



CHEVY CHASE  
VILLAGE  
POLICE  
DEPARTMENT

Police Chief: John Fitzgerald

GENERAL ORDER: 5-30 PRISONER SEARCHES AND  
TRANSPORTATION

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DISTRIBUTION: Sworn Personnel

I. POLICY

- A. At the beginning of their shift and prior to and after an officer transports a prisoner, the officer shall conduct a search of the police vehicle used for the transport to ensure that it is free of weapons, contraband or evidence. The officer shall document the results of the vehicle search in the event report.
- B. Officers shall transport prisoners/arrestees without unnecessary delay to the nearest processing facility.
- C. An injured/ill prisoner's health and safety will take precedence over processing and officers shall either request EMS to respond to treat/transport the arrestee, or transport the arrestee directly to the nearest medical facility, whichever is most appropriate under the circumstances.
- D. Officers shall follow the procedures in this directive.

II. DEFINITIONS

- A. **Strip search** – Having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of such person.
- B. **Body cavity search** – The physical intrusion into a body cavity (stomach, rectal cavity or the vagina, but not the mouth) for the purpose of discovering any object concealed within the cavity.

III. ROUTINE SEARCHES OF PRISONERS/  
ARRESTEES

- A. Unless the arrestee's physical problems/limitations prevent it, arrestees shall be handcuffed behind their back, with the cuffs double-locked prior to conducting a search incident to arrest and prior to transport.
- B. Subject to the same-sex restrictions in Section G, below, officers shall ensure that all prisoners will be searched incidental to their arrest.
- C. After any person has been arrested, and before they are transported from the scene, officers shall search the person for weapons, contraband, evidence, and potential escape implements.

- D. All officers shall search a prisoner when accepting custody of the prisoner from another officer even if the first officer has conducted a search.
- E. To prevent positional asphyxia, officers shall place handcuffed individuals in an upright position (seated or standing) as soon as possible.
- F. **Searches of the mouth.** If an officer has probable cause to believe that a prisoner is concealing something in his/her mouth, the officer may search the arrestee's mouth without a warrant, however, officers must:
  - 1. Inform the arrestee that the officer has reason to believe that they are concealing something in their mouth; and
  - 2. Request that the arrestee open their mouth and permit inspection of the inside of the arrestee's mouth; and
  - 3. Not use force to conduct a search of the mouth due to the significant likelihood of the officer being injured and/or exposed to body fluids, and the likelihood of injury to the arrestee. If the arrestee is not compliant, he/she must be continuously monitored until they are released from custody or transferred to another agency or facility.
- G. **Same-sex searches required.**
  - 1. Subject to Section E. 3. below, a thorough field search of prisoners will be conducted by officers of the same sex or gender identity/expression as the prisoner after the arrestee is handcuffed. If an officer is uncertain of the gender expression, the officer will respectfully ask the prisoner what their preference is regarding the gender of the searching officer.
  - 2. An officer may conduct a pat-down search for weapons of the outer clothing of an arrestee of the opposite sex as long as the search does not extend to the groin area of the male or the genital or breast areas of the female.
  - 3. If the arresting/transporting officer deems a more extensive field search be conducted for safety reasons, an officer of the same sex will be requested to conduct the search.

4. On the rare occasion when an officer sees a weapon, or finds a weapon during the outer clothing pat-down, or if the officer has reason to believe that the prisoner is in possession of a weapon, the officer may fully search a prisoner of the opposite sex to protect the officer from harm. The search shall be witnessed by another officer whenever practical. Officers who conduct such a search must fully explain their justification for conducting an opposite-sex search within an incident report.

#### IV. HIGHLY INTRUSIVE SEARCHES

##### A. Strip Searches

1. The decision to strip search must be based on specific factors which give rise to reasonable suspicion that the prisoner may be concealing weapons, escape implements, contraband, or evidence.
2. Strip searches will only be conducted with supervisory approval.
3. The search will be conducted by an officer of the same sex or gender identity/expression as the arrestee and observed by a witness officer of the same sex or gender identity/expression. If the officer is unsure of the arrestee's gender identity, the officer should respectfully ask the arrestee what their preference is regarding the gender of the searching officer.
4. The search will be carried out in an area out of the public view that cannot be observed by persons not involved in the search.
5. The prisoner will not be required to remain unclothed any longer than is absolutely necessary.
6. **Under no circumstances** will non-sworn personnel be used to conduct, assist or witness a strip search.
7. The primary officer involved in a strip search will note the following in the narrative section of the arrest report:
  - a. the fact that a strip search was conducted, and
  - b. the names of the approving supervisor and the witness officer, and
  - c. the results of the search.

##### E. Body Cavity Searches

1. Body cavity searches (except for searches of the mouth) will only be conducted on the strength of a search warrant.
2. Applications for search warrants for body cavity

searches will be made only with supervisory approval.

3. All body cavity searches will be performed by a physician at a local hospital.
4. If the individual to be searched is not compliant, force may not be used to effect a body cavity search if the object of the search is for contraband or other non-weapon evidence. Reasonable force may only be used to effect a body cavity search if the object of the search is a dangerous or deadly weapon.
5. Body cavity searches will be witnessed by at least one officer of the same sex as the prisoner. The officer will immediately take custody of the item(s) recovered in the search.
6. The primary officer involved in a body cavity search will include the following information in the incident or supplement report:
  - the fact that a body cavity search was conducted;
  - the names of the approving supervisor, the witness officer, the judge signing the search warrant and the physician conducting the search;
  - the location where the search took place, and
  - the results of the search,

##### F. Supervisor's Responsibilities

Supervisors must consider the following factors before approving either a strip search or an application for a search warrant for a body cavity:

1. The type of crime for which the person was arrested;
2. The age of the defendant;
3. Prior arrest record (e.g. known drug offender);
4. Circumstances of the arrest, and
5. The specific factors giving rise to the belief that the item(s) sought are concealed somewhere on/ in the prisoner's body.

#### III. TRANSPORT PROCEDURES

##### A. General

1. Officers shall transport prisoners in vehicles equipped with safety barriers whenever such vehicles are available.
2. Officers shall not transport juveniles in the same vehicle with adults.

3. Officers shall not transport male and female persons in the same vehicle compartment.
4. Officers shall not transport transgender prisoners in the same vehicle compartment with non-transgender prisoners. Also, officers shall not transport transgender persons of differing gender expressions in the same vehicle compartment.
5. Officers must advise the dispatcher of the vehicle's odometer readings at the beginning and end of the transport whenever the officer transports a person of the opposite sex or a transgender individual.
6. Officers shall secure all persons with seat belts during transports to the extent that seat belts are available.
7. All prisoners will be restrained during transport, unless special or unusual circumstances dictate otherwise (see **Special Transport Situations**). If a prisoner cannot be secured with handcuffs or other restraint, at least two officers will conduct the transport.
8. Officers shall not leave prisoners unattended in a vehicle, and they shall not leave a prisoner inside a vehicle that is running or with the key or fob inside the car. Officers must keep the prisoner within sight and the officer must be in close proximity to the prisoner in order to take appropriate action if necessary.

**B. Officer/Prisoner Seating Positions**

1. When one (1) officer is transporting one (1) prisoner, the prisoner shall be seated in the right-front seat if the vehicle is not equipped with a safety barrier. Rear compartment transport of a prisoner in vehicles not equipped with safety barriers by a single officer is prohibited.
2. If the vehicle is equipped with a safety barrier, the prisoner shall be placed in the right-rear seat area (behind the safety barrier), so that the prisoner can be observed by, and if necessary communicate with the transporting officer.
3. One (1) officer will not attempt to transport more than one (1) prisoner without first obtaining supervisory approval.
4. If a supervisor approves of two (2) prisoners being transported by one (1) officer, both prisoners shall be transported behind the safety barrier, in the back seat.
5. In the event two (2) officers will transport a prisoner in a police vehicle that is not equipped with a safety barrier, the prisoner shall be positioned in the right-rear seat and the passenger-officer will be seated behind the

driver-officer (rear seat next to the prisoner).

6. In the event two (2) prisoners are to be transported in a police vehicle occupied by two (2) officers (and the vehicle is not equipped with a safety barrier), one (1) prisoner will be seated in the right-front seat, the other prisoner will be seated in the right-rear seat, and the passenger-officer will be seated behind the driver.
7. In the event two (2) officers occupy a safety-barrier-equipped vehicle, prisoners shall be transported in the rear seat behind the safety barrier. A supervisor's approval must be obtained to transport more than two (2) prisoners and officers will not be seated behind the safety barriers with the prisoners.

**C. Prisoner Escapes**

Notifications – In the event a prisoner escapes during transport, the transporting officer(s) shall ensure that the following notifications are made immediately:

1. ECC;
2. MCP shift supervisor and duty commander; and
3. The Village Police Lieutenant and Chief.
4. If an escape occurs outside the county, the transporting officers shall contact the local law enforcement agency in whose jurisdiction the escape occurred using any means available.

**IV. SPECIAL TRANSPORT SITUATIONS**

**A. Transporting Disabled or Injured Prisoners**

1. A prisoner should not be presumed to be harmless just because of their handicap or disability; however, depending on the nature of the disability, this person may require an additional level of care and handling for the transport because the disability may not allow the prisoner to be restrained and transported by conventional means.
2. If, due to the size if the required medical apparatus or the severity of the disability, neither a police car nor Prisoner Transport Van (MCP or Sheriff's Office) will accommodate a disabled prisoner, officers will request an ambulance for a routine transport via ECC.
3. Whenever an ambulance transports a prisoner, two (2) officers will conduct the transport, with one (1) officer riding inside the ambulance with the prisoner and the other officer following behind the ambulance in a police vehicle.
4. In confronting a situation involving the possible

use of restraining device(s) on a disabled prisoner, officers should use their training, best judgment, and discretion. When deciding whether to use restraints, officers should consider:

- a. Propensity toward violence by the prisoner, if any;
  - b. Prior dealings with the prisoner, if any;
  - c. Whether using restraints keep the prisoner from harming him/herself, the transporting officer, and/or others; and
  - d. The degree, severity, or nature of the prisoner's handicap.
5. Restraining devices may not be required on injured prisoners, depending upon the nature of the injury. When deciding whether to use restraints on an injured person, the officer should use her/his training, best judgment and discretion, and consider the following:
- The safety of the officer, prisoner, and other citizens;
  - The likelihood of escape;
  - The nature of the illness or injury(s);
  - If the use of restraining devices will aggravate or prevent further injury(s) to the prisoner; and,
  - Prior history of the prisoner, if known.

B. Transporting Mentally Disturbed Persons in Custody

1. The restraining and transporting of a mentally disturbed prisoner requires officers to exercise caution to avoid possible injury(s) to themselves and/or the prisoner.
2. Officers will use their best judgment to determine the most appropriate method of restraint
3. As always, the goal of restraints is to prevent the person in custody from harming the officer or themselves.

## V. APPLICATION OF RESTRAINTS

### A. Handcuffs

1. With the exception of juvenile status offenders and prisoners presenting special circumstances (mentally ill/injured/disabled prisoners), officers shall handcuff prisoners and secure them in the car with a seatbelt during transport. Juvenile status offenders will not be restrained unless the transporting officer(s):

- reasonably fear for their safety due to articulable facts, behaviors or statements, or
- they have reason to believe that the juvenile is an escape risk.

2. Occasions do arise when an officer, in his/her discretion, may believe that the use of handcuffs or other restraining devices would be inappropriate, such as prisoner's age (old or young), and/or the prisoner's physical or mental condition.
3. Officers will not attach, affix, or connect a person to whom the officer has applied any type of restraining device, to a stationary object (i.e., street corner mailbox, parked vehicle, street sign, fence, etc.).
4. When restrained, a prisoner will normally be handcuffed behind his/her back, palms facing out, with the handcuffs double-locked, and the keyholes facing up. If a prisoner is unable to be handcuffed in this manner, the officer shall use the best resources available to restrain the prisoner without placing officer safety in jeopardy and without causing injury to the prisoner.
5. Whenever handcuffs are used, they shall be applied in such a manner as to adequately restrain the prisoner, without jeopardizing officer safety and without causing injury to the prisoner.
6. When two (2) prisoners are transported together, the transporting officer(s) should consider handcuffing the prisoners with their arms intertwining.
  - Under no circumstances will an adult and a juvenile be handcuffed together, nor transported together in the same police vehicle.
7. Under no circumstances will a prisoner(s) be secured to the transport vehicle by restraining devices, except for being seat-belted, during the transport.

### B. Use of Flex-Cuffs

1. Plastic "flex-cuffs" are authorized as a temporary restraining device (primarily for use in mass arrest situations) and shall be applied in such a way that officer safety is not jeopardized and without causing injury to the prisoner(s).
2. An officer applying flex-cuffs will ensure that a device to remove them is readily available to the officer.

### C. Waist Chains/Leg Irons

1. When available, waist chains and/or leg irons should be used in addition to handcuffs when transporting unruly prisoners or those deemed as escape risks.
2. In situations when restraining devices are necessary, but handcuffs cannot be used, officers should consider using waist chains, leg irons (“ankle cuffs”), or leather restraints.

## VI. ARRIVAL AT DESTINATION WITH PRISONER

### A. General

1. **Securing firearms.** Upon arrival at the destination with a prisoner, transporting officer(s) will ensure that their firearms are secured in the facility’s designated location for safekeeping and if the designated location is unavailable, or the facility does not have one, the firearm shall be secured elsewhere in the facility in an area not known to the prisoner and not available to public access. The trunk of the police vehicle should be used as a last resort.
2. **Restraints and complete searches.** Prior to the arrival, ensure that all prisoners are in handcuffs or other restraints and have been thoroughly searched.
3. **Transgender individuals.** *When transferring a transgender prisoner to the custody of another agency, discretely advise the receiving personnel that the individual is transgender.*
4. **Documentation.** *Before an officer delivers a prisoner to a receiving facility (e.g. the Detention Center), the delivering officer will ensure that the paperwork/documentation pertaining to the prisoner is in order and accompanies the prisoner to the facility.*

### B. District Stations

1. At an MCP District station, officers will abide by the individual station policies and procedures for that particular facility.
2. Before placing a prisoner in a holding cell, officers will ensure that they are familiar with, and abide by, the policies and procedures governing the use of the holding cell at that facility, as well as, when and under what circumstances restraints can be removed relating to the placing of the prisoner in the holding cell. **Juvenile status offenders will not be placed in a holding cell.**

### C. Central Processing Unit (CPU)

1. Prior to the arrival, ensure that all prisoners are in handcuffs or other restraints and have been thoroughly searched.

2. Ensure prisoners who are injured have received necessary medical attention. Failure to do so may result in the prisoner being refused at CPU. If the prisoner receives medical treatment from Montgomery County Fire-Rescue Services (MCFRS) personnel or from a medical facility, the associated paperwork must accompany the prisoner to CPU.
3. Take custody and secure any evidence the prisoner may possess. Due to limited storage space at CPU, large bulky items will be stored at the Village Evidence/Property Room (e.g., a homeless person with multiple bags containing personal effects will not be stored at CPU). A purse, briefcase, gym bag, or knapsack belonging to a prisoner will be accepted at CPU.
4. Position the prisoner in such a way that the cipher lock is not within the prisoner’s view when entering the code to access CPU. The code will not be disseminated to anyone other than law enforcement personnel.
5. Secure all firearms, knives, and protective instruments, excluding OC spray in the designated gun drop.
6. Notify CPU personnel whenever the prisoner is considered a security risk or a health risk for communicable diseases.
7. Remain outside the booking area gate with the prisoner until instructed to enter the search room by CPU personnel. Once access is allowed, officers will enter the search room and remain there while the correctional officer conducts a thorough search of the prisoner. Officers will:
  - a. Seize all evidence and contraband; place in an evidence bag, and heat seal.
  - b. Inventory all of the prisoner’s property on the appropriate MCP 513, “Arrest Booking Envelope.” The prisoner’s property will be turned over to the correctional officer for storage until the prisoner is released or transferred to the mail jail facility.
  - c. Count all money with a witness (another officer or correctional officer) and heat seal it in an evidence bag. Record the amount of money and the name of the witnessing officer on the booking envelope.
8. Complete the appropriate arrest form—either a CPU 513, “Central Processing Package Criminal Arrests,” or a CPU 513-A, “Central processing Package Traffic Arrests.” Officers shall submit a copy of the form with the Village incident report.

## VII. INTER-AGENCY TRANSPORTS

### A. Procedures

1. If an occasion arises when an officer is required to transport a prisoner being held by another police department, or from a detention facility (within or without Montgomery County) for transport from that facility to another, the department or detention facility will be contacted by the officer(s) via telephone prior to the officer(s) responding to ensure the prisoner's positive identification.
2. Inter-agency transports will be conducted by two officers unless authorization is granted by the Lieutenant or the Chief for a solo officer to conduct the transport.
3. To ensure that the prisoner is positively identified, the officer contacting the outside agency/facility will provide said facility with the prisoner's personal descriptors that will assist the sending agency/facility in locating and identifying the person to be transported.
4. The officer(s) will then respond to the agency/facility after authorization is received from the Lieutenant or Chief.
5. If the prisoner's identity is in doubt, the officer can either request or send a photograph of the prisoner to establish a positive identification.
6. Upon the officer's arrival at the sending agency/facility for purposes of taking the prisoner into custody, and prior to the officer actually taking custody, the officer shall confirm the prisoner's identity and may employ one or more of the following methods:
  - Ask the prisoner to identify him/herself;
  - Ask the prisoner some background questions (the answers of which to already be known by the officer), such as place of birth, Social Security Number, home address, etc.;
  - Match any photograph the officer has in possession against the prisoner;
  - Ensure the correct spelling of the prisoner's name. especially if the prisoner has a name that can be spelled in different ways (i.e., Smith vs. Smyth; Jeffrey vs. Geoffrey, etc.) and/or if the prisoner is known to use an alias.

### B. Documentation

1. Once the prisoner's identification has been established to the officer's satisfaction, the officer(s) taking custody will sign the required documents from the sending agency/facility to acknowledge the transfer of custody and the officer will request a copy of said documents for the Village's records.
2. The officer will provide the sending agency/facility with a copy of any appropriate document that authorizes the transport.

## VIII. TRANSPORTING JUVENILES TO/FROM A DETENTION FACILITY

- A. Unless a juvenile is in need of emergency medical treatment, juveniles not charged as adults will be transported without unnecessary delay to a designated juvenile facility, if:
  1. The detention and placement has been authorized by the State's Attorney's Office Intake Officer; or,
  2. The juvenile is being returned to the detention facility from which he/she absconded; or,
  3. The detention and placement has been ordered by a Judge.
- B. Officer(s) delivering a juvenile to a juvenile detention facility will ensure that the following documentation accompanies the juvenile:
  1. The Authorization for Detention form (except for when a juvenile is being returned after running away),
  2. A copy of the officer's Incident Report (if the detention is based on charges placed by the officer) and,
  3. Any other documentation as directed by appropriate authorities (D.J.S., the State's Attorney's Office, and/or a Judge).
- C. If the arresting or transporting officer has knowledge or reason to believe that a juvenile has escape or suicide-potential, or poses other security risks, the officer will notify the receiving personnel, ensure that the documentation accompanying the juvenile contains this information, and that the name of the person(s) notified are documented within the officer's report.
- D. The officer shall obtain a receipt acknowledging acceptance of custody from the juvenile detention facility.
- E. Transport From Juvenile Facility
  1. If authorization is obtained from a Judge

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allowing an officer to transport a juvenile from a juvenile detention facility, a copy of the Judge's Order, authorization document, etc., will be shown to the juvenile facility's representative and will remain in the officer's possession while the officer has custody of the juvenile.

2. If custody is relinquished to a Sheriff, Bailiff, Intake Officer, etc., the documentation will be presented to the person assuming custody.
3. The officer relinquishing custody will ensure that the officer accepting custody is advised of the juvenile's escape or suicide potential, or other security-risks the juvenile poses.

F. Relinquishing Custody of Adult or Juvenile to Another Law Enforcement Agency

In the event an officer from this Department relinquishes custody of a prisoner to another law enforcement agency, the officer relinquishing custody will ensure that:

1. The prisoner has been searched;
2. The prisoner's property has been inventoried and appropriately packaged, with information describing the prisoner's escape or suicide potential, and/or whether the prisoner is a security risk; and,
3. The officer accepting custody receives a copy of documentation pertaining to the prisoner.

This directive voids the previous version dated 1/16/2009.