

**UPPER MERION TOWNSHIP POLICE DEPARTMENT**  
**POLICY AND PROCEDURE**

No. 430

Supersedes: 3-92 72.5.1

Effective: March 15, 2012

Page: ALL Section: ALL

Page: 1 OF 5

Dated: August 13, 1992

---

**SEARCHES OF ARRESTED PERSONS**

---

I. **PURPOSE:** To provide guidelines to Upper Merion Township Police Officers concerning searches of arrested persons.

II. **FOURTH AMENDMENT:**

The Fourth Amendment guarantees the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures. Police officers must have a legitimate reason to conduct a search, and be reasonable in the manner in which the search is conducted.

III. **POLICY:** Arrested persons will be searched incident to arrest by officers of the Upper Merion Township Police Department. Searches will be conducted in a reasonable manner based on reasonable suspicion. The extent and scope of the search will be governed by the totality of the circumstances and facts present at the time of the search. The search is intended to accomplish a legitimate police purpose, and is not intended to be repulsive, demeaning, dehumanizing or embarrassing.

IV. **CROSS-REF:** Policy #410, USE OF FORCE  
Policy #510, DETENTION AREA SECURITY  
Policy #600, EVIDENCE AND PROPERTY CONTROL

V. **DEFINITIONS:**

STRIP SEARCH: A procedure whereby an arrested person is required to remove all clothing. The person is then searched by visual observation of the body.

BODY CAVITY SEARCH: A procedure whereby an arrested person's body openings are actually examined to look for weapons and/or contraband. Normally it involves visual inspection and/or an actual manual probing of the body opening.

VI. **OBJECTIVES:**

A. Search incident to a lawful arrest is intended to:

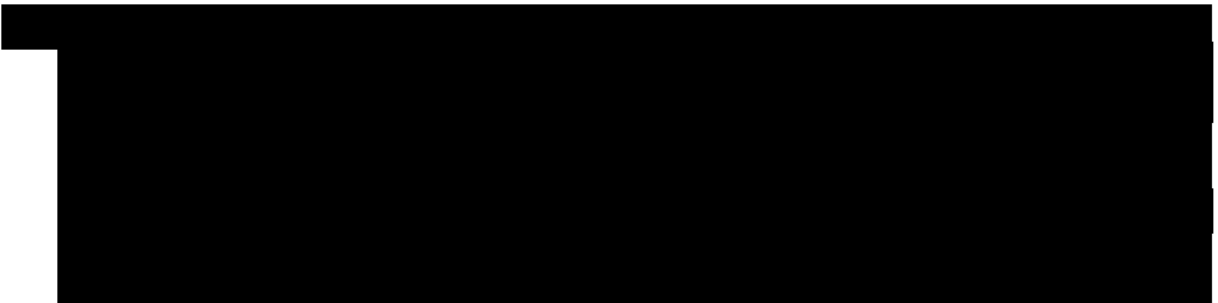
1. Locate and remove any objects or property which may be used as a weapon against the officers or others or which may be used to compromise the security of the police facility.
2. To seize any contraband or evidence of a crime which could be destroyed, lost, or stolen if not immediately seized.


VII. **PROCEDURES:**

A. EXTENT AND SCOPE OF SEARCH:

1. When a person is arrested he/she must be thoroughly searched including all areas that could conceal weapons and/or contraband. Search incident to arrest can range from pat downs, to complete searches of persons including clothing and possessions within the immediate reach of the person arrested, to strip searches, to body cavity searches. All may be lawful depending on the reasonableness and necessity of the search. Officers may be asked to justify:
  - a. The reasons for the search.
  - b. The manner in which the search is conducted.
  - c. The place where the search is done.
  - d. The extent and scope of the search.
2. Officers conducting searches shall use all appropriate personal protective equipment (PPE) to protect against contamination from potentially infectious materials.

B. SEARCH INCIDENT TO ARREST:



- 
2. Procedures governing inventory and possession of items seized from an arrested person are outlined in Policy #600, EVIDENCE AND PROPERTY CONTROL.

C. STRIP SEARCHES:

1. Generally, strip searches and body cavity searches are more frequently challenged as being unreasonable. There is no single court decision outlining rules governing strip or body cavity searches.
2. Authority for conducting strip searches:
  - a. When the officer has reasonable suspicion, based on facts, circumstances, and the officers experience, that the arrested person possesses weapons, contraband or drugs.
  - b. When there is a search warrant for the person.
  - c. All strip searches require prior approval by the shift supervisor.**
3. Room #162 in the Detention Area shall be used for strip searches. When using room #162, close the door during the search. Have the person remove all clothing. **Do not touch** the person- visual inspection only.
4. Strip searches shall be conducted only in the presence of, and performed by, officers of the same sex as the arrested person.
5. Strip searches shall be conducted by the fewest number of officers necessary, but never fewer than two, unless two officers of the same sex as the person to be strip searched are not available. In that case, the strip search will be conducted by a single officer of the same sex as the person to be strip searched while at least one other officer stands by, out of view, to render assistance if necessary.
6. Strip searches shall be conducted under conditions that provide privacy from all but those authorized to conduct the search.
7. The searching officer(s) shall ask the person being searched if there are any medical conditions or other factors which may affect the search, and, if any, care must be taken not to interfere with any such condition.

D. BODY CAVITY SEARCHES:

1. No search of any body cavity other than the mouth shall be conducted without a search warrant. Body cavity searches will be conducted under sanitary conditions by qualified medical personnel at an appropriate location.

2. The officer requesting the search shall ask the person being searched if there are any medical conditions or other factors which may affect the search, and, if any, shall report them to the medical personnel performing the search.
3. **All body cavity searches require prior approval by the shift supervisor.**
4. Guidelines on retrieving contraband from an arrestee's mouth:
  - a. An officer may reasonably order an arrestee to disgorge that which the arrestee has in his/her mouth.
  - b. Before an officer may use physical force to search an arrestee's mouth for contraband the officer must first have all of the following present:
    - (1) A lawful arrest;
    - (2) Probable cause to believe that the arrestee has secreted a seizable item (e.g. illegal drugs) within his/her mouth;
    - (3) A clear indication that a seizable item will be found within the arrestee's mouth;
    - (4) Exigent circumstances, such as the imminent destruction of evidence or a medical emergency.
  - c. Once all of the prerequisites listed in subsection b above have been satisfied, then an officer may use objectively reasonable force, in compliance with Policy # 410 (USE OF FORCE), to extract the contraband from the arrestee's mouth. Care should be taken to minimize the risk of injury to the arrestee and the officer conducting the search.

E. REPORTING PROCEDURES:

1. Following a strip search or body cavity search, the officer performing the search shall include in the appropriate incident report the following information:
  - a. Name of the individual searched.
  - b. The date and location of the search.
  - d. Name of the officer conducting the search.
  - e. The name of medical personnel conducting a body cavity search.
  - f. Those present during the search.
  - g. The elements of reasonable suspicion or probable cause used to justify the search.

- h. A detailed description of the nature and extent of the search.
- i. Any weapons, evidence or contraband found during the search.

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers  
All police dispatchers  
Township Manager  
File