

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE****Index as:**

Evidence, from body searches
Searches, Body
Strip Searches

STRIP AND BODY CAVITY SEARCHES**418.00 PURPOSE**

The purpose of this General Order is to establish uniform procedures regarding the physical search of any prisoner who is to be confined.

418.01 DEFINITIONS

- A. **"Custodial Search"** The thorough examination, with the hands, of the person's clothing, including the inside of the pockets and other compartments, (e.g. coats, hats, belts, shoes, socks, etc.).
- B. **"Body Cavity Search"** The inspection of the interior of a person's anus or genitalia.
- C. **"Strip Search"** The removal or rearrangement of some or all of the clothing of a person so as to permit a visual or manual inspection of the genitals, buttocks, anus, breasts, or undergarments of such person, but not including the interior of the genitals or anus.

418.02 POLICY

All persons who are to be confined to a holdover cell will be subject to a thorough custodial search conducted by a person of the same sex as the person being searched, whenever reasonably possible. Any outer clothing and accessories (coats, hats, shoes, etc.) which are too bulky or restrictive to allow a thorough search will be removed and carefully searched.

418.03 PROCEDURES FOR BODY CAVITY SEARCH:

Body cavity searches are conducted at a hospital only after a search warrant has been obtained and all of the following provisions have been met:

- A. There is probable cause to believe the person to be searched is concealing evidence, contraband, or a weapon or dangerous instrument within a body cavity (facts to include, but not limited to, nature of the charge, prior arrest history, and information from informant, etc.).

- B. The on-duty Watch Commander has given written approval for the search. Written approval will be recorded on the Booking Sheet in the unused area below the "charges" section.
- C. The search must be conducted in the presence of an officer of the same sex as the person being searched. Only those persons necessary for the security and safety of the officer and prisoner will be present.
- D. The search must be conducted under sanitary conditions and in a place where the search cannot be viewed by persons other than that necessary for the security and safety of the prisoner and officers.
- E. The search must be conducted by a physician, registered nurse or licensed practical nurse licensed to practice in Missouri.
- F. A search warrant must be secured in accordance with current law. The person to be searched will be conveyed to a hospital, where the officer will request a doctor to conduct the search. Copies of the Search Warrant will be presented to the doctor for hospital files.

418.04 PROCEDURES FOR STRIP SEARCHES:

A strip search will be conducted only when all of the following provisions have been met:

- A. A strip search may be conducted at the station and no search warrant is required. There is probable cause to believe the person to be searched is concealing evidence, contraband, or a weapon or dangerous instrument (facts to be considered include, but are not limited to, nature of the charge, prior arrest history, information from informant, etc.)
- B. The on-duty Watch Commander has given written approval of the search. Written approval will be recorded on the Booking Sheet in the unused area below the "charges" section.
- C. The search must be conducted in the presence of an officer of the same sex as the person to be searched. Only those persons necessary for the security and safety of the officer and prisoner will be present.
- D. The search must be conducted under sanitary conditions and in a place where the search cannot be viewed by persons other than that necessary for the security and safety of the prisoner and officers.

418.05 DELAYS IN SEARCHES:

Whenever it becomes necessary to delay a strip search or body cavity search (i.e. awaiting medical personnel or officers of the same sex as the prisoner), precautions must be taken to ensure the prisoner is isolated and kept under adequate surveillance.

NOTE: Refusal of a warrant, expiration of twenty hours without a warrant being issued, or the posting of bond requires the immediate release of a prisoner, regardless of the status of any pending searches.

418.06 EVIDENCE:

Whenever evidence is seized as a result of a prisoner search, the officer who discovers the evidence will be responsible for the seizure, as well as the marking and packaging of the evidence. If the seizing officer is not the arresting officer, then the seized evidence may be turned over to the arresting officer for delivery to the lab or the prosecuting attorney's office depending on the circumstances, after it has been properly marked and packaged by the seizing officer. In these instances the arresting officer will initial the evidence container in order to keep the chain of custody intact.

418.07 REPORTS

In all cases when a strip or body cavity search is conducted, a report will be made which clearly identifies the circumstances leading to the search, the conditions under which the search was conducted, identifications of parties involved, and the results of the search.

By order of:



COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel