



POLICY & PROCEDURE

HOLMEN POLICE DEPARTMENT

SUBJECT: **STRIP / BODY CAVITY SEARCHES**

NUMBER: 1.11

ISSUED: 10/13/2016

REVIEWED: 01/27/2017

SCOPE: All Sworn Personnel

DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI §968.255, §968.256

WILEAG 4th EDITION STANDARDS:
1.7.7

INDEX AS: Strip Search

1. PURPOSE AND SCOPE

This order establishes procedures for conducting strip searches. See WI ss. 968.255 governing such searches.

2. DEFINITIONS

A. Detained: arrested for a felony or the following misdemeanors:

1. 167.30 Use of Firearms near Park
2. 940.19 Battery
3. 940.20(1) Endangering Safety-Dangerous Weapon
4. 941.23 Carrying Concealed Weapon
5. 941.24 Possession of a Switchblade
6. 948.60 Poss. of Dangerous Weapon by Child
7. 948.605(2)(1) Poss. of Firearm in a School Zone
8. 948.61 Dangerous Weapon in a School Zone

or, under Juvenile code any violation if committed by an adult would be in the above list; arrested for a violation and **IF** there is probable cause to believe the person is concealing a weapon or anything that may be evidence of the offenses such person is detained for.

B. Strip Search: a search in which a detained person's genitals, pubic area, buttocks/anus, or a female's breasts are uncovered AND exposed to view or touched by a person conducting a search.

C. Body Cavity Search: a search in which a detained person's vagina and/or anus are probed.

3. PROCEDURES

A. Restrictions:

1. Searching persons must be of the same sex as the offender unless they are a physician, nurse or assistant. The detained person is not exposed to a person not doing the search unless they are a physician, nurse, or assistant. The search is not reproduced through video or audio.
2. ONLY a physician, nurse or assistant may conduct a body cavity search. No Department members are allowed to conduct body cavity searches; however, a member of the same sex as the suspect may stand by while medical staff performs the search.

B. Permission must be obtained in writing from the Chief of Police or Lieutenant prior to conducting a strip/body search except when there is probable cause to believe that the detainee is concealing a weapon. All strip/body searches conducted as a result of a police investigation shall be documented via a general report and reviewed by his/her supervisor.

C. Factors to consider prior to authorizing a strip/body cavity search:

- a. Nature and seriousness of the offense.
- b. Does the person have a criminal record?
- c. Reasonable suspicion to believe person has contraband, drugs or weapons.
- d. Length of time person may stay in custody.
- e. Is the person being held alone or with others?
- f. Did the person resist arrest or was s/he violent?
- g. Does the person have a history of violence, contraband or drugs?
- h. Is the person a danger to him/herself or others?
- i. If applicable, prior to authorizing a strip/body cavity search a Search Warrant should be considered.

D. Physically Disabled Persons:

1. The removal of an assistive device requires the aid of a person who has had training in handling physically disabled persons; this type of search requires extreme care and strict conformance with Department orders.

E. An opinion of the Attorney General advises that the mouth, ear and nose are not body cavities envisioned by the statutes, but extreme care should be exercised in searching these areas.

F. Failure to strictly conform to the statutory requirements and Department orders carries the same penalty and liability as an unlawful strip search.

Shane Collins
Chief of Police