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| DATE:             | FEBRUARY 7, 2023  |
| NUMBER:           | I.52  |
| SUBJECT:          | STRIP AND PAT DOWN SEARCHES OF INCARCERATED PERSONS   |
| RELATED SECTIONS: | <a href="#">I.59</a> ; <a href="#">J.8</a> ; <a href="#">M.9</a> ; <a href="#">R.13</a> ; 4030 P.C. |

PURPOSE

To establish guidelines and procedures for incarcerated person strip searches and pat down searches.

POLICY

The introduction and presence of unauthorized weapons, drugs and other contraband presents serious threats to the security and proper management of the detention facilities. Searches of incarcerated persons shall be allowed to control contraband and provide for its disposition.

All searches shall be conducted with the purpose of providing a safe and secure environment for all individuals in our facilities and in compliance with legal standards (*Bull v. City and County of San Francisco*, 595 F.3d 964 [9th Cir. 2010]). Sworn staff shall conduct searches in a manner that preserves the privacy and dignity of the individual being searched. Searches shall not be conducted for harassment or as a form of discipline or punishment.

For searches (strip search, pat down, etc.) of transgender, intersex or non-binary individuals see Detention Services Bureau Policies and Procedures (DSB P&P) section R.13.

PROCEDURE

I. DEFINITIONS

- A. Custodial pat down search – a search conducted over the clothing to prevent the entry or movement of unauthorized, illegal, or dangerous items in a custodial setting. A custodial pat down search will typically involve the inspection of an individual's pockets, waistline, collar/cuffs, footwear, hair, and visual inspection of the person's ears, nose, and mouth.
- B. Strip search – any search that requires a person to remove or arrange some or all of their clothing so as to permit visual inspection of the underclothing, breasts, buttocks, genitalia, or body cavity.
- C. Body scan – imaging technology used to produce an image revealing the presence of contraband concealed on or inside a person (refer to DSB P&P section I.50).
- D. Clothing exchange – the exchange of an individual's personal clothing for facility clothing.
- E. Body cavity – the stomach or rectal cavity of a person, and the vagina of a female person.
- F. Physical body cavity search – the physical intrusion into a body cavity for the purpose of discovering or recovering any concealed object.

- G. Visual body cavity search – the visual inspection of a body cavity.
- H. Reasonable suspicion – the belief, based on specific and articulable facts, that a person may be carrying or concealing contraband.
- I. General population housing – as used in this section refers to all housing areas, as distinguished from temporary holding areas.

## II. STRIP SEARCHES

- A. Strip searches shall be conducted in an area that provides as much privacy as possible without compromising facility security or observed by persons not participating in the search.
- B. Except for licensed health staff, all persons conducting or otherwise present during a strip search or within sight of the incarcerated person shall be of the same gender identity as the incarcerated person being searched. For strip searches of individuals who identify as transgender, intersex or non-binary, refer to DSB P&P section R.13.
- C. Except when necessary to restrain a combative or uncooperative incarcerated person, to protect themselves, or to prevent the loss or destruction of discovered evidence, persons conducting a strip search shall not touch the breast, buttocks, genitalia or body cavity of the person being searched.
- D. Individuals shall be strip searched preceding their placement into general jail population housing areas. However, no strip search will be conducted on an incarcerated person until at least one hour after a wants/warrants check has been completed, after fingerprints have been submitted, and a total of at least three hours has elapsed from the time of initial booking into a detention facility (except as provided in subsection G). The clearance of wants and warrants marks the point at which Detention Processing Division (DPD) staff will begin accepting bail bonds. The timeframes outlined within this section will ensure individuals are provided the opportunity to post bail within a reasonable time (not less than three hours) prior to being subject to a strip search.
- E. Strip searches will not be conducted on individuals who are being “booked and released,” in the process of posting bail or when they will not serve any time in custody beyond the time necessary to complete the booking process.
- F. Incarcerated persons may be strip searched any time there is reasonable suspicion to believe they may be concealing contraband or weapons. Additionally, incarcerated persons are subject to strip search when returning to their housing area or during scheduled or unscheduled housing unit searches, weekly hygiene inspections, laundry exchanges, criminal investigations, etc.
- G. Any incarcerated person may be strip searched without completing the waiting period for posting bail under the following circumstances:
  - 1. If a deputy has reasonable suspicion to believe the individual is concealing contraband or weapons in a manner that would not be detectible by a pat down search.

- a. Reasonable suspicion may not be based solely on the nature of the arrest and must be based on factors observed by the deputy.
  - b. Prior to conducting a strip search based on reasonable suspicion, the deputy will complete a Strip Search Authorization Request (J-52) form.
  - c. The request must be approved by the on-duty watch commander before the strip search is conducted.
2. Incarcerated persons who are eligible for, but do not intend on posting bail will sign the J-52 form to indicate they chose to forego the waiting period and request to be strip searched and housed after completing the booking process.
  3. If an incarcerated person is booked on charges with no bail or they are not eligible for bail, the deputy conducting the strip search will complete the J-52 form to indicate the charge(s) or reason(s) why they were not eligible for bail.
- H. Group strip searches of incarcerated persons may be conducted only if individual privacy for each person is provided. The incarcerated persons participating in the strip search will not have direct observation of each other and will not be observed by staff and/or incarcerated persons not participating in the strip search. This includes conducting group strip searches in module living areas during searches, while processing court returns or any other time that requires an incarcerated person to rearrange their clothing to permit the inspection of the underclothing, breast, buttocks, genitalia or body cavity in a group setting.
- I. Sworn staff conducting the initial strip search and clothing exchange of an incarcerated person after booking shall document their ARJIS and the time of the strip search on the reverse side of the incarcerated person's face card.

### III. NON-COOPERATIVE INCARCERATED PERSONS

Arrestees who meet the requirements of a mandatory strip search per this policy and refuse to cooperate in the strip search will be strip searched according to the following:

1. Any force used to conduct the search will be in compliance with Department and Detention Policies and Procedures.
2. Prior to strip searching non-cooperative individuals, deputies shall notify a supervisor and receive approval.
3. Every effort will be made to have a sworn supervisor of the same gender identity as the incarcerated person directly supervise, but not participate in, the forced strip search. If the supervisor and the incarcerated person are of the opposite gender, the supervisor will remain in the immediate area, but not within line of sight of the individual.
4. The supervisor will have forced strip searches of non-cooperating incarcerated persons digitally recorded on a handheld device. The digital recording shall capture the supervisor explaining to the individual that they are being recorded and requesting them to voluntarily cooperate with the strip search procedures. The

supervisor will also explain on the recording force will be used to gain compliance.

5. When possible and to minimize potential injuries, the forced strip search should be conducted in a safety cell.
6. A Use of force report will be completed per department policy.
7. Nothing in this section is intended to prevent sworn staff of either gender from coming to the immediate aid of staff who are conducting a strip search when the incarcerated person becomes unexpectedly combative or assaults staff. In the event deputies are summoned to assist with a combative individual of the opposite gender during the strip search process, reasonable efforts will be taken to cover them prior to being contacted.

#### IV. PAT DOWN SEARCHES

- A. Deputies will pat down incarcerated persons under the following conditions:
  1. Prior to them being transported out of the facility and upon returning to the facility.
  2. Prior to and following a professional or social contact visit.
  3. Prior to leaving from and returning to a housing area.
- B. All incarcerated persons are subject to pat down searches and examinations of their clothing at any time.
- C. Pat down searches of incarcerated persons shall be conducted by sworn staff members of the same gender identity as the incarcerated person. For pat down searches of incarcerated persons who identify as transgender, intersex or non-binary, refer to DSB P&P section R.13.
  1. If a deputy is not reasonably available that is of the same gender identity as the incarcerated person, a deputy of a differing gender may conduct the pat down search.
  2. Sworn staff conducting pat down searches on an incarcerated person with a different gender identity than their own, shall document the incident in the individual's JIMS history utilizing the drop down, "PDS – Pat Down Search."

#### V. BODY CAVITY SEARCHES

Under no circumstances will Sheriff's sworn staff, Sheriff's health staff or contracted health staff conduct a physical body cavity search. The Detentions Investigations Unit will coordinate obtaining a search warrant and arranging for transportation to a local emergency department if needed. A physical body cavity search will not be conducted without a search warrant.

#### VI. COURT RELEASES

Incarcerated persons returning from court may have been granted a release from custody. Detention facility staff shall make every effort to investigate any individual's claim that they were granted a release from the court. Until confirmation can be made by contacting the court and/or detention processing staff, sworn staff shall not conduct a strip search of the individual. However, to maintain the security of the facility and safety of staff and incarcerated persons, deputies shall conduct a pat down search of these individuals for contraband and/or weapons.