conduct unclothed searches as part of the normal intake process

of minors or adult arrestees.

Adult holding facilities, jails, prisons, and juvenile offender holding facilities retain their own responsibility for conducting contraband searches. Arresting officers will not conduct searches on behalf of holding facilities.