

Objectives

- Identify BPD policy requirements for various types of searches.
- Apply BPD policy requirements to various types of searches.
- Understand the potential impact of various types of searches on public trust.

When can you conduct a search?

Weapons Pat Down	Arrest
Consent	Exigent
PC Vehicle	Inventory

Requires either:

A search warrant (preferred)

OR a recognized exception to the warrant requirement such as:

- Weapons Pat Down
- Search Incident to Arrest
- Consent
- Exigent Circumstances
- PC Search of a Vehicle
- Community Caretaking (inventory searches, etc)

Conducting a Search

Requirements



- Explain the reason
- Search courteously
- Use professional language
- Minimize disruption
- Return property to presearch condition to the extent possible
- Document all searches

Searches and Gender



- No cross-gender searches unless there is a safety/exigency concern.
- A cross-gender search depends on gender identity
 - What makes them feel most comfortable/safe?
 - If you don't listen to the person's request, put the reason on BWC
- If you have to do a cross-gender search, have a witness

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- A <u>minimally intrusive</u> check for weapons
- Requires RAS that:
 - The person is/has/is-about-to commit a crime
 - AND the suspect is armed
 - AND the suspect is dangerous

Weapons Pat-Down



A weapons patdown may only include a container IF:



- It's within reach
 - AND it could contain a weapon
 - AND it can't be safely moved somewhere
- OR it can't be safely returned

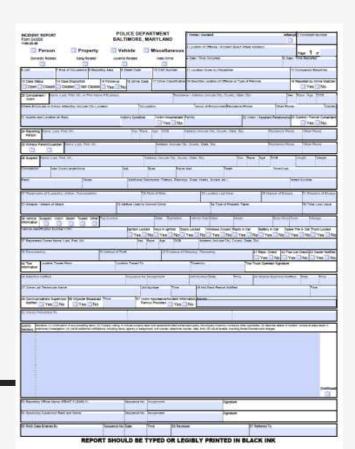
Note: If you develop RAS that there is a weapon within the container, you may check the interior of the container FOR THE WEAPON ONLY and separate the weapon from the suspect.

Gender and Weapons Pat-Down



- Same-gender preference
- "Armed and dangerous" suggests waiting for a samegender officer isn't safe
- Do NOT conduct a weapons pat-down to evaluate gender

Weapons Pat-Down Documentation



- Requires a report
 - No boilerplate language
- If not arrested: Provide 309
- If arrested: No Form 309 is required

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- Search pockets
- Search property on the person
- Ok to adjust clothing as long as it doesn't expose private area or undergarments (other than waistband)

Search Incident to Arrest



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Searching the IMMEDIATE AREA incident to arrest



- Anywhere the suspect could immediately reach to grab a weapon or hide/destroy evidence.
- Once the suspect is moved from the area, you can NOT search there incident to arrest.

Protective Sweep



Arrest allows a protective sweep in the IMMEDIATE AREA of the arrest.

Beyond that requires RAS that there's a person present who poses a threat.

Remember: A protective sweep is a search for <u>people</u>.

Policy: A search warrant is necessary to seize anything not in plain view.

Search of a VEHICLE Incident to Arrest



Police may search the <u>passenger compartment</u> incident to a recent occupant's arrest only if:

 RAS the car contains evidence related to the arrest

OR

- The suspect is unsecured AND in reach of that area

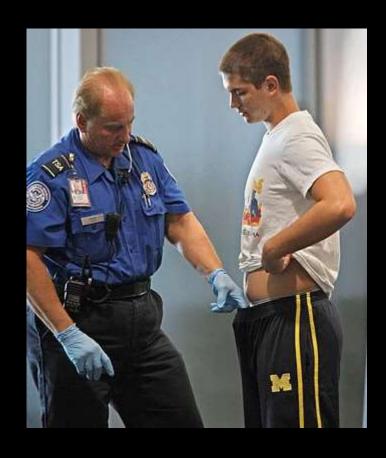
Exposing the person's:

- Private area
- Or undergarments

NOT a strip search:

- Medical aid
- Exposing/manipulating waistband of undergarments

Strip Searches

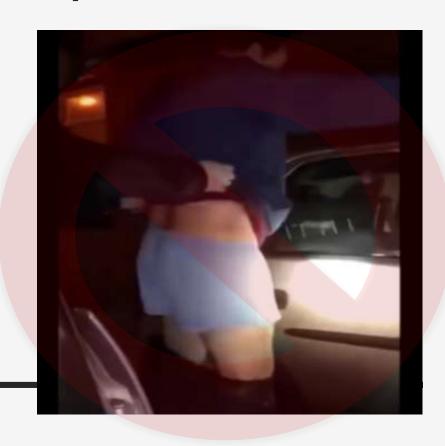


When can a Strip Search be performed?



- Must be legally justified
- ONLY if you have Probable
 Cause that a person is
 concealing:
 - -evidence
 - -contraband
 - -or a dangerous weapon

Where can a Strip Search be performed?



ONLY in a private area of a police district/facility UNLESS

- PC they have a deadly weapon
- They pose a threat to self/other
- Can't be transported safely to a police facility for search

Supervisor Approval



- A strip search can ONLY be approved by a permanently ranked LIEUTENANT or above
- You must explain: the Probable Cause to believe they have evidence/ weapon/contraband, including identifying the suspected item
- You must record the statement on BWC
- Document the supervisor who provided approval

Field Strip Search Approval



Lieutenant or above approval is required UNLESS the time to do so would pose an imminent threat to safety

AND a Field Strip Search is allowed:

- Concealing a deadly weapon
- A threat to himself or others
- AND cannot be transported safely to a private area

Before You Conduct a Strip Search



- Try using less intrusive means
- Explain the reason for the search
- If safe, give the suspect a chance to get it themselves
 - If you are going to do this,
 Mirandize them before letting
 them retrieve it

Strip Search BWC Requirements



- Before beginning the Strip Search:
 - BWC should already be activated
 - Ask if they want the search to be on BWC
 - Comply with the wishes of the person
- If the person doesn't want it recorded, document this using the BWC and end recording
- After the search, wait 30 seconds before re-activating

Cross-Gender Strip Search

ONLY where:

- PC the arrestee is concealing a deadly weapon
- AND waiting on a member of the same gender identity or attempting to transport would pose an imminent risk to safety

Require 95 (*Administrative Report*) kept with file

Documenting a Strip

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- Provide arrestee a Form 309
- Explanation In report, explain why a strip search was required along with all relevant details
- Command Review Report must be reviewed by a <u>command level</u> <u>official</u> within 48 hours of the search

Body Cavity Search

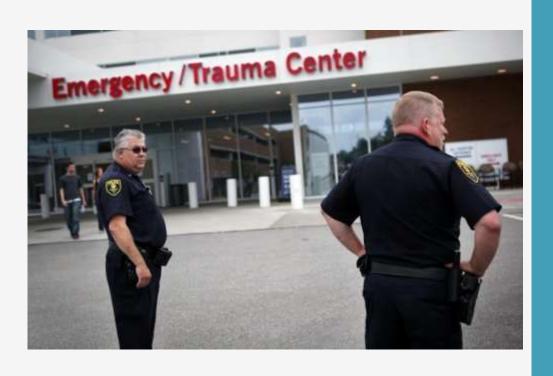


Any visual or manual inspection of a person's:

- Mouth*
- Nose*
- Ear canal*
- Anus
- Genital region
- Internal organs

^{* &}lt;u>NOTE</u>: Visual inspection or minor manual manipulation of a person's ear, nose or mouth are exempt from the supervisory approval, warrant and reporting requirements for Body Cavity Searches.

Body Cavity Search



- Requires a Search Warrant
- ONLY with PC that a person has attempted to hide: evidence of a crime, weapons, or contraband
- Conducted by <u>a licensed medical</u> <u>professional</u> (doctor, nurse, medic, etc) under <u>sanitary conditions</u>
- BPD member will be present

Force during Cavity Search



- Force is NOT allowed to recover evidence
- Get medical attention
- NO FORCE beyond minor manipulation may be used absent observable and articulable facts that the person's safety is in imminent danger (e.g. choking)



LUNCH BREAK

SECURE YOUR WEAPONS PRIOR TO COMING BACK