



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.17 BODY SEARCHES

A. Proponent: Prisoner Operations Division (POD).

B. Purpose: This directive provides specific instructions to United States Marshals Service (USMS) employees for determining if, and under what conditions, body searches are legally permissible and how they will be conducted.

C. Authority: The Director's authority to issue this directive governing body searches is set forth in the [28 U.S.C. § 566\(a\)\(d\)](#).

D. Policy:

1. Deputy United States Marshals (DUSMs) are authorized to conduct the following types of searches of prisoners and other persons who are under arrest:
 - a. Pat-down search;
 - b. In-custody search;
 - c. Strip search; and
 - d. Digital cavity search.
2. This directive applies to all searches of persons, including juveniles. Whenever possible, an authorized body search will be conducted by (b) (7)(E) USMS employees. If (b) (7)(E) USMS employees are not available, the search will be conducted by (b) (7)(E) law enforcement officers (e.g. arresting agents, task force officers, etc.), (b) (7)(E) of which is a USMS employee.
3. Body searches require a professional, systematic, methodical, and consistent approach exhibited by a polite but firm demeanor. Persons to be searched should not be physically forced as long as they comply with commands.

E. Procedures:

1. **Pat-down Search:** (b) (7)(E) [REDACTED]
The following procedures are applicable to pat-down searches:
 - a. In a cellblock, pat-down searches may be conducted on (b) (7)(E) [REDACTED]
 - b. When a person needs to be removed immediately from the scene for his or her safety or the safety of the arresting deputies, (b) (7)(E) [REDACTED]

c. To ensure all areas are covered, the pat-down search will begin at the top of the body and work down.

2. **In-custody Search:** A more exact and complete search of the prisoner's body and attire. The following procedures are applicable to an in-custody search:

a. Conduct the search at the time of arrest (if possible), when assuming custody from another authority or agent, upon acceptance of a prisoner at a USMS cellblock or detention facility, prior to transportation, or before a courtroom appearance.

b. (b) (7)(E)



c. (b) (7)(E)



d. Inspect all property removed from the prisoner, including a careful examination of shoes. Any contraband will be retained and-inventoried on form (b) (7)(E) if necessary, for eventual return disposal, or preservation of evidence.

3. **Strip Search:** A complete search of a prisoner's attire and a visual inspection of the prisoner's naked body, including body cavities. The following procedures are applicable to a strip search:

a. Strip searches on prisoners in custody are authorized when there is reasonable suspicion that the prisoner may be (a) carrying contraband and/or weapons, or (b) considered to be a security, escape, and/or suicide risk. Reasonable suspicion may be based upon, but is not limited to, one or more of the following criteria:

1) (b) (7)(E)



2)

3)

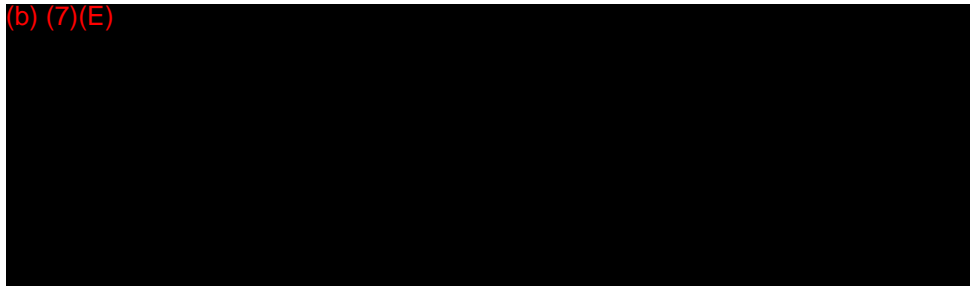
4)

5)

6)

b. When conducting a strip search, deputies shall ensure they have a private location that prevents all but designated personnel from viewing the prisoner. All attempts to protect the modesty of the prisoner will be made to include modifying viewing and recording of CCTV (Closed Circuit Television).

c. (b) (7)(E)

A large black rectangular redaction box covering the text for item c.

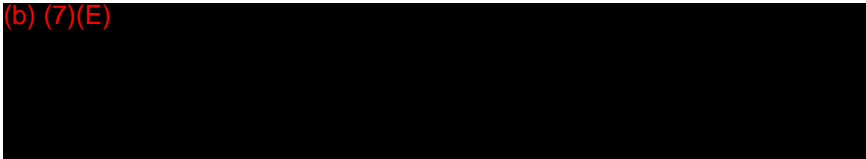
d. (b) (7)(E)

A black rectangular redaction box covering the text for item d.

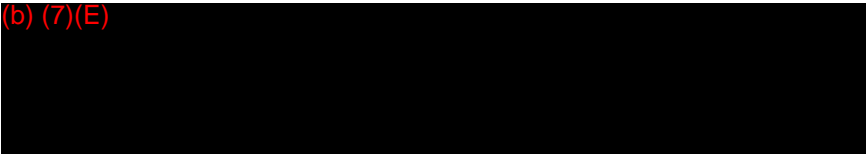
e. Once the decision has been made to conduct a strip search, it must be done in a professional manner, causing the prisoner as little embarrassment as possible.

f. When conducting a strip search, the deputy will:

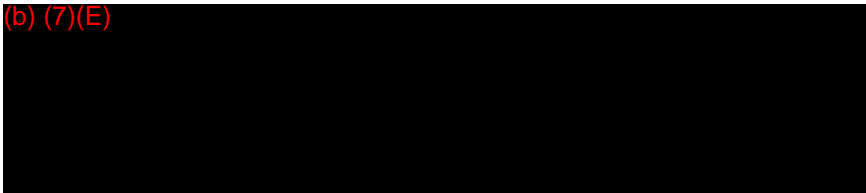
1) (b) (7)(E)

A black rectangular redaction box covering the text for item 1.

2) (b) (7)(E)

A black rectangular redaction box covering the text for item 2.

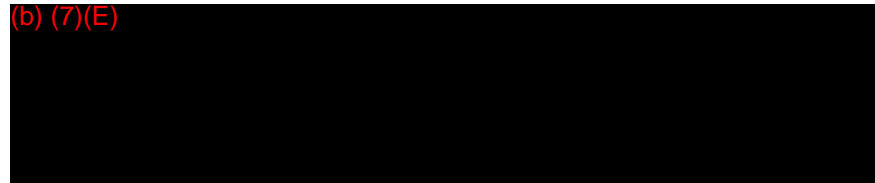
3) (b) (7)(E)

A black rectangular redaction box covering the text for item 3.

4) (b) (7)(E)

A black rectangular redaction box covering the text for item 4.

5) (b) (7)(E)

A black rectangular redaction box covering the text for item 5.

- g. Prior to accepting a prisoner(s) from a detention facility, institution, or other inside or outside source, deputies may perform their own strip search as necessary based on the factors (listed above in D.3.a.) due to the prisoner's contact with individual(s) inside or outside the facility and the need for a thorough search for contraband and/or weapons. If a deputy has reasonable suspicion that a strip search is necessary, and is denied the opportunity or space to perform a strip search, the deputy is authorized to refuse acceptance of the prisoner. The United States Marshal (USM) and Justice Prisoner and Alien Transportation System (JPATS) (if a JPATS trip is involved) are to be immediately notified if a prisoner is not to be transported.

4. **Digital-cavity Search:** A search that involves intrusion or entrance into a body cavity

(b) (7)(E)

The following procedures are applicable to a digital cavity search:

- a. Determine if reasonable suspicion exists to believe the prisoner has concealed contraband in a body cavity before this type of search is undertaken. The prisoner should be kept under constant visual surveillance until the search is conducted.

b. (b) (7)(E)

c.

d.

5. **Prisoners of the Opposite Sex:**

- a. Prisoners will be searched by a deputy of the same sex; however, in extenuating circumstances, or where the need for security dictates, an in-custody search may be conducted by a deputy of the opposite sex. (b) (7)(E) may be used to supplement the search under these circumstances.
- b. Pat-down searches and searches incident to a lawful arrest may be performed by deputies of the opposite sex in extenuating circumstances and when a deputy of the same sex is not available. In this case, the search will be made in the presence of another person and documented using form (b) (7)(E). A more complete search will be performed when the prisoner has been removed from the danger area.

6. **Reporting Procedures:**

- a. Any strip search conducted for reasons other than receipt of a new prisoner or as described in this directive (above in E.3.a.) shall be reported on form (b) (7)(E) the same day the search is conducted. The report shall contain the following details:

- 1) Identity of the prisoner searched;
- 2) Date, place, and type of search;
- 3) Time and duration of search;

4) (b) (7)(E)

5)

6)

7)

8)

- b. All digital cavity searches shall also be reported on form (b) (7)(E) and shall include the identity of the supervisor approving the search as well as the name and title of the medical person performing the search.
- c. The completed form (b) (7)(E) will be placed in the prisoner's file, with a copy forwarded to the appropriate USM or designee.
- d. For all searches, form (b) (7)(E) and form (b) (7)(E) will be completed, as applicable.

F. Definitions:

1. **Deputy (United States Marshal):** Includes all operational employees assigned to the 1811 and 082 job series, Detention Enforcement Officers, and District Security Officers.
2. **Body Search:** A search conducted for an official law enforcement purpose which may include the patting down of a prisoner for weapons or contraband, the removal and examination of the clothing worn by a prisoner, or the examination of the exterior skin surface and interior body cavities.
3. **Reasonable Suspicion:** Articulable facts that reasonably lead a deputy to suspect that a particular person is concealing a weapon, contraband, or evidence of a crime on or within his or her body.