

## COLUMBIA POLICE DEPARTMENT

Policy Manual

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**902 CUSTODY SEARCHES****902.1 PURPOSE AND SCOPE**

This policy provides guidance regarding searches of persons in custody.

**902.1.1 PHILOSOPHY**

It is the policy of this department that all custody searches should be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of persons subject to any search.

**902.2 DEFINITIONS OF SEARCHES**

Definitions related to this policy include:

**Body cavity search** - The inspection of a person's anus or genitalia, including but not limited to inspections conducted visually, manually or by means of any physical instrument (§ 544.193(1)(1), RSMo).

**Booking search** - A search of an arrested person and the arrested person's property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Inventory Search** - A warrantless search conducted for the purpose of placing personal property in safekeeping to prevent loss of the property and claims against police for such loss.

**Search** - A thorough visual and manual examination of an arrested person and the area immediately around that person for weapons, contraband or evidence that might be destroyed. A search does not require the removal or rearrangement of some or all of a person's undergarments or clothing directly covering the person's genitalia, buttocks, anus or female breasts.

**Strip search**- The removal or rearrangement of some or all of the clothing of a person so as to permit an inspection of the genitals, buttocks, anus, breasts or undergarments of such person, including but not limited to inspections conducted visually, manually or by means of any physical instrument (§ 544.193(1)(2), RSMo).

**902.3 ARREST, TRANSPORTATION AND INVENTORY SEARCHES**

An officer should conduct a search of an arrestee and their property immediately after the arrest, when receiving an arrestee from another person, and/or before transporting an arrestee in any police vehicle. A preliminary inventory of the arrestee's property shall be made. This initial inventory may be captured as a verbal dictation by audio or video recording (e.g. vehicle or body worn camera video).

When transporting arrestees/detainees, the transporting officer shall conduct a thorough search of the area around and beneath the vehicle seat both prior to the transport and after the transport is complete.

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Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, the detainee should be positioned in such a way that the search is captured on video and, if available, a witness officer be present.

### **902.4 BOOKING SEARCHES**

For the safety of everyone in the respective holding facility, all detainees and detainees' property will be secured and property inventoried prior to entering any jail or holding facility.

#### **902.4.1 SEARCHES AT TEMPORARY HOLDING OR CUSTODIAL FACILITIES**

Immediately upon securing weapons, all detainees brought into the facility shall be searched by an officer or other authorized employee before the officer relinquishes control of the detainee. When a detainee has been handcuffed, the detainee should remain handcuffed until the search is substantially completed.

Whenever practicable, the search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, the detainee should be positioned so that the search can be captured in a video recording and, if available, a witness officer be present.

#### **902.4.2 HANDLING OF DETAINEE'S PROPERTY**

Employees shall take reasonable care in the handling of a detainee's property to avoid discrepancies or losses.

Any personal property belonging to a detainee but retained by an officer for safekeeping shall be kept in a secure location until the detainee is released or transferred. Smaller items, such as a driver license, pocket knife, wallet, prescription medication, jewelry and other similar property, shall be placed in a property bag and sealed. Any property too large to be secured in the facility shall be booked into property for safekeeping. Any property that will not otherwise be accepted by a receiving facility in the event of a detainee transfer should also be booked into property for safekeeping. All property shall be listed by objective description on the booking form and the detainee's signature shall be affixed to the completed inventory. If the detainee's signature cannot be obtained, the inventory shall be witnessed by another staff person.

Property belonging to the detainee but retained by an officer as evidence, shall be booked according to procedures. The detainee shall be advised that such property will be kept as evidence and if requested, the officer shall issue the detainee a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. When a receipt is issued, it should be mentioned in the arrest report.

#### **902.4.3 VERIFICATION OF DETAINEE'S MONEY**

All money belonging to the detainee and retained by an officer shall be counted in front of the detainee. When possible, the detainee shall initial the dollar amount on the booking sheet. Additionally, all money should be

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placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

**902.5 STRIP SEARCHES**

No person held at any Columbia Police Department facility shall be subjected to a strip search unless there is probable cause based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband (§ 544.193, RSMo). Factors to be considered in determining probable cause include, but are not limited to:

- a. The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a full or partial strip search.
- b. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance do not suffice as reasonable suspicion absent other facts.
- c. Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).
- d. The person's actions or demeanor.
- e. Criminal history.

No transgender or intersex detainee shall be searched or examined for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

**902.5.1 STRIP SEARCH PROCEDURES**

Strip searches at Columbia Police Department facilities shall be conducted as follows (§ 544.193, RSMo):

- a. Written authorization from the Watch Commander shall be obtained prior to the strip search.
- b. All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115).
- c. All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.

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- d. Whenever possible, a second officer of the same sex should be present during the search for security and as a witness to the finding of evidence.
- e. Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.
- f. The primary employee conducting the search shall prepare a Blue Team entry and, in addition, include the following information in their offense report:
  1. The facts that led to the decision to perform a strip search.
  2. The reasons less intrusive methods of searching were not used or were insufficient.
  3. The written authorization for the search, obtained from the Watch Commander.
  4. The name of the person who was searched.
  5. The name and sex of the persons who conducted the search.
  6. The name, sex and role of any person present during the search.
  7. The time and date of the search.
  8. The place at which the search was conducted.
  9. A list of the items, if any, recovered during the search.
  10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.
- g. A copy of the written authorization shall be provided to the person searched.
- h. No employee should view a detainee's private underclothing, buttocks, genitalia or female breasts while the detainee is showering, performing bodily functions or changing clothes unless the detainee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the detainee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the detainee's consent and/or otherwise protect the detainee's privacy and dignity.

**902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

When the above requirements are met, a strip search conducted outside of the facility may only be authorized by the Watch Commander and only in exceptional circumstances, such as:

1. There is probable cause to believe that the arrestee is concealing a weapon or other dangerous item that cannot be recovered by a normal search.

2. There is probable cause to believe that the arrestee is concealing controlled substances or evidence that cannot be recovered by a normal search and there is no reasonable alternative to ensure the arrestee cannot destroy or ingest the substance during transportation.

## **902.6 BODY CAVITY SEARCH**

No person arrested or detained for a traffic offense or an offense which does not constitute a felony may be subject to a body cavity search without a search warrant (§ 544.193(4), RSMo).

A body cavity search of a person arrested for a felony may be conducted at a medical facility by authorized medical personnel only if there is probable cause to believe that the person to be searched is concealing evidence of the commission of a criminal offense, including fruits or tools of a crime, contraband or a deadly weapon that could not otherwise be discovered or there is a legitimate medical or hygienic reason.

Body cavity searches at a medical facility shall be conducted as follows:

1. Written authorization from the Watch Commander shall be obtained prior to the body cavity search.
2. The body cavity search shall be conducted by a physician, registered nurse or practical nurse, licensed to practice in this state.
3. The search shall be conducted under sanitary conditions
4. All employees involved with the search shall be of the same sex as the person being searched, except for medical personnel.
5. The search shall be conducted in a secure area of privacy so that the search cannot be observed by persons not involved with the search.
6. Employees involved with the search shall not touch the breasts, buttocks or genitalia of the person being searched.
7. The primary employee involved with the search shall prepare a Blue Team entry and, in addition, include the following information in their offense report:
  - a. The written authorization for the search obtained from the Watch Commander.
  - b. The name of the physician, registered nurse or practical nurse.
  - c. The name of the person who was searched.
  - d. The name of the employees present during the search.
  - e. The time and date of the search.

- f. The place at which the search was conducted.
- g. A list of the items, if any, recovered during the search.
- h. A copy of the written authorization shall be provided to the person searched.

## **902.7 TRAINING**

The Training and Recruitment Unit shall ensure members have training in, at a minimum:

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