

### **13.3 Search of an Arrestee or Prisoner**

Deputies have a responsibility when handling persons in custody to search, detect, and remove any weapons and other contraband concealed in their clothing or on their body surface. Identified property will be held for a personal effects inventory or processed as evidence (also see Chapter 9.2.1, *Firearms, Controlled Dangerous Substances, and Evidence*, and Chapter 9.2.8, *Prisoner Property*, in this General Orders Manual).

#### **13.3.1 “Frisk” or “Pat-Down”**

A *pat-down* search, also known as a *frisk*, is limited to the outer garments when there is a reasonable suspicion that a person is concealing a weapon which can be used to jeopardize personal safety. A pat-down type search will be made of each prisoner at the scene of arrest. Deputies may also search the area within a person’s immediate control after an arrest has occurred.

#### **13.3.2 “Field Search”, “Search Incident to Arrest”, or “Body Search”**

A *field search*, also known as a *body search* or a *search incident to arrest*, is valid when a full custody arrest occurs. Upon arrest and once inside a secure area, a complete personal effects inventory will be conducted on all new prisoners. This will be done before any arrestee is “booked” or placed in a holding cell. The deputy will seize and document any weapons, contraband, evidence, and personal property that is not permitted to accompany the prisoner.

After an arrest and detention, any search conducted at a place of detention which would have been lawful at the time of arrest may be conducted without a warrant, even though a substantial period of time may have elapsed between the arrest and the search (i.e., repeat searches are lawful). Prisoners should be searched each time they come into a deputy’s custody, including transports from secure facilities (e.g., correctional/detention centers). It must be assumed that a prisoner may have had an opportunity to obtain contraband or a weapon prior to the time custody is transferred.

A systematic search method should be employed. Searching should start with visual assessment and investigative questioning. Inquire as to what is contained in each area before searching. As a rule, prisoners should be handcuffed prior to a search. Once handcuffed, a search of the area immediate to the hands is appropriate. This should include any area the handcuffed prisoner can reach (e.g., inside and outside of waistband, belt area, and pockets).

A complete physical search should then start at the prisoner's head, and work down to the toe. If contraband or weapons are dislodged undetected, they will fall downward to areas that have not been searched yet.

#### 13.3.3 "Strip Search"

A *strip search* requires that a prisoner remove all articles of clothing. The decision to conduct a strip search must be based on specific factors which give rise to a reasonable suspicion that the prisoner may be concealing weapons, escape implements, contraband, or evidence. Strip searches will be conducted only with the approval of a bureau commander, and the incident must be documented.

Such a search will be conducted by at least two deputies, one of which will act as a witness. Participating deputies will be of the same sex. The mouth is the only body cavity that may be inspected without a search warrant. If a deputy has probable cause to believe that a prisoner is concealing something in their mouth, the deputy may use reasonable force to prevent the swallowing of the object and may remove the object.

#### 13.3.4 "Body Cavity Search"

Any prisoner may be subject to a *body cavity search*. This type of search may be conducted based on probable cause relating to the concealment or potential destruction of evidence. Absent an immediate threat (e.g., concealment of a firearm), a body search requires a search warrant, and must be conducted at a medical facility by a licensed medical professional (e.g., physician, physician's assistant, or nurse).

#### 13.3.5 Transfer of Property to a Prisoner

A prisoner is never to receive property directly from a member of the public. If a prisoner is permitted to receive an item, it must be handed to a deputy, thoroughly searched, and the exchange documented. Only then may the deputy transfer the property to the prisoner.