


Custodial Searches

902.1 POLICY HEADER

Original Effective Date:	Revised Date:
September 1, 2021	January 4, 2023
<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

902.2 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Mt. Lebanon Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.2.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.3 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

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Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.4 FIELD AND TRANSPORTATION SEARCHES

An officer shall conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.5 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Mt. Lebanon Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches shall also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.5.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Evidence Room Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the [Prisoner Transport and Detention Report](#). If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory shall include the case number, date, time, and member's Mt. Lebanon Police Department identification number.

902.5.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial

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it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.6 STRIP SEARCHES

No individual in temporary custody at any Mt. Lebanon Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention, or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.6.1 STRIP SEARCH PROCEDURES

Strip searches at Mt. Lebanon Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) **Written authorization** from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

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- (f) The primary member conducting the search shall prepare a written report to include:
 1. The facts that led to the decision to perform a strip search.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Watch Commander.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

902.6.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

902.7 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander, notification to the Duty Officer and only upon a search warrant. A copy of any search warrant and the results of the physical body

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cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

- (b) Only a physician may conduct a physical body cavity search.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts, sanitary condition requirements, and prohibitions on visual and sound recording, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

902.8 TRAINING

The Training Lieutenant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Attachments

Form 42 -Prisoner Detention Report.pdf



Mt. Lebanon Police Department

Prisoner Transport and Detention Report



DETAINEE RECORD			
COMPLAINT #		DATE	
DEFENDANT'S NAME		DOB	
ORIGINAL OFFENSE, CHARGE, OR INCIDENT			
DATE PLACED IN CELL:	CELL #	STRIP OR BODY CAVITY SEARCH: <input type="checkbox"/> YES <input type="checkbox"/> NO	

TRANSPORT RECORD	
POLICE TRANSPORT: <input type="checkbox"/> YES <input type="checkbox"/> NO	PRISONER VIDEO RECORDED: <input type="checkbox"/> YES <input type="checkbox"/> NO
TRANSPORTING OFFICER	
VEHICLE SEARCHED: BEFORE SHIFT: <input type="checkbox"/> YES <input type="checkbox"/> NO BEFORE/AFTER TRANSPORT: <input type="checkbox"/> YES <input type="checkbox"/> NO	HANDCUFFED: <input type="checkbox"/> YES <input type="checkbox"/> NO DOUBLE LOCKED: <input type="checkbox"/> YES <input type="checkbox"/> NO
SUBJECT SEARCHED BEFORE TRANSPORT: <input type="checkbox"/> YES <input type="checkbox"/> NO	PRISONER SEATBELTED: <input type="checkbox"/> YES <input type="checkbox"/> NO
CELL CHECKED BEFORE/AFTER: <input type="checkbox"/> YES <input type="checkbox"/> NO	FIREARM SECURED PRIOR TO ENTRY INTO DETENTION AREA: <input type="checkbox"/> YES <input type="checkbox"/> NO

PRISONER STATUS	
PRISONER INJURED: <input type="checkbox"/> YES <input type="checkbox"/> NO	NATURE:
SUICIDAL THOUGHTS: <input type="checkbox"/> YES <input type="checkbox"/> NO	MEDICATIONS:
CURRENT HEALTH:	
MEDICAL CLEARANCE: <input type="checkbox"/> YES <input type="checkbox"/> NO	WANTS and WARRANTS: <input type="checkbox"/> YES <input type="checkbox"/> NO
BEHAVIOR, CONSCIOUSNESS, MENTAL STATUS:	
DEFORMITITES, TRAUMA, MARKS, BRUISES, ETC:	

DISPOSITION	
DETAINEE IDENTIFIED PRIOR TO RELEASE: <input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/> RELEASED ON OWN	<input type="checkbox"/> RELEASED TO COUNTY JAIL: _____ HRS
<input type="checkbox"/> RELEASED TO OTHER PERSON: NAME: _____	PHONE: _____
<input type="checkbox"/> RELEASED TO OTHER:	

PRISONER DESTINATION (at ACJ, hospital, etc.)			
FIREARM SECURED: <input type="checkbox"/> YES <input type="checkbox"/> NO	HANDCUFFS REMOVED: <input type="checkbox"/> YES <input type="checkbox"/> NO	DOCUMENTS DELIVERED: <input type="checkbox"/> YES <input type="checkbox"/> NO	TRANSFERRED DOCUMENTS: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECEIVING PERSONNEL ADVISED OF MEDICAL OR SECURITY CONCERNS OR HAZARDS: <input type="checkbox"/> YES <input type="checkbox"/> NO			
TRANSPORTING OFFICER		BADGE #	



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Prisoner Transport and Detention Report



DETAINEE PERSONAL PROPERTY	
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INVENTORY SEARCH OF DETAINEE: <input type="checkbox"/> YES <input type="checkbox"/> NO	SEARCH CONDUCTED BY:
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PRISONER PROPERTY				LOCKER #	
CASH	\$	COIN	\$	TOTAL	\$

PROPERTY RETURNED: <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE RETURNED:
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SIGNATURE OF DETAINEE:

REPORTING OFFICER:	REVIEWING SUPERVISOR:
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Mt. Lebanon Police Department Prisoner Transport and Detention Report



Form 318 - Strip Search Authorization.pdf



Mt. Lebanon Police Department

Strip Search Authorization



COMPLAINT #		OFFENSE(S)	
NAME		DOB	

I, _____, as the On-Duty Watch Commander of the Mt. Lebanon Police Department, authorize a strip search to be conducted on the above-named individual based on one or more of the following factors:

- An object was detected during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- Circumstances exist that specifically indicate the individual may be concealing a weapon or contraband. These circumstances include:

- The custody history of the above-named individual (e.g., past possession of weapons or contraband while in custody, assaults on department members, escape attempts). The history includes the following:

- The above-named individual's actions or demeanor to include:

- The above-named individual's criminal history to include :

- Other: _____

Watch Commander

Signature

Date / Time