

DEKALB POLICE DEPARTMENT

Subject: **Strip Searches**

Policy #: **404.4**

Effective Since: 8-21-03

Originally Issued As: General Order # 27 of 6-8-95

Revision Effective: 1-1-19

FTO Training Task: # 5

Reference Material: 725 ILCS 5/103-1

ILEAP Standards Covered: NA

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PURPOSE: Strip and body cavity searches are sometimes necessary for agency safety and security or to seize evidence of criminal activity. These searches, however, are highly intrusive and should be conducted within the limits of legal authority, out of public view, and with due regard for human dignity. The purpose of this policy is to outline the department's policy on strip searches, which mirrors state statutes.

POLICY: It is the policy of the department to conduct strip searches only when reasonably necessary and permitted by state law, in strict compliance with the standards set forth in the Illinois Compiled Statutes.

DEFINITIONS:

Strip Search, 725 ILCS 5/103-1(d): "Strip search means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person." (emphasis added)

Officers should understand that a strip search is not the same as a body cavity search. A strip search is for visual inspection only of a person's private areas. A body cavity search requires a search warrant and is for actual intrusive searches into a person's body.

PROCEDURE:

- A. Strip searches shall be conducted only in accordance with 725 ILCS 5/103-1.
- B. No person arrested for a traffic, regulatory or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon or controlled substance. [725 ILCS 5/103-1(c)]
- C. All strip searches shall be performed by persons of the same sex as the arrested person. [725 ILCS 5/103-1(e)]
- D. All strip searches shall be on premises where the search cannot be observed by persons not physically conducting the search. [725 ILCS 5/103-1(e)] This includes out of view of any video surveillance equipment.
- E. As stated in the compiled statutes, strip searches may be conducted only if there is a reasonable belief that the individual is concealing a weapon or controlled substance. If statute requirements are met, a warrant is not required for a strip search, but is always required for a body cavity search.
- F. Any police officer conducting a strip search shall obtain the written permission of the Shift Commander, who is designated by the department to authorize a lawful strip search.
- G. The attached "Strip Search Authorization" form shall be completed by the shift commander prior to any such search and signed by the persons conducting the search at the conclusion of the search.
- H. A complete case report is necessary to document the circumstances surrounding any strip search. The Authorization form must be turned in with the case report. A copy of the form must be given to the arrestee.
- I. Strip searches must meet the criteria above and do not require a search warrant.
- J. **No search of any body cavity other than the mouth shall be conducted without a duly executed search warrant.** Conditions for such a body cavity search is outlined in 725 ILCS 5/103-1(g).
- K. Any search warrant authorizing a body cavity search shall specify that the search must be performed under sanitary conditions and conducted by a Medical Doctor licensed to practice medicine in all of its branches in the State of Illinois.

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Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police .

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.

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STRIP SEARCH AUTHORIZATION

Number _____ RD

No person arrested for a traffic, regulatory or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon or controlled substance. All strip searches shall be performed by persons of the same sex as the arrested person and on premises where the search cannot be observed by persons not physically conducting the search. **No body cavity search other than the mouth shall be conducted without a duly executed search warrant.**

I hereby authorize _____ to conduct a strip search of

Names of Persons Conducting Search
Person Being Searched

Name of

A copy of this report shall be provided to the person subject to the search. The original is to be turned in with the case report.

Signature of Supervisor

Title

Signature of Officers Conducting Search: _____

Location of Search: _____

Date and Time of Search: _____