

POLICIES and PROCEDURES MANUAL:

Subject: PROCEDURES FOR SEARCHING SUSPECTS

INTRODUCTION

The intent of this policy is to establish uniform procedures for officers when conducting pat-down searches (stop and frisk), pre-booking searches, and strip searches.

I. PAT-DOWN SEARCHES

An officer may briefly detain an individual for questioning, even though probable cause to arrest does not exist. This may be done if the officer observes the suspect engaged in suspicious conduct, causing the officer to believe that the suspect may be involved in criminal activity.

If the officer reasonably believes that the suspect is presently armed and dangerous, the officer may conduct a limited search (pat-down) to determine whether the suspect is carrying a weapon or not. The officer need not be absolutely certain the individual is armed, but whether a prudent person in similar circumstances would believe their safety may be in danger. The sole justification of the search is the protection of the officer, the suspect, and the public. Therefore, the search must be a limited intrusion to discover guns, knives, and other weapons.

- A. The officer may order the suspect to release items being carried and place them on the ground, i.e., handbag, backpack, briefcase, etc. The officer may not search those items without probable cause or the suspect's permission.
- B. The officer may order the suspect to keep his hands visible throughout the duration of the contact.
- C. The officer may order the suspect to shake or manipulate, but not remove, the suspect's clothing for the limited purpose of identifying potential weapons. However, if the suspect is wearing bulky outer clothing, i.e., jacket or overcoat, the officer may remove or ask the suspect to remove those outer garments.
- D. If the suspect is of the opposite sex from the officer, and it is practical to do so, the officer should request assistance from an officer of the same sex of the suspect to conduct the pat-down search.
- E. During the pat-down, if the officer feels what he reasonably believes to be a weapon, or has other specific information indicating the suspect is carrying a weapon, the officer may reach inside the suspect's clothing for the sole purpose of removing the weapon and neutralizing the threat.

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- F. If in the course of the pat-down search, the officer incidentally feels an object that is of a contour and mass which the officer recognizes as illegal contraband, the officer may reach inside the suspect's clothing to retrieve same.
- G. The pat-down search shall be completed in a fashion which is both expeditious and causes the least amount of intrusion/embarrassment to the suspect. An officer shall not reach inside or under a suspect's clothing for any other purpose.

II. PRE-BOOKING SEARCHES

A pre-booking search is a controlled, thorough, and systematic examination of a suspect's clothing, property, and limited parts of the body. This type of search is only justified when incidental to a lawful arrest. When conducted properly, this type of search not only increases personal safety, but may lead to the discovery of contraband and/or other criminal evidence. A pre-booking search should always be conducted either before placing a suspect in a cell or holding room, or immediately upon doing so.

Prior to a pre-booking search, suspects should not be allowed to use the restroom. However, if absolutely unavoidable, the suspect must be advised that they will be under constant observation, and that they shall not flush the toilet. With very few exceptions, the procedure for pre-booking searches applies equally for male and female adults, and for juveniles.

A. Penal Code Section 4021:

This section prohibits any officer or employee from searching or entering the room or cell or detainee of the opposite sex, except in the company of an officer or employee of the same sex as the detainee.

B. Welfare Code and Institution Code: 207.1(d):

This section prohibits minors (14-17 years) to come in contact or remain in visual or verbal contact with adult suspects.

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C. Conducting the pat-down search:

1. If at all possible, suitable protective gloves should be worn when conducting a pre-booking search, especially when there is a potential of coming in contact with body fluids.
2. The suspect should be advised that he/she shall be thoroughly searched as part of the booking procedure, and it is a criminal offense to bring weapons, drugs, or paraphernalia into a holding facility. The suspect should then be asked direct questions, "Do you have drugs on you", "Do you have any weapons on you", "Do you have any sharp-edged objects such as needles in your possession".
3. The clothing search is conducted methodically from head to foot, left to right, and outer garments to inner. It is a two-step process done from the head to the waist, and then the waist to the feet. Under normal circumstances the suspect should remain handcuffed during this search.
4. Remove glasses, belt, headbands, wigs/toupees, and other items either in or on the hair. All contents in the pockets should be removed, as well as jewelry and other personal items.
5. Suspect's hair should be separated and searched carefully, as well as behind the ears, the neck area, and lastly the open mouth.
6. Jackets and shirts should be carefully inspected, including seams. Look for bulges, stiffness, or unusual appearance. Check pockets carefully, turning inside out if possible.
7. If the suspect is a female, she should be searched by a matron, and the search should be in accordance with current training.
8. When searching pants, dresses, or skirts, officers should check the entire circumference of the waistband, as well as the legs and cuffs. Closely check pockets, belt loops, and under name tags.
9. If the suspect is wearing any form of bandage, soft cast, arm sling, etc., these items should be removed if possible, inspected and replaced. If the suspect is fitted with a hard cast, the inside portion adjacent to the body shall be carefully examined. If the suspect is in custody for a very serious crime, the officer should contact the watch commander in reference to taking the suspect to the emergency room and having the casted area x-rayed.

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10. Lastly, the handcuffs should be removed and the suspect should be directed to sit in a chair or on the floor and remove shoes and socks. Suspect should be monitored closely during this process. Items should be checked carefully, then returned to the suspect only when they are to be released or transferred to another facility.

11. Special items such as jewelry, eyewear, belt buckles, and lighters should be inspected carefully. These particular items are known to be manufactured or altered so they may be used as weapons.

Note: When the suspect is placed in detention, particular attention must be paid to the property and clothing that he/she is allowed to retain. Studies have shown that almost any type of item may be used in suicide attempts, escapes, and assaults on police officers.

III. STRIP SEARCH AND VISUAL BODY CAVITY SEARCH

This type of search should be used only in the most serious situations, and on those occasions when the officer has reasonable cause to believe the suspect is attempting to secret either a weapon or contraband on his person. No person arrested for an infraction or misdemeanor offense, nor any juvenile detained prior to a detention hearing, pursuant to Welfare and Institution Code 300, 600 and 601, shall be subjected to a strip search or visual body cavity search prior to being placed in the general jail/juvenile hall population except under the following circumstances:

- A. The offense for which the person was arrested involves weapons, controlled substance, or violence. If the suspect is a juvenile the charge must be a felony.
- B. The officer has determined there is reasonable suspicion based on specific and articulable facts to believe the suspect is concealing a weapon or contraband, and a strip search will result in the recovery of same.
- C. The peace officer must obtain written authorization from the watch commander prior to conducting or causing this type of search to have been conducted. The authorization shall set forth the specific facts and circumstances upon which the reasonable suspicion was developed. A copy of the authorization shall be retained in the agency records, and made available upon request to the person searched or his/her authorized representative.
- D. The person conducting the strip search shall not touch the breast, buttocks, or genitalia.

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- E. The search shall be conducted in an area of privacy, it may be observed only by persons participating in the search.
- F. All persons conducting or otherwise required to be present during the search shall be of the same sex as the person being searched, except for physicians or licensed medical personnel.

G. Method of conducting strip search and/or visual cavity search:

If the officer suspects that the arrestee is in possession of a concealed weapon or contraband, he may do a pat-down, metal detector scan, or clothing search. If these search procedures are unsuccessful, the watch commander may then authorize a strip/visual cavity search. The search shall be conducted according to the following procedures:

1. Have the suspect remove each item of clothing one at a time, starting with the jacket, shirt or blouse, and continue down the body. Instruct the suspect to hand you each item of clothing as they are removed. Make a thorough search of all items including pockets, seams, hems. Socks should be turned inside out, and shoes should be checked for any hollow or removable sole or heel.
2. Observe the suspect closely to detect any movements that would indicate the suspect is attempting to hide or remove any weapon or contraband.
3. Suspect should be ordered to run his hands through his hair and shake his head to dislodge any hidden contraband.
4. Check the backs of ears, nostrils, inside of tongue and mouth, check for strings, wires, etc. Inspect arms, armpits, and between the fingers. Have the suspect raise arms over his head, check armpits, then have the suspect hold his hands out in front of him with fingers separated and extended. Check both sides of arms, hands, fingers, and under fingernails.
5. If the suspect is obese, order them to separate the various folds of flesh for visual inspection.
6. Instruct the suspect to turn and face the wall.

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7. Examine the back of the torso, legs and feet. Have the suspect raise each foot, examine soles.
8. If the arrestee is a female have her lift her breasts for visual inspection. If she is menstruating, have her remove pad or tampon and place in a bag for disposal. Inspect same for contraband and give subject a new pad. Have the female suspect squat and cough three times. This should release any contraband that may be held in the vagina.
9. Have male suspects turn and face you. Have male arrestee lift his penis and testicles for a visual search, then require the foreskin to be pulled back for inspection. Have the suspect turn and face the wall, then bend at the waist and separate his/her buttocks with his/her hands for a visual inspection of anus.

IV. PHYSICAL BODY CAVITY SEARCH

No person arrested for an infraction or a misdemeanor offense nor any juvenile detained prior to a detention hearing pursuant to Welfare and Institution Code 300, 600 and 601 shall be subjected to a physical body cavity search prior to being placed in the general jail/juvenile hall population except under the following circumstances:

- A. A physical cavity search may only be performed under the authority of a search warrant issued by a magistrate specifically authorizing the body cavity search and establishing the extent and/or limitations of same. A copy of the search warrant shall be placed in the agency's records and made available upon request to the person searched or to this his/her authorized representative.
- B. The search shall be performed by a physician, nurse practitioner, registered nurse, and licensed vocational nurse or emergency medical technician (must be level 2 to practice in California.)
- C. The search shall be performed under sanitary conditions, and in an area of privacy so that the search cannot be observed by persons not participating.
- D. All persons conducting or otherwise present during the search shall be of the same sex of the person being searched, except for physicians or licensed medical personnel.

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