



MIDDLETON POLICE DEPARTMENT

DATE
April 23, 2013

POLICY
1.7.07

SUBJECT: **Strip Searches**

REVIEWED
December 1, 2017

MRR

Refer to: [968.255](#); [968.256](#); [Strip Search Authorization Report](#)

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PURPOSE

The purpose of this policy 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.

POLICY

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 detainees; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interests of the Processing Center. Recognizing the intrusiveness of these searches on individual privacy, however, it is the policy of the 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 and Wisconsin State Statutes [968.255](#) “Strip Searches” and [968.256](#) “Search of Physically Disabled Person.”.

DEFINITIONS

Body Cavity Search means a search of a detained person involving the internal physical examination of body cavities, including the anal cavity and the vaginal cavity.

“**Detained**” means any of the following:

1. Arrested for any felony.
2. Arrested for any misdemeanor under:
 - a. [167.30 \(1\)](#) Use of firearms near park
 - b. [940.19](#) Battery; substantial battery; aggravated battery
 - c. [941.20 \(1\)](#) Endangering safety by use of dangerous weapon
 - d. [941.23](#) Carrying concealed weapon
 - e. [941.237](#) Carrying handgun where alcohol beverages may be sold/consumed
 - f. [941.24](#) Possession of switchblade knife
 - g. [948.60](#) Possession of a dangerous weapon by a person under 18
 - h. [948.61](#) Dangerous weapons other than firearms on school premises
3. Taken into custody under s. [938.19](#) and there are reasonable grounds to believe the juvenile has committed an act which if committed by an adult would be covered under subd. [1.](#) or [2.](#)
4. Arrested for any misdemeanor not specified in subd. [2.](#), any other violation of state law punishable by forfeiture or any local ordinance if there is probable cause to believe the person is concealing a weapon or a thing which may constitute evidence of the offense for which he or she is detained.

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 (SS. 968.256(1)).

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 (SS. 968.255(1)(b)).

PROCEDURE

Strip Searches

1. No person may be the subject of a strip search unless he or she is a detained (SS. 968.255(1)(a)) person.
2. Arrest or detention does not confer the automatic authority to carry out a strip search. There should be reasonable suspicion that a weapon, contraband or evidence is being concealed in the area the officer wishes to search. Specific facts, circumstances, and the officer's experience must justify a strip search.
3. A person conducting the search shall justify the necessity of the strip search and receive the prior written permission of the Shift Commander, unless there is an exigency and probable cause to believe that the detained person is concealing a weapon.
4. Prior to a strip search, the officer should attempt to obtain the detainee's consent.

5. The person conducting the search shall be of the same sex as the person detained, or a physician, physician assistant or registered nurse licensed to practice in this state.
6. The search shall be conducted in private by utilizing a room that has no outside windows and contains no audio or visual recording devices. The door shall be closed for privacy while conducting the strip search. A minimum of two officers shall be present during any strip search, unless the search is conducted by a physician, physician assistant or registered nurse. The detained person shall not be exposed to the view of any person not involved in conducting the search.
7. The search shall be conducted in a professional and dignified manner.
8. A person conducting the search shall prepare a report identifying the person detained, all persons conducting the search, the time, date and place of the search and the required written authorization, and provide a copy of the report (Strip Search Authorization Report, page one) to the person detained at the earliest opportunity. An incident report shall be completed.

Body Cavity Search

1. No person may be the subject of a Body Cavity Search unless he or she is a detained person.
2. A Body Cavity Search may not be performed without reasonable, individualized suspicion that the detainee possesses a weapon, evidence of a specific crime, controlled substance or other contraband.
3. The suspected offense must be of a serious nature and/or present a threat to the safety of officers or others and/or the security of the Processing Center or Dane County Jail.
4. The officer shall make a documented request for a Body Cavity Search clearly defining the basis for suspicion and receive prior written permission from the Chief of Police or a Captain.
5. Prior to a Body Cavity Search, the officer should attempt to obtain the detainee's consent.
6. All body cavity searches shall be conducted by a physician, physician assistant or registered nurse in accordance with SS. [968.255](#) with or without a warrant.
7. Officers should generally not be present during Body Cavity Searches so as to ensure the detainee's privacy. However, there are times when officers may be present, such as when the detainee is a security risk. Specifically, if the medical professional performing the Body Cavity Search requests that an officer be present for safety or security reasons. In such a case, the best procedure would be to have the officer be of the same sex as the detainee being searched.
8. Searches should be conducted in private, in a medically acceptable manner and environment, under sanitary conditions, and conducted in a professional and dignified manner.

9. The officer managing the search shall prepare a report identifying the person detained, all persons conducting the search, the time, date and place of the search and the required written authorization, and provide a copy of the report (Strip Search Authorization Report, page one) to the person detained at the earliest opportunity. An incident report shall be completed.

Search of Body Orifices

1. A search of the mouth, nose or ears of a detainee which involves nothing more than touching the outside surfaces or observing what is in plain view is permissible.
2. Officers should refrain from probing into those body orifices with a finger or instrument.
3. Intrusive searches of the mouth, nose, or ears are not considered body cavity searches, however, searches of those body orifices should be conducted by medical personnel to comply with the 4th and 5th amendments.
4. Officers who have probable cause to arrest a suspect and who are searching the suspect incident to the lawful arrest and that have a "clear indication" (more than "mere suspicion" or "reasonable suspicion") that the arrestee has seizeable contraband in his mouth may, either with a warrant or when exigent circumstances (either an "urgent need to preserve evidence" or a "medical emergency") are present, use objectively reasonable force to acquire the contraband. Any action that could prevent breathing or an obstruction to the blood supply to the brain is prohibited.

Search of Physically Disabled Person

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 ([968.256](#)) including a physician, physician assistant, registered nurse, paramedic, EMT or trained officer or jailer.

STRIP SEARCH AUTHORIZATION REPORT

Case # _____ [] Strip Search [] Body Cavity Search

Name of Person Detained: _____ Male _____ Female _____

Name of Officer Requesting Search: _____

Name of Supervisor Authorizing Search: _____ Date: _____

Signature of Supervisor Authorizing Search: _____ Time: _____

Name of Officer(s) Conducting Search: _____ Male _____ Female _____

Name of Officer(s) Conducting Search: _____ Male _____ Female _____

Search Date: _____ Time: _____ Location: _____

Scope of Search: _____

Result of Search – Items Found and Where:

Additional Information for Body Cavity Search
Search Warrant: Yes _____ No _____
Name of medical professional conducting the Body Cavity Search: _____
Names of others present during the Body Cavity Search: _____



FACTS / CIRCUMSTANCES JUSTIFYING SEARCHES

- ___ 1. Nature of charge(s): _____

- ___ 2. Probable cause statement or circumstances of unusual conduct: _____

- ___ 3. Appearance of the detainee (signs of intoxication, needle marks or indications of drug addiction, noticeable injuries, signs of abuse): _____

- ___ 4. Furtive movement indicating detainee might be concealing contraband: _____

- ___ 5. Other unusual conduct (excessive nervousness, etc.): _____

- ___ 6. Evasive or contradictory answers to questions: _____
- ___ 7. Information provided relating to suicide attempts, prior abuse, substance abuse history: _____
- ___ 9. Informant's tip: _____
- ___ 10. Past conduct in the facility (assaultive, contraband, self-mutilation, suicidal efforts/ideation): _____
- ___ 11. Prior history (criminal, medical and/or mental health): _____
- ___ 12. Circumstances of the arrest: _____
- ___ 13. Detection of contraband or other suspicious objects on or beneath the detainee's clothing during another type of search: _____

An incident report is required.

CONSENT TO STRIP SEARCH FORM

I, _____, date of birth _____, at _____,
Name of Detainee Time

on _____, at _____,
Date Place

voluntarily consent to a Strip Search by an officer of the

Department Name

I understand that the person conducting the search shall seize any item that is (1) illegal, (2) contraband, (3) evidence of a crime, (4) a weapon, (5) a controlled substance. My Voluntary consent to this Strip Search is not the result of fraud, duress, fear or intimidation.

Detainee's Name

Detainee's Signature

Date

Witness' Name

Witness' Signature

Officer's Name

Officer's Signature

Approved By Name

Approved By Signature

Date

Time

CONSENT TO BODY CAVITY SEARCH FORM

I, _____, date of birth _____, at _____,
Name of Detainee Time

on _____, at _____,
Date Place

voluntarily consent to a Body Cavity Search to be conducted by a medical professional.

I understand that the person conducting the Body Cavity Search shall inform the appropriate law enforcement officer of any item that is found that is (1) illegal, (2) contraband, (3) evidence of a crime, (4) a weapon, (5) a controlled substance. My voluntary consent to this Body Cavity Search is not the result of fraud, duress, fear or intimidation.

Detainee's Name

Detainee's Signature

Date

Witness' Name

Witness' Signature

Officer's Name

Officer's Signature

Approved By Name

Approved By Signature