



Eric Hawkins
Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

**CENTRAL BOOKING:
STRIP/BODY CAVITY SEARCH
GENERAL ORDER 5.2.25**

Issue Date: January 17, 2019	Effective Date: March 1998
Revision Date: November 19, 2015	CALEA: 1.2.8
Volume 5: Arrests	Chapter 2: Central Booking
Distribution: Sworn, CB & Court Personnel	NYSLEAP: N/A
Issuing Authority: Chief Eric Hawkins	Page: 1 of 10

PURPOSE: The purpose of this policy is to set forth lawful and uniform procedures for determining when a strip search, visual cavity search, or manual body cavity search shall be conducted, as well as, lawful and uniform procedures for conducting the searches.

POLICY: It is the policy of the Albany Police Department that strip searches, visual body cavity searches, and manual body cavity searches shall be conducted only with proper authority and justification, with due recognition for the human dignity of those being searched, and according to the following procedures:

DEFINITIONS: **Frisk/Pat Search** – Frisk/pat search means a search that involves a pat down of a person’s outer clothing. Its purpose is to detect weapons that an individual, reasonably suspected of possessing a weapon, may have on their person. A frisk/pat search can include the squeezing of clothing, the patting of clothing, or the sliding of hands over clothing. If an officer feels what they believe to be a weapon, the officer may reach inside the clothing and remove the object.

Search Incident to Arrest – Search incident to arrest means a search that occurs after a lawful arrest has been made. An officer, simultaneously with the arrest, can conduct a head to toe search of the arrestee’s person and clothing. A search incident to arrest is permitted in order to protect the officer from a possible weapon or object that could endanger the officer, to detect weapons or objects that could assist the arrestee in escaping, and to prevent the destruction of evidence.

Strip Search – Strip search means a search that requires the arrestee to completely disrobe, and each item of the arrestee’s clothing is searched. The officer, or other departmental personnel, conducting this type of search does not touch the arrestee to facilitate the inspection but can visually inspect the arrestee’s body, excluding body cavities, for contraband or weapons. There must be reasonable suspicion that the arrestee is concealing contraband or weapons under their clothing. This type of search does not include a visual body cavity search or a manual body cavity search.

**DEFINITIONS:
(CONT'D)**

Visual Body Cavity Search – Visual body cavity search is an inspection only; the officer does not touch the arrestee. This type of search involves a visual inspection of an arrestee's body orifices, which may include the arrestee's nostrils, ears, mouth, navel, penis, vagina, or anus, usually by asking the arrestee to maneuver their body in some manner. In order to conduct a visual body cavity search, officers must have reasonable suspicion to believe that the arrestee has secreted contraband or weapons in a body cavity.

Manual Body Cavity Search – Manual body cavity search means a search that includes some degree of touching or probing of an arrestee's body orifice, which may include the arrestee's nostrils, ears, mouth, navel, penis, vagina, or anus. This search causes a physical intrusion beyond the body's surface. This search will ONLY be performed in an established medical facility by a licensed physician or by licensed medical personnel at the direction of the physician, and by virtue of a valid search warrant directing such a search. The only instance where a manual body cavity search is permitted without a search warrant is when the officer can articulate that exigent circumstances exist, evincing a danger to the safety of the officer(s), the arrestee, or another. This does **NOT** include the destruction of evidence.

Gender Identity – Gender identity means an individual's innate, deeply felt psychological identification as male or female, which may or may not correspond to the individual's body or their designated sex at birth.

Gender Expression – Gender expression means the external characteristics and behaviors that are socially defined as either masculine or feminine, such as, dress, mannerisms, speech patterns, and social interactions.

Transgender – Transgender means a person whose gender identity and/or expression does not match expected gender norms typically associated with their assigned sex at birth. A transgender individual may choose to transition in some ways and not others. Transitions may include, but are not limited to: social, physical, legal, cultural/spiritual, and medical.

Gender Non-Conforming – Gender non-conforming means a person who does not conform to society's expectations of gender expression based on the gender binary (either male or female), expectations of masculinity and femininity, or how a person should identify their gender.

Intersex – Intersex means individuals who are born with reproductive/sexual anatomy and/or chromosome patterns that do not fit typical descriptions of male or female.

Gender – Gender means the collection of society's assumptions, expectations, and traditions for how a person of a particular gender is supposed to act and/or be treated by others.

Sex – The term sex is used to categorize people at birth into "male," "female," or "intersex" based upon physical characteristics such as anatomy, chromosomes, and hormones.

Sexual Orientation – Sexual orientation means an individual's spiritual,

emotional, and physical attraction to another individual.

I. HOLDING FACILITY

- A. The Central Booking Holding Facility is a dual purpose facility that accommodates new arrests and City Court related commitments.

II. STRIP SEARCHES

- A. Strip searches may be conducted without a search warrant, but only when **BOTH** of the two (2) following factors are present:
1. The individual is under arrest (probable cause); and
 2. There is reasonable suspicion to believe that the individual may be concealing contraband or weapons.
- B. Reasonable suspicion may be based upon, but not limited to the following:
1. The nature and seriousness of the offense charged;
 2. The circumstances surrounding the arrest;
 3. The arrestee's demeanor/excessive nervousness;
 4. The arrestee's criminal history of secreting contraband (this can be based on the officers direct knowledge or through the officers investigation and search of databases, such as RMS); or
 5. The discovery of evidence in plain view or the discovery of evidence in the course of a search incident to arrest.
- C. Personnel are reminded that they must articulate specific facts that would indicate that a crime has been, is being, or is about to be committed. Reasonable suspicion is based on the totality of circumstances, known to the officer, that result from a combination of facts, each of these facts by themselves may not constitute reasonable suspicion.
- D. When reasonable suspicion exists to conduct a strip search and no exigent circumstances exist, the arresting officer must make a request to the Central Booking supervisor for approval to conduct the strip search. Detectives may obtain approval from their immediate supervisor, however if said search is conducted in Central Booking the Central Booking supervisor must also be notified.
- E. All strip searches shall be conducted in the presence of two (2) officers, of the same sex as the arrested person, and under conditions that cannot be observed by anyone other than those authorized to conduct the search.
1. The following locations are the only authorized locations where a strip search shall be conducted:
 - a. Central Booking:
 - i. Male strip searches are only allowed in the male cell block, [REDACTED] marked "SEARCH AREA." At no time, shall the monitoring or recording devices be engaged when strip

searching a prisoner.

- ii. Female strip searches are only allowed in the female cell block. At no time, shall the monitoring or recording devices be engaged when strip searching a prisoner.

b. Detective Division:

- i. [REDACTED] in the Detective Division and is also the designated primary strip search area for arrestees. At no time, shall the monitoring or recording devices be engaged when strip searching a prisoner.
- ii. Community Response Unit (CRU) – In circumstances where [REDACTED] male arrestees shall be strip searched in CRU. At no time, shall the monitoring or recording devices be engaged when strip searching a prisoner. As well as, at no time shall female arrestees be strip searched in CRU.

2. If a search warrant is being conducted on a residence and the search warrant does not name a specific person, then in order to conduct a strip search there must be reasonable suspicion that an individual may be concealing contraband or weapons, and the individual must be under arrest.

- a. Absent exigent circumstances, no strip searches shall be conducted at the scene.
- b. The individual shall be taken into custody and the strip search shall be conducted at the designated strip search areas located in Central Booking or the Detective Division.

- F.** In the event that a strip search of a female arrestee is authorized, but there is only one female officer or matron available to conduct the search, it shall be acceptable to utilize a male officer as a witness officer, but only as follows:

1. Have the male witness officer stand in auditory proximity to where the search is being conducted, but where no visual observation of the search can occur.
2. This is to ensure the safety of the officer or matron conducting the search, in case the arrestee becomes combative.

- G.** The request and basis for the officer's reasonable suspicion to conduct the strip search shall be documented on an Albany Police Department Strip Search Report, APD [REDACTED]. The report shall contain at a minimum:

1. The date and place of the search;
2. How the level of reasonable suspicion was gained;
3. The identity of the officers conducting the search;
4. The identity of the supervisor approving the search;
5. The identity of the arrestee searched;
6. Those present during the search;
7. A detailed description of the nature and extent of the search; and
8. Any weapons, evidence, or contraband discovered during the search.

- H. If an arrestee was under arrest and strip searched, and there is a valid reason why the arrestee shall be released without being charged, the following must be completed:
1. Prior approval must be obtained from a supervisor;
 2. The circumstances involved in the release must be documented on an Investigation Report, as well as an Albany Police Department Strip Search Report, APD [REDACTED] and
 3. A Field Interview card must be completed.
- I. Although consent is an exception to the search warrant rule, this department does not allow consensual strip searches.

III. VISUAL BODY CAVITY SEARCH

- A. A visual body cavity search shall be conducted only if an individual is under arrest, and there is reasonable suspicion to believe that the individual has contraband or weapons secreted in a body cavity.
- B. When reasonable suspicion exists to conduct a visual body cavity search below the neckline, and no exigent circumstances exist, the arresting officer must make a request to the Central Booking supervisor for approval to conduct the visual body cavity search. Detectives may obtain approval from their immediate supervisor, however if said search is conducted in Central Booking the Central Booking supervisor must also be notified.
1. Visual body cavity searches above the neckline do not require prior approval from a supervisor, but if it is believed that contraband or evidence is secreted inside a body cavity of an arrestee, and such arrestee refuses to surrender the contraband or evidence, a supervisor shall immediately be notified and the arrestee shall be kept under constant observation.
 2. Absent exigent circumstances, any subsequent manual body cavity shall be accomplished ONLY by duly licensed medical personnel in an established medical facility, and by virtue of a valid search warrant, directing such search.
- C. All visual body cavity searches conducted below the neckline shall be conducted in the presence of two (2) officers, of the same sex as the arrested person, and under conditions that cannot be observed by anyone other than those authorized to conduct the search.
1. The following locations are the only locations authorized by this department to conduct strip searches:
 - a. Central Booking:
 - i. Male strip searches are only allowed in the male cell block; [REDACTED] marked "SEARCH AREA." At no time, shall the monitoring or recording devices be engaged when strip searching a prisoner.
 - ii. Female strip searches are only allowed in the female cell block; [REDACTED]. At no time, shall the monitoring or recording devices be engaged when strip searching a prisoner.

b. Detective Division:

- i. [REDACTED] Detective Division and is also the designated primary strip search area for arrestees. At no time, shall the monitoring or recording devices be engaged when strip searching a prisoner.
- ii. Community Response Unit (CRU) – In circumstances where [REDACTED] male arrestees shall be strip searched in CRU. At no time, shall the monitoring or recording devices be engaged when strip searching a prisoner. As well as, at no time shall female arrestees be strip searched in CRU.

2. If a search warrant is being conducted on a residence and the search warrant does not name a specific person, in order to conduct a visual body cavity strip search there must be reasonable suspicion that the individual may be concealing contraband or weapons, and the individual must be under arrest.
 - a. Absent exigent circumstances, no strip searches shall be conducted on the scene.
 - b. The individual shall be taken into custody and the strip search shall be conducted at the designated strip search areas located in Central Booking or the Detective Division.

D. In the event that a visual body cavity search strip search of a female arrestee is authorized, but there is only one female officer or matron available to conduct the search, it shall be acceptable to utilize a male officer as a witness officer, but only as follows:

1. Have the male witness officer stand in auditory proximity to where the search is occurring, but where no visual observation of the search can occur.
2. This is to ensure the safety of the officer or matron conducting the search, in case the arrestee becomes combative.

E. The visual body cavity search shall be documented on the Albany Police Department Strip Search Report, APD [REDACTED]. The report shall contain at a minimum:

1. The date and place of the search;
2. How the level of reasonable suspicion was gained;
3. The identity of the officers conducting the search;
4. The identity of the supervisor approving the search;
5. The identity of the arrestee searched;
6. Those present during the search;
7. A detailed description of the nature and extent of the search; and
8. Any weapons, evidence, or contraband discovered during the search.

IV. MANUAL BODY CAVITY SEARCH

A. If a visual examination of an arrestee during a strip search, or other information, leads

an officer to believe that the arrestee is concealing a weapon, evidence, or contraband within a body cavity, and a manual body cavity search must be performed the following procedures shall be followed:

1. The suspect shall be kept under constant visual surveillance until it is determined that a manual body cavity search can be conducted by duly licensed medical personnel ONLY.
 2. The officer/detective shall consult with a supervisor to determine whether probable cause exists to seek a search warrant for a manual 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, the arrestee, or others.
 3. If probable cause exists for a manual 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 probable cause.
 4. On the basis of a search warrant, a manual body cavity search shall be performed only by a licensed physician or by other medically licensed personnel at the physicians' direction.
- B. The only instance when a manual body cavity search is permitted without a search warrant is if the officer can prove there are exigent circumstances evincing a danger to the safety of the officer(s), the arrestee, or another. This does **NOT** include the destruction of evidence.
- C. The manual body cavity searches shall be documented on an Albany Police Department Strip Search Report, APD [REDACTED]. The report shall contain at a minimum:
1. The date and place of the search;
 2. How the level of probable cause was gained;
 3. The identity of the officers conducting the visual body cavity search, if applicable;
 4. The identity of the supervisor approving the visual body cavity search, if applicable;
 5. The identity of the supervisor approving the search warrant application for the manual body cavity search;
 6. The identity of the personnel completing the search warrant application;
 7. The identity of the judge approving the search warrant;
 8. The identity of the licensed physician or other licensed medical personnel that conducted the manual body cavity search;
 9. The identity of the arrestee searched;
 10. Those present during the search;
 11. A description of the nature and extent of the search; and
 12. Any weapons, evidence, or contraband discovered during the search.

V. STRIP SEARCH OF A JUVENILE – (A person less than 16 years of age)

- A. In the event that a juvenile is arrested for a crime, the nature or circumstances of which would lead an officer to have reasonable suspicion that the juvenile has contraband or

weapons secreted on their person, in such a manner that only a strip search would divulge it, the following must be completed:

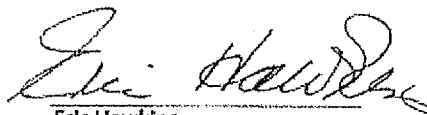
1. The juvenile shall be kept under constant observation until it is determined that a strip search can be performed;
 2. Unless an imminent safety concern exists, the juveniles parent(s) or legal guardian shall be contacted immediately;
 3. The officer shall consult with a supervisor to determine whether probable cause exists to seek a search warrant. The decision to seek a search warrant shall recognize that a strip 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, arrestee, or others;
 4. If probable cause exists for a strip 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; and
 5. On the basis of a search warrant, a strip search of a juvenile shall be performed only by a licensed physician or by other medically trained personnel at the physicians' direction.
- B. The only instance when a strip search of a juvenile is permitted without a search warrant is if the officer can prove there are exigent circumstances evincing a danger to the safety of the officer(s), the arrestee, or another. This does **NOT** include the destruction of evidence.
- C. The strip search shall be documented on an Albany Police Department Strip Search Report, APD [REDACTED]. The report shall contain at a minimum:
1. The date and place of the search;
 2. How the level of probable cause was gained;
 3. The identity of the supervisor approving the search warrant application for the strip search;
 4. The identity of the personnel completing the search warrant application;
 5. The identity of the judge approving the search warrant;
 6. The identity of the licensed physician or other trained medical personnel that conducted the strip search;
 7. The identity of the arrested juvenile who was searched;
 8. Those present during the search;
 9. A description of the nature and extent of the search; and
 10. Any weapons, evidence, or contraband discovered during the search.
- D. Personnel are reminded of the sensitive nature surrounding the strip search of a juvenile. All efforts shall be made to ensure that the records and circumstances involved in the arrest and search remain confidential at all times.

VI. STRIP SEARCH PROCEDURES FOR TRANSGENDER, GENDER NON-CONFORMING, AND INTERSEX PERSONS

- A. In the event that there is an individual under arrest who self identifies as transgender, gender non-conforming, or intersex, employees shall address the individual by their

preferred name, title, and pronoun.

- B. Employees shall refrain from the use of any slurs or lewd, derogatory, or harassing remarks based upon a person's actual or perceived sex, sexual orientation, gender, anatomy, gender identity, gender expression, disability or HIV status, as with any individual.
- C. If the identity of the individual under arrest comes into question, as a result of a conflict between the gender identity presented and the pedigree information contained on presented forms of identification, the investigating officer may inquire as to the individual's gender identity.
 - 1. Transgender and gender non-conforming individuals who present a gender or name that differs from the gender or name on their identification or in an official databases are not violating any law by doing so, but rather are expressing their gender identity. Therefore, they should not be presumed to have knowingly misrepresented pedigree information concerning name or gender and should not be charged with False Personation (NYS PL 190.23) solely on that basis.
 - 2. When articulable, reasonable suspicion exists that a transgender, gender non-conforming, or intersex individual, who is under arrest, has weapons or contraband secreted upon their person, the arresting officer must make a request to the Central Booking supervisor or detective supervisor to conduct a strip search and/or visual body cavity search and shall follow the procedures set forth in this policy, as with any individual.
 - a. The Prison Rape Elimination Act, or PREA, standards prohibit searching or physically examining a transgender or intersex individual for the sole purpose of determining the arrestee's genital status.
 - b. In the event of a strip search of a transgender, gender non-conforming, or intersex individual, absent exigent circumstances, the individual will be offered the option of choosing the gender of the officer who will conduct the search.



Eric Hawkins
Chief of Police