

# SPRINGFIELD POLICE DEPARTMENT

## Standard Operating Guideline

<b>Effective Date:</b> 10/15/2014	<b>Supersedes Policy Dated:</b> 03/09/2006	<b>Rescinds:</b>	<b>SOG Number:</b>  <b>407.1</b>
<b>Accreditation Index:</b> 70.1.1			
<b>Part Title:</b> Operations		<b>Chapter Title:</b> Arrests	
<b>Chief of Police:</b>			

## Prisoner Searches of Opposite Sex <sup>1</sup>

### I Policy

It is the policy of the Springfield Police 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 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 (CALEA 70.1.1)

1.1 Generally, searches of suspects of the opposite sex are expressly forbidden. Prisoners shall be searched by members of the same sex, unless emergency situations direct an immediate limited search to protect from serious injury or death. When an officer arrests a person of the opposite sex, and an officer of the

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<sup>1</sup> This document has been revised to meet current formatting standards. Minor grammatical and/or typographical corrections have been completed as necessary, per Policy Change Order 14-083, Effective Date 10/15/2014.

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same sex is not available, and safety necessitates the need for an immediate search, the arresting officer shall conduct a search of the prisoner in the following manner:<sup>2</sup>

- 1.1.1 The search shall be recorded on video tape using a department-owned recording device, to include the Mobile Video System or hand-held video camera, if available.
  - 1.1.1(a) If not video recorded, reasons for such shall be documented in an incident report by the officer conducting the search.
- 1.1.2 The search shall be witnessed by another officer.
- 1.1.3 The prisoner shall be handcuffed prior to the search.
- 1.1.4 The search shall be conducted in a routine manner consistent with training for searches of prisoners for the same sex, except for the following:
  - 1.1.4(a) Officers will inspect pockets by inserting their hand in same, palm out, and removing any items as necessary for inspection.
  - 1.1.4(b) Officers shall not search the genital area of a prisoner of the opposite sex, or the breast of a female prisoner. Any search into these areas will be conducted by an officer of the same sex.
  - 1.1.4(c) 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.
- 1.1.5 Any time a search of a suspect of the opposite sex is necessary, the search methods used and name of any witnesses to the search shall be documented in the incident report by the officer conducting the search.

## **2 FRISK (CALEA 70.1.1)**

- 2.1 Generally, frisks of persons of the opposite sex are expressly forbidden. When an

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<sup>2</sup> Section 1.1, not previously numbered, was revised to include searches in emergency situations, per Policy Change Order 14-083, Effective Date 10/15/2014.

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officer has a lawful basis to perform a frisk of a person of the opposite sex, and an officer of the same sex is not available, and safety necessitates the need for an immediate frisk, the officer shall conduct the frisk of the person in the following manner:

- 2.1.1 The frisk shall be recorded on video tape using any available, department owned recording device, to include the Mobile Video System or hand-held video camera, if available.
  - 2.1.1(a) If not video recorded, reasons for such shall be documented in an incident report by the officer conducting the frisk.
- 2.1.2 The person to be frisked may or may not be handcuffed, at the discretion of the officer.
- 2.1.3 The officer will 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:
  - 2.1.3(a) When officers are of the opposite sex from the person being frisked, they will not touch the genitals of that person, or the breast of a female during the frisk.
    - 2.1.3(a.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.
    - 2.1.3(a.2) Reasons for the expansion/necessity for immediate retrieval of a weapon shall be documented in an Incident Report.

## **3 CONSENT SEARCH**

- 3.1 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:
  - 3.1.1 The officer shall request an officer of the same sex as the person to be searched to come to the scene and conduct the search.
  - 3.1.2 In the event that no officer of the same sex is available, the officer will inform the person to be searched of that fact. The officer will then give

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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.

- 3.1.3 The search based on consent will be conducted in the same manner as a search incident to arrest, within the scope of the consent.
- 3.1.4 The person being searched may or may not be handcuffed, at the discretion of the officer.

## **4 DETENTION FACILITY**

- 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 GCCJC Jail;
  - 4.1.2 The subsequent search may be conducted by GCCJC staff of the same sex as the prisoner and shall include a search of the genital area (and in the case of a female, the breasts)
    - 4.1.2(a) Or it may be conducted by SPD personnel at the request of and under the direction and instruction of GCCJC staff.
  - 4.1.3 When such searches are conducted, the arresting or transporting officer shall insure it is conducted by an officer/employee of the same sex and shall seek search assistance in the following priority:
    - 4.1.3(a) Springfield Police Officer at the scene of arrest;
    - 4.1.3(b) GCCJC staff at the GCCJC facility;
    - 4.1.3(c) Springfield Police Officer at GCCJC facility;<sup>3</sup>
  - 4.1.4 Strip searches and body cavity searches shall ONLY be conducted by SPD staff as provided by [SOG 407.2, Strip Search/Body Cavity Search](#).

## **IV Attachments**

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<sup>3</sup> Section 4.1.3(d) pertaining to PSR transporting prisoners deleted, per Policy Change Order 14-083, Effective Date 10/15/2014.