


FORT SMITH POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Strip Searches, Body Cavity Searches		
NUMBER	1102.05	EFFECTIVE DATE	September 13, 2000
SCHEDULED REVIEW DATE	Annually beginning on September 1	ISSUE DATE	September 13, 2000
DATE REVIEWED		REVISION DATE	March 20, 2020
APPROVED BY		CALEA STANDARDS	LE 1.2.8

I. Purpose and Scope

- A. The purpose of this policy is to provide all officers of the Fort Smith Police Department with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

II. Policy

- A. The Fort Smith Police Department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interests of the Sebastian County Detention Center. Recognizing the intrusiveness of these searches on individual privacy, it is the policy of the Fort Smith Police Department that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

III. Definitions

A. Strip Search

- Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces pertaining to genital areas, breasts and buttocks.

B. Body Cavity Search

- Any search involving inspection of, or the internal physical examination of body cavities. This would also include the inspection of internal organs, such as the stomach cavity. For purposes of this definition and policy, this does not include visual inspection of the mouth, as there are times it may be necessary to help save a life or prevent the immediate destruction of evidence.

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IV. Procedures

A. Strip Searches

1. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to the following:
 - a. The nature of the offense charged.
 - b. The arrestee's appearance and demeanor.
 - c. The circumstances surrounding the arrest.
 - d. The arrestee's criminal record, particularly past crimes of violence and/or narcotics offenses.
 - e. The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest.
 - f. Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.
2. Strip searches of prisoners may be conducted outside the Detention Center only in the rarest of circumstances where the lives of officers or others are clearly at risk; where other alternatives are not available; only in privacy; and only with the explicit approval of a supervisory officer.
3. Where articulable and reasonable suspicion exists to conduct a strip search, the officer shall first contact a supervisor for approval. A documented request shall be made in writing via FSPD Form #134, for such action to the Detention Center supervisor or other authority as designated by the Detention Center. This request will clearly define the basis for the suspicion. The Strip Search Notification Form (FSPD Form #134) shall be forwarded through the officer's chain of command to the Chief of Police.
4. When authorized by the supervising authority, strip searches may be conducted only:
 - a. By specially trained and designated personnel at the Sebastian County Detention Center;
 - b. In conformance with approved hygienic procedures and professional practices;
 - c. In a room specifically authorized for this purpose;
 - d. By the fewest number of personnel necessary and only by those personnel of the same sex as the person being searched;
 - e. And under conditions that provide privacy from all but those persons authorized to conduct the search.

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5. Following a strip search, the officer requesting the search shall, prior to the end of his or her shift, submit a written report through his or her chain of command to the Chief of Police that details, at the very minimum, the following:
 - a. Date and place of search,
 - b. Identity of the officer(s) conducting the search,
 - c. Identity of the individual searched,
 - d. Those present during the search,
 - e. A detailed description of the reason, nature and extent of the search,
 - f. And a description of any weapons, evidence or contraband found during the search.

B. Body Cavity Searches

1. Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed:
 - a. The suspect will be kept under constant surveillance until a body cavity search is conducted.
 - b. The officer shall consult his or her immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others and/or the security of the detention center.
 - c. If probable cause exists for a body cavity search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause.
 - d. On the basis of a search warrant having been authorized by a judge, a body cavity search shall be performed only by a licensed physician or other medically trained personnel at the direction of a physician, consistent with procedures established by the Sebastian County Detention Center.
 - e. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns as previously addressed in this policy.
 - f. The individual conducting the search shall file a report with the requesting law enforcement agency detailing the results of the examination. The requesting officer shall forward the physician's report through his or her chain of command to the Chief's Office along with the paperwork required in section IV.A.5 and IV.B.2 of this policy.

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2. Following a body cavity search, the officer requesting the search shall, prior to the end of his or her shift, submit a written report through his or her chain of command to the Chief of Police that details, at the very minimum, the following:
 - a. Date and place of search,
 - b. Identity of the officer(s) conducting the search,
 - c. Identity of the individual searched,
 - d. Those present during the search,
 - e. A detailed description of the reason, nature and extent of the search,
 - f. And a description of any weapons, evidence or contraband found during the search.

V. Records Retention

- A. All strip search or cavity search reports will be stored in a secured area in the Office of Professional Standards.
- B. The reports will be retained for three years.

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