



POLICY & PROCEDURE

UW-GREEN BAY POLICE DEPARTMENT

SUBJECT: **STRIP SEARCHES**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statutes: 968.255, 968.256,
895.535

NUMBER: 1.11
ISSUED: 04/18/2023
EFFECTIVE: 05/01/2023
 RESCINDS
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INDEX AS: Body Cavity Search
Strip Search

PURPOSE: The purpose of this Policy & Procedure is to provide guidelines for members of the UW-Green Bay Police Department for determining if and under what conditions the use of strip searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. GUIDELINES
- IV. BODY CAVITY SEARCHES
- V. REPORTING
- VI. TRAINING

I. POLICY

- A. The UW-Green Bay Police Department recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of the officers, civilians, other prisoners, to detect and secure evidence of criminal activity, and to safeguard the security, safety and related interests of the Department.

In recognition of the intrusiveness of these searches on individual privacy, it is the policy of the UW-Green Bay 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 both state law and the procedural guidelines for conducting such searches as set forth in this policy.

II. DEFINITIONS

- A. **BODY CAVITY SEARCH:** A physical search involving the use of a finger or instrumental intrusion into the orifices of any body cavity. Body cavities include the mouth, ears, nostrils, vagina, and rectum. No person other than a physician, physician assistant, or registered nurse licensed to practice in this state may conduct an intrusive body cavity search.

Note....a Nurse Practitioner is an advanced Registered Nurse and is therefore included in this definition.

- B. **DETAINED:** Detained means any of the following:

1. Arrested for any felony.
2. Arrested for any misdemeanor under WI. State Statutes: 167.30(1), 940.19, 941.20(1), 941.23, 941.231, 941.237, 948.60, or 948.61.
3. Taken into custody under WI. Statute 938.19 and there are reasonable grounds to believe the juvenile has committed an act which if committed by an adult, would be covered under 1 or 2 above.
4. Arrested for any misdemeanor not specified in 2 above, or any other violation of state law punishable by forfeiture, or any local ordinance if there is probable cause to believe the person is concealing a weapon or a thing which may constitute evidence of the offense for which he or she is detained.

- C. **PHYSICALLY DISABLED PERSON:** A person who requires an assistive device for mobility, including, but not limited to, a wheelchair, brace, crutch, or artificial limb.

- D. **STRIP SEARCH:** As defined in Wis. Stats §968.255(1)(b), the intentional search for the purpose of locating weapons and/or contraband in which a detained person's genitals, pubic area, buttock, or anus, or a detained female person's breast(s) is uncovered and either exposed to view or is touched by a person conducting the search.

III. GUIDELINES

- A. Members of the UW-Green Bay Police Department will consult Brown County Jail correctional staff when detainees are suspected of internally concealing items and shall attempt to utilize non-intrusive technology (e.g. jail body scanner), when safe and practical to do so, to support their probable cause or invalidate their reasonable suspicions.
- B. As required by Wis. Stats §968.255(2), no person may be subjected to a strip search unless he or she is a detained person (as defined in the Definitions Section above) and if:
 - 1. The officer conducting the strip search is of the same sex as the person detained;
 - 2. The detained person is not exposed to the view of any person not conducting or directly involved in the search;
 - 3. The search is not reproduced through a visual or sound recording;
 - 4. The officer conducting the search has obtained the prior written permission of the Chief of Police or the Chief's designee, unless there is probable cause to believe that the detained person is concealing a weapon; and
 - 5. The officer conducting the search prepares a report identifying the person detained, all persons conducting the search, the time, date, and place of the search, and the written authorization required by Paragraph 4; and provides a copy of the report to the person detained.
- B. A search of a physically disabled person shall be conducted in a careful manner. If a search of a physically disabled person requires the removal of an assistive device or involves a person lacking sensation in some portion of his or her body, the search shall be conducted with extreme care by a person who has had training in handling physically disabled persons; also refer to Policy & Procedure 7.01: Search/Transport of Detainees.
- C. No person other than a physician, physician's assistant, or registered nurse licensed to practice in the State of Wisconsin may conduct a body cavity search.
- D. A detained person that is hiding evidence in the mouth shall be secured, transported to a medical facility, and turned over to medical staff for removal of the evidence. Officers shall not attempt to dislodge or remove the evidence from the mouth by use of some level of force, unless there is an imminent and immediate threat to the detained person's life.

IV. BODY CAVITY SEARCHES

- A. 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:

1. The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.
2. The officer shall consult with his/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 a detention facility.

3. 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.
4. On the basis of a search warrant, a body cavity search shall be performed only by a physician, physician assistant or registered nurse licensed to practice in this state as required by Wis. Stats §968.255(3).
 - a) 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 WI. State Statute 895.535.
5. For safety and security reasons, the search shall be conducted at a medical or other authorized facility and in a room designated for this purpose. An officer, preferably of the same sex as the detainee, may stand by while medical staff performs the search when a weapon is suspected of being concealed or is requested to do so for safety by medical staff.
6. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this Policy & Procedure.
7. The authorized individual conducting the search shall file a report with the requesting law enforcement agency. The witnessing law enforcement officer shall co-sign that report.

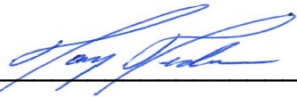
V. REPORTING

- A. All person(s) involved in the search will be required to prepare a supplemental report under the original report number.

- B. It will be the responsibility of the officer conducting the search to fill out the UW-Green Bay Police Department "Strip Search Authorization Form", identifying the time, date, location, persons conducting the search, detainee, and the person authorizing search.
- C. It shall then be the responsibility of the officer conducting the search to provide a copy of the "Strip Search Authorization Form" to the person detained.

VI. TRAINING

- A. To comply with WI. State Statute 968.255(6), any employee of the Department who may conduct a strip search shall receive annual training regarding the policy and procedures for strip searches.



April 18, 2023

TONY DECKER, CHIEF OF POLICE

This policy shall become effective either immediately upon my signature or on the Effective Date located on the first page, whichever is later. This Policy and Procedure shall be the standard and shall cancel and supersede all previous versions. Historical policies shall be maintained for no less than 7 years.