

Laurel Police Department – General Order  
Chapter IV, Section 600, Order 603– Search of an Arrested Individual  
November 22, 2009

**4 / 603.05 POLICY**

It is the policy of this Department that all persons placed under arrest by a member of this Department or transported by a member of this Department shall be searched for weapons; implements to facilitate an escape, contraband; and/or evidence of Fruits of a Crime.

**4 / 603.10 PURPOSE**

The purpose of this General Order is to ensure the safety of the arresting and/or transporting officer(s), the arrestee(s) and the general public.

**4 / 603.15 DEFINITIONS**

Strip Searches - Visual searches of body cavities are only to be conducted when reasonable suspicion, based on articulated facts, that the arrestee is concealing any of the following within the arrestee's body:  
weapons;  
implements to facilitate an escape, contraband; and/or evidence of Fruits of a Crime

Body Cavity Searches - Involve the physical intrusion into the stomach, rectal, or vaginal cavity to recover weapons;  
implements to facilitate an escape, contraband; and/or evidence of Fruits of a Crime. The officer must have a reasonable suspicion, based on articulated facts, that the arrestee is concealing same.

Courts have ruled the reasonableness of any body cavity search will be decided by weighing the individual's privacy interests against the State's interest in conducting the search

**4 / 603.20 PROCEDURES**

**A. SEARCH BY OFFICERS OF THE SAME SEX**

1. All prisoners will be searched by an officer of the same sex except when a search must be conducted due to officer safety considerations or to recover evidence and an officer of the same sex is not available.
2. Whenever possible, an officer who must conduct a search of a prisoner of the opposite sex will request another officer to be present to observe the search.

**B. STRIP SEARCHES**

1. Strip Searches require the approval of a first line supervisor or above.
2. No more than two officers will be present for the search.
3. A strip search shall only be conducted by an officer of the same sex in the presence of an officer of the same sex.

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4. If officers of the same sex are not available, surrounding jurisdictions will be contacted for assistance.
5. The search will be conducted out of public view and away from camera range in a secure area.
6. Officers conducting the search will ensure due regard for human dignity is maintained.
7. There shall be NO intrusions into any body cavities.

C. BODY CAVITY SEARCHES

1. Not Requiring a Search Warrant

- a. Searches incident to arrest may be conducted without a search warrant only when the intrusion is minimal.
  - 1) Only trained medical personnel at a certified medical facility will conduct a physical body cavity search.
  - 2) Body cavity searches will be conducted in a secure area out of the public view.
  - 3) Due regard for human dignity will be ensured at all times.
- b. The State's Attorney's Office will be consulted, if time permits, before a body cavity search is made incident to an arrest.

2. Requiring a Search Warrant

- a. Officers will not conduct body cavity searches.
- b. An approved Search Warrant is required to have a body cavity search conducted.
- c. Only trained medical personnel at a certified medical facility will conduct a physical body cavity search.
- d. Body cavity searches will be conducted in a secure area out of the public view.
- e. Due regard for human dignity will be ensured at all times.

D. TRANSPORTING FOR AN OUTSIDE AGENCY

1. The transporting officer will conduct a search of the transported arrestee before transporting.

E. USE OF PROTECTIVE EQUIPMENT

1. Officers shall wear rubber type surgical gloves when conducting any searches as described in 4/603.20, B and C.1.a

F. REPORTING REQUIREMENTS

1. Any time a strip search is conducted it shall be noted in the arrest record. The following shall be listed
  - a. Name of the supervisor authorizing the search
  - b. Name and Identification number of the officers involved and their participation status
  - c. Listing of weapons; implements to facilitate an escape, contraband; contraband; and/or evidence of Fruits of a Crime found and/or discovered

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2. Any time a Body Cavity search is conducted; a confidential Commander’s Information Report will be completed and forwarded to the Chief of Police.
  - a. Included in the report will be the arrestee’s name, sex,
  - b. Offense arrested for and reason for the search.
  - c. Name of the supervisor authorizing the search
  - d. Name and Identification number of the officers involved and their participation status
  - e. Name of States Attorney authorizing a Body Cavity search incidental to arrest, if applicable
  - f. Name of Medical personnel conducting Body Cavity search
  - g. Day, Date, Time and Location of Search
  - h. Listing of weapons; implements to facilitate an escape, contraband; contraband; and/or evidence of Fruits of a Crime found and/or discovered

**4 / 603. 25 GOVERNING LEGISLATION AND REFERENCES**

Fourth Amendment of the United States Constitution  
Supreme Court Decision United States v. Rabinowitz (1950)  
Supreme Court Decision Chimel v. California (1969)  
Supreme Court Decision Whren v. United States (1996)  
Supreme Court Decision Altwater v. City of Lago Vista (2001)  
Maryland Code, Title 2, Subtitle 2  
CALEA Standards 1.2.8, 70.1.1

**4 / 603.30 ANNEX**

General Order 4 / 603A - Annex A - DNA Collection Sampling