

# UW Whitewater Police



## Strip Searches

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### I. Purpose

To provide guidelines to the UW-Whitewater Police Department personnel on conducting strip or body cavity searches.

### II. Definitions

**Strip Search:** A search in which a detained person's genitals, pubic area, buttock or anus, or a female detainee's breast, is uncovered and either is exposed to view or is touched by a person conducting the search. (Wisconsin Statute 968.255(1)(b))

**Body Cavity Search:** An inspection, probing, or examination of the inside of a person's anus, vagina, or genitals for the purpose of determining whether such a person is concealing evidence of a criminal offense, a weapon, a controlled substance, a controlled substance analog or other contraband.

### III. Policy

It is the policy of the UWWPD that personnel shall not perform body cavity searches. UWWPD personnel shall not conduct strip searches unless a strong need for the investigation requires it or there is a safety issue. In the event a strip or body cavity search needs to be conducted, the procedures listed in this policy shall be followed.

### IV. Procedure

A. Strip Searches: Strip searches of adults and juveniles (if applicable) shall be conducted only upon specific written authorization of the Chief of Police (Attachment A) or designee and only when special circumstances as defined in Wisconsin statute 968.255(1)(a), 1, 2, 3, and 4 exist, and there are indications that these extreme searching measures are necessary to retrieve evidence or a weapon.

1. A strip search of a juvenile shall only be conducted if there are reasonable grounds to believe that the juvenile has committed a violent felony, which, if committed by an adult, would be covered under Wisconsin Statute 968.255. Special consideration should be taken regarding the age and mental capacity of the individual being searched.

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2. The person subject to the search must be a detainee as outlined below:
    - a. Arrested for any felony
    - b. Arrested for specified misdemeanors, which are primarily weapons-related offenses.
      - i. Use of firearms, etc., near a park, etc. (167.30)
      - ii. Battery; substantial battery, aggravated battery (940.19)
      - iii. (1) Endangering safety (941.20)
      - iv. Carrying a concealed weapon (941.23)
      - v. Carry a concealed knife 941.231
      - vi. Carrying handgun and alcoholic beverages (941.237)
      - vii. Possession of a dangerous weapon by a person under 18 (948.60)
      - viii. Dangerous weapons on school premises (948.61)
  3. Strip searches shall have the following restrictions:
    - a. The officer(s) conducting the search shall be of the same identified and/or expressed gender as the detainee being searched unless the search is a body cavity search conducted by a licensed medical professional as defined in Wisconsin statute 968.255(3).
    - b. The detainee being strip searched cannot be exposed to the view of any person(s) not conducting the search.
    - c. The strip search shall not be reproduced through a visual or sound recording and, therefore, should be conducted in a restroom appropriate to the gender of the detainee being searched.
    - d. The officer conducting the strip search shall prepare a report identifying the detainee, all persons conducting the search, the time, date, and place of the search, and the written authorization required. A copy of this report must be provided to the detainee who was searched.
  4. Safety Exemptions for Strip Searches:
    - a. If probable cause exists to believe that the detainee is concealing a weapon, the requirement to obtain authorization prior to the search is waived.
    - b. If probable cause exists to believe that the detainee is concealing a weapon, the same identified and/or expressed gender requirements are waived.
- B. Body Cavity Searches: No person other than a physician, physician assistant, or registered nurse licensed to practice in this state may conduct a body cavity search.
1. A physician, physician assistant, or registered nurse acting under this section, the employer of any such person, and any health care facility where the search is conducted, have immunity from civil or criminal liability under s. 895.535.
  2. For the purposes of a search, the mouth, nose, and ears shall not be considered a body cavity and, as such, may be searched by an officer possessing the lawful authority to search a person.
  3. Criteria for requesting a body cavity search

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- a. The Officer has verified information that the detainee has concealed evidence or a weapon on the detainee's person either through the detainee's admission, from a reliable witness, or from body scanning technology at the jail facility.
- b. Officers would not normally seek a body cavity search for low-level crimes such as UWS 18.06 Violations, low-level drug possessions, or other minor crimes.
- c. The crime should be for a felony or violent crime
4. A body cavity search shall only be completed under the following circumstances
  - a. With written approval from the Chief or Chief's designee; (Attachment A)
  - b. After acquiring a search warrant from the appropriate judicial official
- C. Whenever it appears that any of the foregoing rules should be modified or suspended because of special circumstances, specific authorization to do so should be obtained from the District Attorney's Office.
- D. Reporting:
  1. When a body cavity search or strip search is completed, the reason for this shall be thoroughly documented in a police report regarding what was completed.
  2. This report shall be done before the end of the shift the search was performed unless a supervisor approves a delay in the report because of exigent circumstances.
- E. Training: The Department shall provide annual training regarding the policies and procedures to any employee or agent of the Department who may conduct a strip search.



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Strip Search Checklist

1. Name of Person Arrested: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Telephone Number(s): \_\_\_\_\_
4. Sex:            \_\_\_\_\_ M        \_\_\_\_\_ F
5. Date and Time of Arrest: \_\_\_\_\_
6. Offense(s): \_\_\_\_\_
7. Arresting Officer: \_\_\_\_\_ Badge #: \_\_\_\_\_
8. IF THE OFFENSE IS NOT ONE INVOLVING WEAPONS OR CONTROLLED SUBSTANCES, STATE THE FACTS GIVING THE OFFICER A REASONABLE BELIEF THAT THE ARRESTEE IS CONCEALING A WEAPON:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. AUTHORIZATION TO CONDUCT A STRIP SEARCH OF THE ARRESTEE FOR THE PURPOSE OF DISCOVERING CONCEALED WEAPONS.  
Name and rank of authorizing Officer: \_\_\_\_\_  
Signature of authorizing Officer: \_\_\_\_\_  
Date: \_\_\_\_\_
10. Persons conducting the search:

Name (s)	Sex
_____	_____
_____	_____
_____	_____
11. Date and time of the search: \_\_\_\_\_