

## **BLOOMINGTON POLICE DEPARTMENT**

### **STANDARD OPERATING PROCEDURE**

#### **SEARCHING OF PERSONS IN CUSTODY / FRISKING OF PERSONS DETAINED**

Reviewed by: Lt. James B. Clesson	Effective Date: May 15, 1996
Authorized by: Chief Jamal Simington	Revision Date: November 17, 2025

#### **PURPOSE**

The purpose of this SOP is to institute a procedure for searching persons in the custody of, or frisking subjects detained by, the Bloomington Police Department.

#### **CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the United States and Illinois Constitutions.

#### **PROCEDURE**

##### **SEARCHES**

The U.S. Constitution generally provides that a valid warrant is required for a search to be permissible. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests

##### **SEARCHING OF PERSONS IN CUSTODY**

All persons in custody in accordance with SOP 7.17: Pretrial Fairness Act should be handcuffed in compliance with SOP 5.11: Securing and Transporting Persons in Custody prior to being searched.

Subsequent to a custodial arrest, all custodial subjects, as well as the areas under their immediate control, are to be thoroughly searched using approved and trained search procedures by the arresting officer at a time immediately following the custodial arrest or, in exigent circumstances, at the earliest possible time a safe and thorough search may be conducted.

The arresting officer shall have their BWC in active recording mode in accordance with SOP 1.31: Use of Body Worn Cameras.

Prior to beginning the search, best practice is to ask the custody if they are in possession of any weapons or contraband prior to conducting the search.

When conducting a custodial search, officers shall remove all items from the custody's pockets or items they may be holding in their hands and place them in an envelope or approved container. This includes the custody's cellular device. The name of the subject in custody is to be written on the outside of the envelope. The officer is to retain possession of the envelope, taking the belongings with them while the custody is transported to the Bloomington Police Department, corrections facility, or other law enforcement facility. The custody's belongings are then to be transferred to the officer or facility tasked with the care of the custody.

All bags or garments in the possession of the subject taken into custody at the time of arrest are to be thoroughly searched by the arresting officer.

Whenever feasible, individuals in custody should be searched by an officer of the same sex. When a same-sex officer is not available, an opposite-sex officer may conduct the search when necessary for officer safety or to maintain custody; however, the search shall be performed in a manner that minimizes the potential for allegations of sexual misconduct or impropriety.

For opposite-sex searches, a second officer should be present. The secondary officer should position themselves to ensure the search is clearly captured on their body-worn camera.

No person will be detained or transported in an assigned vehicle without being searched.

All in-custodies shall be searched by a secondary officer who is not the arresting officer prior to being placed in a patrol vehicle. Both officers who conduct the search shall be listed in the police report. In the event a secondary officer is not available, officers may proceed with the arrest/transport process.

Any officer tasked with transporting a custody shall conduct a search of the custody prior to transport. The transporting officer is to conduct a search regardless of whether the custody has been previously searched.

If currency is located during the search, the officer should ask the custody how much currency is in their possession. Absent exigent circumstances, the officer should then proceed to count the currency in the presence of the custody to verify the amount. Currency shall then be placed in an envelope with the custody's other belongings. Currency that is subject to seizure shall be handled following the procedures specified in SOP 1.13: Seizure and Submission of Currency.

## **FRISK / PAT DOWN**

A pat-down or frisk of the outer clothing to check for weapons may be done to a person stopped for temporary questioning without arrest pursuant to 725 ILCS 5/107-14 when the officer reasonably suspects that the person stopped is armed and presently dangerous to the officer or others.

If the officer discovers a weapon, they may take it until the completion of the questioning, at which time they shall either return the weapon (if lawfully possessed) or arrest the person. When

an officer has reasonable suspicion to believe a weapon may be accessible in the passenger area of a vehicle, the officer may "frisk" the passenger area for a weapon.

During a lawful frisk for weapons, an officer may seize non-threatening items discovered as a result of the frisk, if they develop probable cause that the object is evidence.

### **STRIP SEARCH**

All strip searches must comply with the provisions of 725 ILCS 5/103-1. Persons cited for city ordinances or traffic violations or arrested on misdemeanor offenses shall not be strip searched unless there is reasonable belief that the arrested person is concealing weapons or a controlled substance.

"Strip Search" means having a custody remove or arrange some or all of their clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of the arrested.

Every officer of the department conducting a strip search shall obtain written permission for such a search from the shift, unit, or division supervisor utilizing the Authorization for Strip Search form.

All strip searches should be conducted in a secure and private area of the department. The search shall be conducted in private by officers of the same sex as the custody. This search will be conducted in a manner so it cannot be observed by persons not physically conducting the search.

A copy of the authorization form shall be provided to the custody subject to the search. A police report is to be completed detailing the reasons for the circumstances around the search and including the name of the authorizing supervisor. The original authorization form is to be entered in evidence in association with the police report.

No search of any body cavity other than the mouth shall be conducted without a search warrant. Such a search shall be performed under sanitary conditions and conducted by, or under the supervision of, a licensed physician.

All prosthetic devices, such as artificial legs, arms, and teeth, should be inspected carefully. Arm, leg, neck, and other such braces should also be examined thoroughly. Bandages and dressings should be inspected and replaced.

### **CUSTODIES INSIDE BPD TO BE SEARCHED USING METAL DETECTOR**

All custodies that have been escorted by officers to a secured area inside the Bloomington Police Department, in addition to being subjected to standard custody search procedures, shall also be subjected to a search of their person utilizing a department-issued, hand-held metal detector. This includes, but is not limited to, custodies transported to BPD for DUI processing, CID for investigation, and juvenile custodies for processing.

Hand-held metal detectors may be obtained from the following:

1. Lower Level 1, west hallway near the DUI Room, west elevator, and sally port entrance.
2. CID near the west elevator and interview room hallway.

3. Juvenile processing area.
4. The on-duty patrol supervisor