



2-84 BODY CAVITY SEARCHES

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-71 Search and Seizure without a Warrant (Formerly 2-17)
- 2-73 Collection, Submission, and Disposition of Evidence and Property
- 2-83 Hospital Procedures and Rules (Formerly 2-11)

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-84-1 Purpose

The purpose of this policy is to provide guidelines for sworn personnel when conducting body cavity warrant searches when an arrested individual has concealed evidence on or in their persons that would not be found during a regular search, and to ensure that body cavity searches of prisoners are conducted within the limits of legal authority.

2-84-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide Department personnel with rules and procedures for body cavity searches.

2-84-3 Definitions

A. Body Cavity Search

A search conducted by licensed medical personnel of specific body cavities for the purpose of retrieving necessary evidence from an individual who has been arrested.

B. Exigent Circumstances

An emergency situation(s) requiring immediate action to prevent imminent danger to life, serious damage to property, to forestall the imminent escape of an individual, or prevent the destruction of evidence.



C. Probable Cause (Arrest)

When facts and circumstances within an officer's knowledge or on which an officer has reasonable, trustworthy information, are sufficient to warrant a reasonable person to believe that an offense has been or is being committed and the individual arrested conspired to commit the act, consistent with SOP Search and Seizure without a Warrant.

D. Probable Cause (Search)

When there is a fair probability that contraband or evidence of a crime will be found in a particular place. The refusal of an individual to provide consent to search a person, premises, or items does not provide probable cause or reasonable suspicion of criminal activity, consistent with SOP Search and Seizure without a Warrant.

5 **2-84-4** **Rules and Procedures**

A. Body Cavity Search

1. Sworn personnel shall only request a body cavity search with a valid search warrant.
2. Sworn personnel shall not conduct body cavity searches.
3. Body cavity searches shall be conducted in the following manner:
 - a. Sworn personnel shall take an individual who has been arrested to a licensed medical facility where licensed medical personnel may conduct the search, consistent with SOP Hospital Procedures and Rules;
 - b. Sworn personnel shall provide the licensed medical personnel a copy of the search warrant;
 - c. If licensed medical personnel locate an item(s) within the individual's person, sworn personnel shall retrieve the item(s) from licensed medical personnel and properly package and tag the item(s) into evidence, consistent with SOP Collection, Submission, and Disposition of Evidence and Property;
 - d. Sworn personnel shall document the search in a Uniform Incident Report or a supplemental narrative report and shall include the name(s) of the licensed medical personnel who conducted the search, and the name and location of the licensed medical facility where the search was conducted; and
 - e. Sworn personnel shall use their OBRD through the entirety of the body cavity search and shall follow the procedures for recording audio and video data during the search (refer to SOP Use of On-Body Recording Devices (OBRD)).

N/A



2-84 BODY CAVITY AND STRIP SEARCHES

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- ~~2-71 Search and Seizure without a Warrant~~ 2-71 Search and Seizure without a Warrant (Formerly 2-17)
- ~~2-73 Collection, Submission, and Disposition of Evidence and Property~~ 2-73 Collection, Submission, and Disposition of Evidence and Property
- ~~2-83 Hospital Procedures and Rules~~ 2-83 Hospital Procedures and Rules (Formerly 2-11)

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-84-1 Purpose

The purpose of this policy is to provide guidelines for sworn personnel when conducting body cavity warrant searches ~~and strip searches~~ when an arrested individual has concealed evidence on or in their persons that would not be found during a regular search, and to ensure that body cavity searches ~~and strip searches~~ of prisoners are conducted within the limits of legal authority.

2-84-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide Department personnel with rules and procedures for body cavity ~~and strip~~ searches.

2-84-3 Definitions

A. Body Cavity Search

A search conducted by licensed medical personnel of specific body cavities for the purpose of retrieving necessary evidence from an individual who has been arrested.

B. Exigent Circumstances



An emergency situation(s) requiring immediate action to prevent imminent danger to life, serious damage to property, to forestall the imminent escape of an individual, or prevent the destruction of evidence.

C. Probable Cause (Arrest)

When facts and circumstances within an officer’s knowledge or on which an officer has reasonable, trustworthy information, are sufficient to warrant a reasonable person to believe that an offense has been or is being committed and the individual arrested conspired to commit the act, consistent with SOP Search and Seizure without a Warrant.

D. Probable Cause (Search)

When there is a fair probability that contraband or evidence of a crime will be found in a particular place. The refusal of an individual to provide consent to search a person, premises, or items does not provide probable cause or reasonable suspicion of criminal activity, consistent with SOP Search and Seizure without a Warrant.

5 Strip Search

A search conducted by sworn personnel of an arrested individual during which the individual removes all articles of clothing and sworn personnel visually examine the individual for any signs of concealed evidence.

6 2-84-4 Rules and Procedures

A. Strip Search

1. Sworn personnel must have established probable cause to believe the individual has concealed evidence on their person.

2. Sworn personnel shall only conduct a strip search after they have obtained one of the following:

a. Established probable cause and have reason to believe exigent circumstances exist;

i. The probable cause and the exigent circumstances shall be articulated in the Uniform Incident Report or a supplemental narrative report;

b. Verbal consent to search received from the individual; or

N/A Sworn personnel shall record the individual’s consent on an audio or video recording device (refer to SOP Use of Body Recording Devices for sanction classifications and additional duties); or

c. With a valid search warrant.

3. Sworn personnel shall conduct strip searches in the following manner:

a. Sworn personnel of the same sex shall search the individual;

b. Another sworn personnel of the same sex shall witness the search;

c. The search shall be conducted in an interior, secure location that is out of public view;

d. If sworn personnel locate an item(s) within the individual’s person, sworn personnel shall:

i. Request that the individual remove the item(s) from their person;

ii. If the individual cannot or will not remove the item, follow the body cavity search procedures, if necessary; and



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iii. Properly package and tag any evidence that is retrieved, consistent with SOP Collection, Submission, and Disposition of Evidence and Property.

e. All articles of clothing shall be thoroughly searched before returning them to the individual;

f. Sworn personnel shall document the search in a Uniform Incident Report or a supplemental narrative report and shall detail the basis for the strip search in their report; and

g. Sworn personnel shall use their OBRD through the entirety of the strip search and shall follow the procedures for recording audio and video data during the search (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties).

N/A

h. Sworn personnel shall ensure the OBRD footage is properly entered into evidence, consistent with SOP Collection, Submission, and Disposition of Evidence and Property.

4. Sworn personnel shall not conduct strip searches in a vehicle.

B.A. Body Cavity Search

1. Sworn personnel shall only request a body cavity search with a valid search warrant.

2. Sworn personnel shall not conduct body cavity searches.

3. Body cavity searches shall be conducted in the following manner:

a. Sworn personnel shall take an individual who has been arrested to a licensed medical facility where licensed medical personnel may conduct the search, consistent with SOP Hospital Procedures and Rules;

b. Sworn personnel shall provide the licensed medical personnel a copy of the search warrant;

c. If licensed medical personnel locate an item(s) within the individual's person, sworn personnel shall retrieve the item(s) from licensed medical personnel and properly package and tag the item(s) into evidence, consistent with SOP Collection, Submission, and Disposition of Evidence and Property;

d. Sworn personnel shall document the search in a Uniform Incident Report or a supplemental narrative report and shall include the name(s) of the licensed medical personnel who conducted the search, and the name and location of the licensed medical facility where the search was conducted; and

e. Sworn personnel shall use their OBRD through the entirety of the body cavity search and shall follow the procedures for recording audio and video data during the search (refer to SOP Use of On-Body Recording Devices (OBRD)).

N/A