

# COLUMBIA POLICE DEPARTMENT

## Standard Operating Guideline

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<b>Part:</b> Operations		<b>Chapter:</b> Arrests	
<b>Chief of Police:</b>			

### Prisoner Searches of Opposite Sex

#### I Policy

It is the policy of the Department to establish a standard of conduct for searching prisoners that are not of the same sex as the searching personnel.

#### II Definitions

**Search Incident to Arrest-** a search of the person of the suspect that is conducted on a post arrest basis and contemporaneous with the arrest.

**Frisk-** a carefully limited search of the outer clothing of a person for the purpose of detecting a weapon. Must be based on a reasonable suspicion that criminal activity is afoot, and that the person in question is presently armed and dangerous.

**Consent Search-** a search of the person based on the officer having asked for and received permission from the individual in question to conduct a search of their person.

#### III Procedure

##### 1 Search Incident To Arrest

Generally, searches of suspects of the opposite sex are discouraged. When an officer arrests a person of the opposite sex, and an officer of the same sex is not available at the scene, the arresting officer shall conduct a search of the prisoner in the following manner:

1.1 The search should be recorded on video, if available, using a department-owned recording device, to include the Mobile Video System or hand-held video camera.

1.1.1 If not video recorded, reasons for such shall be documented in an incident report by the officer conducting the search.

1.2 The search shall be witnessed by another officer if present.

1.3 The prisoner should be handcuffed prior to the search.

## SOG 407.01

### Prisoner Searches of Opposite Sex

- 1.4 The search shall be conducted in a routine manner consistent with training for searches of prisoners for the same sex, except for the following:
  - 1.4.1 Officers will inspect pockets by inserting their hand in same, palm out, and removing any items as necessary for inspection.
  - 1.4.2 Officers will utilize the "knife edge" technique when conducting a search of the genital area of a prisoner of the opposite sex. Male officers should use this same technique when searching the breast area of a female prisoner. Any invasive search into these areas will be conducted by an officer of the same sex if practical.
  - 1.4.3 In order to retrieve/secure a weapon for safety purposes, officers may retrieve a weapon from the genital area of a prisoner, or breast area of a female prisoner, if immediately necessary. However, if circumstances allow, officers are encouraged to secure the prisoner and wait for an officer of the same sex as the prisoner to retrieve the weapon.

## 2 Frisk

Generally, frisk of suspects of the opposite sex are discouraged. When an officer frisks a person of the opposite sex, and an officer of the same sex is not available at the scene, the officer shall conduct a frisk of the detainee in the following manner

- 2.1 The frisk should be recorded on video, if available, using any available, department owned recording device, to include the Mobile Video System or hand-held video camera.
- 2.2 The person to be frisked may or may not be handcuffed, at the discretion of the officer.
- 2.3 The officer should conduct a carefully limited frisk of the outer clothing of the person for the purpose of detecting a weapon, as with a person of the same sex, with the following limitations:
  - 2.3.1 When officers are of the opposite sex from the person being frisked, they should not touch the genitals of that person, or the breast of a female during the frisk.
    - 2.3.1.1 In the event that an expansion of the frisk (genital or female breast area) becomes necessary due to the presence of a weapon, the officer may retrieve the weapon, if immediately necessary, or immobilize the person until an officer of the same sex arrives.
      - 2.3.1.1.1 Reasons for the expansion/necessity for immediate retrieval of a weapon shall be documented in an Incident Report.

## 3 Consent Search

When an officer of the opposite sex from the person to be searched wishes to conduct a search based on consent, and an officer of the same sex is not present, the officer shall conduct the search in the following manner:

- 3.1 The search should be on video, if available, using any available department owned recording device to include the mobile video system or hand-held video camera.

SOG 407.01

Prisoner Searches of Opposite Sex

- 3.2 The officer may request an officer of the same sex as the person to be searched to come to the scene and conduct the search.
- 3.3 In the event that no officer of the same sex is immediately available, the officer will inform the person to be searched of that fact. The officer will then give the person to be searched an opportunity to withdraw their consent. If, once being informed of the opportunity to withdraw their consent, the person agrees to the search, the search may proceed.
- 3.4 The search based on consent will be conducted in the same manner as a search incident to arrest, within the scope of the consent.
- 3.5 The person being searched may or may not be handcuffed, at the discretion of the officer.

4 Holding / Booking Area

- 4.1 When a prisoner of a particular sex has been searched by an officer of the opposite sex, following that search:
  - 4.1.1 The prisoner will be searched again upon arrival at the Department and all property removed;
  - 4.1.2 This search will be conducted in the same manner as a search incident to arrest.
  - 4.1.3 Prior to transporting to the jail a search may be conducted by Boone County Sheriff's Department (BCSD).
    - 4.1.3.1 At the request of the transporting Deputy a search may be conducted by Department personnel.
  - 4.1.4 Strip searches and body cavity searches shall ONLY be conducted by Department staff as provided by SOG Strip Search/Body Cavity Search.

**IV Attachments**

None