

Custodial Searches

Strip Searches

- Qualifying Arrests:
 - Any Felony
 - Discharging a firearm near a park (167.30)
 - Battery (940.19)
 - Negligent or intoxicated use of a firearm (941.20(1))
 - Carrying a concealed weapon (941.23)
 - Carrying a handgun in a tavern (941.237)

Strip Searches

- Qualifying Arrests:
 - Possession of a switchblade (941.24)
 - Possession of a dangerous weapon by a person under 16 (941.60)
 - Possession of a dangerous weapon on school premises (941.61)
 - Any other misdemeanor, state law or ordinance violation where there is PC to believe that a weapon or evidence of the violation is concealed on the person

Definition

- "Strip search" means a search in which a detained person's genitals, pubic area, buttock or anus, or a detained female person's breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

Restrictions

- The person searching must be the same sex as the person being searched, unless it is a body cavity search
- The detained person is not exposed to the view of any person not conducting the search
- The search is not reproduced through a visual or sound recording

Restrictions

- A person conducting the search has obtained the prior written permission of the chief, sheriff or law enforcement administrator of the jurisdiction where the person is detained, or his or her designee, unless there is probable cause to believe that the detained person is concealing a weapon

Restrictions

- A person conducting the search must prepare a report identifying the person detained, all persons conducting the search, the time, date and place of the search and the written authorization required and provides a copy of the report to the person detained

Body Cavity Searches

- No person other than a physician, physician assistant or registered nurse licensed to practice in this state may conduct a body cavity search

Exceptions

- The prohibitions and restrictions do not apply to persons serving sentences in jails, secure detention facilities, state prisons, houses of correction or persons confined as a condition of probation

Bottom Line

- Your agency will have a policy if strip searches are allowed.
- Follow your policy!

Searching the Disabled

- "physically disabled person" means a person who requires an assistive device for mobility, including, but not limited to, a wheelchair, brace, crutch or artificial limb

Searching the Disabled

- A search of a physically disabled person shall be conducted in a careful manner. If a search of a physically disabled person requires the removal of an assistive device or involves a person lacking sensation in some portion of his or her body, the search shall be conducted with extreme care by a person who has had training in handling physically disabled persons.
