



COLUMBIA HEIGHTS POLICE DEPARTMENT POLICY MANUAL

TITLE: SEARCH PROCEDURES - PERSONS	GENERAL ORDER NUMBER: 104
REFERENCES:	EFFECTIVE DATE: 06/01/2016
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The purpose of this General Order is to provide officers with guidelines for determining if, and under what conditions, the use of strip searches and body cavity searches are legally permissible, and to establish guidelines for the appropriate conduct of such searches.

The Department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians, and other prisoners to detect and secure evidence of criminal activity; and to safeguard the security, safety, and related interests of this agency's prisoner detention and holding facilities. The Department also recognizes the intrusiveness of these searches on individual privacy, however, it is the policy of this Department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched, and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

104:1 Definitions

Strip Search

Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas, breasts, and buttocks.

Body Cavity Search

Any search involving not only visual inspection of skin surfaces, but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity.

Reasonable Suspicion

Specific and articulable facts that give rise to a particularized and objective basis for suspecting an individual of criminal activity; required before an officer may stop an individual in public.

Terry Stop

The brief stop and frisk of a person whose behavior an officer reasonably considers suspicious and dangerous.

104:2 Terry Doctrine

Frisk searches shall be conducted when officers feel it is appropriate under the *Terry* Doctrine where an officer observes conduct that, in light of their experience and all other circumstances would lead to an objectively reasonable belief that a suspect is armed and dangerous; the officer may conduct a frisk limited in scope to searching for weapons.

104:3 Custodial/Medical Hold/Detox Search

104.31 Custodial Search

A custodial search shall be conducted after the initial arrest of suspects, prior to transporting suspects in a squad car, prior to booking any suspects, and prior to putting suspects in the Department detention facility.

104.32 Medical Hold and Detox Search

In all persons subject to a medical hold or detox hold, the officers shall conduct a protective weapon search prior to the subject being secured in the transport vehicle. Officers should also assist with a protective search at the request of medical personnel.

104.33 Transport Search

All private citizens subject to voluntary transportation in a department vehicle shall consent to a custodial search at the officer's discretion, prior to entering the vehicle and being transported, for officer safety.

104:4 Strip Search

104:41 Reasonable Suspicion

Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches, unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to, the following:

- The nature of the offenses charged;
- The arrestee's appearance and demeanor;
- The circumstances surrounding the arrest;
- The arrestee's criminal records, particularly past crimes of violence and narcotics offenses;
- The discovery of evidence of a major offense in plain view, or in the course of a search incident to the arrest;
- Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.

104:42 Field Strip Search

Field strip searches of prisoners shall be conducted only under exigent circumstances where the life of officers or others may be placed at risk, and only in privacy with the explicit approval of a supervisory officer.

104:43 Criteria

When authorized by the supervising authority, strip searches may be conducted only at a detention facility under the following criteria:

- By trained personnel;
- Conformance with approved hygienic procedures and professional practices;
- By the fewest number of personnel necessary, and only by those of the same sex; and
- Under conditions that provide privacy from all but those authorized to conduct the search.

104:44 Incident Report

Following a strip search, the officer performing the search shall document in the *Incident Report*, the following:

- Date and place of the search;
- Identity of the officer conducting the search;
- Identity of the individual searched;
- Those present during the search;
- A detailed description of the nature and extent of the search; and
- Any weapons, evidence, or contraband found during the search.

104:5 Body Cavity Search

104:51 Reasonable Suspicion

Should visual examination of a suspect during a strip search or other information lead an officer to believe that the suspect is concealing a weapon, evidence, or contraband within a body cavity, the suspect shall be kept under constant visual surveillance until a body cavity search is conducted, or an alternative course of action is taken.

104:52 Probable Cause

The officer shall consult with his/her shift supervisor to determine whether probable

cause exists to seek a search warrant for a body cavity search.

104:521

When making the decision to seek a search warrant, officers shall recognize that a body cavity search is highly invasive of personal privacy, and is reasonable only where the suspected offense is of a serious nature, poses a threat to the safety of officers or others, or the security of the Department's detention operations.

104:53 Affidavit for Search Warrant

If probable cause exists for a body cavity search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense, and the basis for the officer's probable cause.

104:531

On the basis of a search warrant, a body cavity search shall be performed only by

an authorized agency physician or by other medically trained personnel at the physician's direction.

104:532

Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy.

104:533

The authorized individual conducting the search shall file a report with the requesting law enforcement agency.

<p>BY ORDER OF:</p> <p>Scott Nadeau, Chief of Police</p>

[Back to Top](#)