

Custody Searches

902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent Department procedures regarding frisks (pat-down searches), searches incident to arrest, booking and strip searches of arrested persons and arraignment detainees.

902.2 DEFINITIONS OF SEARCHES

Definitions related to this policy include:

Frisk (Pat-Down Search) - This is a limited type of search used by officers in the field when an officer has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the officer or others.

Booking Search - This search involves a thorough search of an arrested individual's clothing. All pockets, cuffs and folds on the clothing are checked to locate all personal property, contraband or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

902.3 FRISKS (PAT-DOWN SEARCHES)

When any officer has reasonable suspicion to believe that a person suspected of criminal behavior or of violating conditions of parole or probation may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may search that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a frisk of that individual.

Whenever reasonably practicable, a frisk of an individual should be conducted by an officer of the same gender as the person being frisked. Absent the availability of a same gender officer, it is recommended that a witness officer be present during any frisk of an individual of opposite gender as the officer conducting the frisk.

902.4 BOOKING SEARCHES

A person arrested shall have all dangerous and offensive weapons taken from them.

A person may be searched incident to arrest even though the arrested person is released before being taken to a facility or magistrate (ARS § 13-3903(G)).

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902.5 STRIP SEARCHES

Except as otherwise authorized by law, no person arrested and held in custody shall be subjected to a strip search or visual/physical body cavity search prior to booking and processing into the general jail population unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband that would be discovered by such a search.

No strip search or visual body cavity search shall be conducted without prior authorization from a lieutenant or higher. The time, date and place of the search, the name and gender of the person conducting the search and a statement of the results of the search shall be recorded in the arrest record. A copy of the written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request. (1.2.8.a) (71.3.1.b)

All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search.

Whenever reasonably possible, a second officer of the same gender should also be present during the search, for security and as a witness to the finding of evidence. (1.2.8.b)

The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.

All strip searches will be documented in the Incident Report (IR) with attention given to location, conditions, items located, etc.

Additional employees involved with the strip search will complete a supplemental report. (1.2.8.b) (1.2.8.c) (70.1.1)

902.5.1 VISUAL/PHYSICAL BODY CAVITY SEARCH

No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant and approval of a supervisor. (71.3.1.b)

A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative.

Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or intermediate or advanced Emergency Medical Technician (EMT) may conduct a manual body cavity search.

Except for the above mentioned licensed medical personnel, persons present must be of the same gender as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard. (1.2.8.a) (71.3.1.b)

902.6 TRAINING

The Training Section shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.