

May 29, 2015

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

Director, Preclearance Operations

FROM: Executive Director /s/  
Admissibility and Passenger Programs  
Office of Field Operations

SUBJECT: Personal Search Procedures concerning body cavities

This memorandum is to remind U.S. Customs and Border Protection (CBP) personnel of the importance of following the Personal Search Handbook (PSH) procedures when performing personal searches generally and specifically when body cavity searches have been authorized. The PSH establishes CBP policy for the conduct of personal searches of travelers at the border or the functional equivalent of the border by CBP officers and designees.

Personal search is an indispensable tool in helping us achieve our multi-layer mission. Travelers who attempt to enter illegally or to smuggle contraband pose a great risk to our citizens, our communities, and national security. For that reason, the United States Congress and the federal courts have granted CBP wide latitude insofar as our agency's search authority, and ours is one of the broadest search authorities in federal law enforcement. However, the use of that authority must be fair and judicious without exception. Thus, in working to protect America from illegal immigration and the importation of injurious commodities, we must remain fully cognizant of our corresponding duty to safeguard the rights of all travelers.

In the conduct of personal searches, CBP officers are required to meet the requirements of our country's constitutional prohibitions against unreasonable searches and seizures. While the Fourth Amendment generally requires officers to have a warrant based on probable cause to conduct searches, the U.S. Congress and the courts recognize CBP border searches as an exception to this requirement. In fulfilling our law enforcement responsibilities, CBP officers must remain ever mindful of safeguarding the rights of all people we interact with against infringing their constitutionally protected rights concerning unreasonable searches and seizures. As such, CBP neither condones nor countenances the abuse of constitutional or statutory authority by any CBP officer or designee.

The guidelines established in the CBP personal search procedures are designed to assist and ensure the agency's enforcement mission is accomplished while simultaneously protecting our country's constitutional prohibitions against unreasonable searches and seizures. CBP officers and supervisors receive extensive training on those factors that must be present to justify a specified level of personal search and what corresponding procedures to follow. Deviations in

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performing personal searches in contravention of the policies and procedures outlined in the PSH are prohibited and may be subject to disciplinary action.

Furthermore, **only authorized medical personnel may conduct a body cavity search**. All CBP officers are prohibited from conducting body cavity searches, or from causing a body cavity search to be conducted at a CBP facility. In addition, travelers who willingly attempt to engage in removing contraband from their body cavities should be discouraged, even if doing so is done voluntarily.

Most importantly, properly adhering to the procedures and guidelines established in the PSH better assure the legal sufficiency required to fully support the successful conclusion of search-related cases subsequently authorized for criminal prosecution(s) by the United States Attorney(s).

If you have any questions concerning this memorandum, please have a member of your staff contact **(b) (6), (b) (7)(C)** Sr., Director, Traveler Policy Division, at **(b) (6), (b) (7)(C)**

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