



City of Racine Police Department  
**Policy and Procedure**

**Number: 1103**

Subject: <b>Strip Searches</b>		
Date Issued: <b>10-30-1998</b>	Date Revised: <b>08-14-2017</b>	Revision Number: <b>5</b>

**POLICY**

Members of the Department shall protect the rights of detainees. Strip searches are to be performed only under circumstances as set forth in this directive. In addition, members are not authorized under any circumstances to conduct a body cavity search.

**DEFINITIONS**

**Strip Search** – means a search in which a detained person’s genitals, pubic area, buttock or anus, or a detained female’s breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

**Physically disabled person** - means a person who requires an assistive device for mobility, including, but not limited to, a wheelchair, brace, crutch or artificial limb.

**NOTE**

Before any officer makes a strip search, they should be aware of the very strict requirements of §968.255 Wisconsin Statutes, governing such searches and be familiar with Department policies. Failure to conform to these requirements could well lead to serious liability lawsuits, a \$1,000.00 fine or imprisonment for not more than 90 days or both. A search warrant authorizing the search of a specific person does not automatically allow a strip search and you must comply with §968.255 Wisconsin Statutes.

A strip search may not be conducted without prior written authorization from the Chief of Police or the Chief’s designee. Any commander of the rank of lieutenant or above may act as the Chief’s designee and sign the permission documents required under Wisconsin Statute 968.255 (2) (d). Prior to signing as the Chief’s designee, commanders shall familiarize themselves with the provisions of Wis. Stat. § 968.255 and this policy. After signing as designee, commanders shall forward a copy of any documents they sign to the Chief’s mailbox by the start of the next business day.

There is a statutory exception to this rule: Under Wis. Stat. §968.255(2)(d), prior authorization of the Chief is not required when there is probable cause to believe that the detained person is concealing a weapon.

**PROCEDURE**

**MEMBER**

1. **Prior permission needed:** An officer may only conduct a strip search of a detained person he or she has obtained the prior written permission of the Chief of Police or his or her designee, unless there is probable cause to believe that the detainee is concealing a weapon.
2. **Probable cause required:** A strip search may only be conducted if there exists probable cause to believe the detainee is concealing a weapon, contraband, or an item which may

- constitute evidence of the offense for which they are being detained and that a strip search or a cavity search is necessary.
3. **Detainee defined:** An officer may conduct a strip search of a detained person only if the person is arrested for one or more of the following offenses:
    - a. Detainee was arrested for any felony, or
    - b. Detainee was arrested for one or more of the following misdemeanors :
      - 1) §167.30 – Use of firearms near park
      - 2) §940.19(1) – Battery
      - 3) §941.20(1) – Endangering safety by use of a dangerous weapon
      - 4) §941.23 – Carrying a concealed weapon
      - 5) §941.231 – Carrying a concealed knife
      - 6) §941.237 – Carrying handgun where alcohol beverages may be sold and Consumed
      - 7) §948.60 – Possession of a dangerous weapon by a person under 18.
      - 8) §948.61 – Dangerous weapons other than firearms on school premises.
    - c. Detainee is a child detained under Wis. Stat. §938.19, , for an offense which would constitute an adult offense under sub. a. or b. above.
  4. **Conditions of a strip search:**
    - a. The person conducting the search must be of the same sex as the person detained.
    - b. The detainee shall not be exposed to any person not conducting the search.
    - c. The search shall not be reproduced through visual or sound recording.
    - d. The search shall be conducted in a private and professional manner with respect and consideration for the detainee. Members shall not make any degrading, insulting or harassing remarks while conducting strip searches.
    - e. At no point should the strip search extend into a body cavity search if conducted by an officer (i.e. requiring the detainee to bend over in such a way as to expose the anus or vagina area).
  5. **Factors to be considered in authorizing a strip search:**
    - a. The reasons for the search.
    - b. The nature and seriousness of the offense.
    - c. Whether or not the individual detained has a criminal record.
    - d. Whether or not there is reasonable suspicion to believe the individual is carrying contraband, drugs or weapons.
    - e. The length of time the individual may stay in custody.
    - f. Whether or not the individual will be held along with others.
    - g. Whether or not the individual resisted arrest or was violent.
    - h. Whether or not the individual has a history of violence, contraband or drugs.
    - i. Whether or not the individual is a danger to their self or others.
  6. **Documentation required:**
    - a. When a strip search is authorized, the member conducting the search shall prepare a supplementary report identifying the person detained, the reason for the search, all persons conducting the search, the date, time and place of the search.
    - b. They shall attach a copy of the Chief's written authorization to the supplement and provide a copy of the report and authorization to the person searched.
    - c. Copies of the supplement and authorization shall also be attached to the original incident/arrest report.
  7. **Strip Search of Physically Disabled Persons (Wis. Stat. §968.256):**
    - a. The removal of an assistive device requires the aid of a person who has had training in handling physically disabled persons.
    - b. This type of search requires extreme care and strict conformance with Department policy.
  8. **Body Cavity Search:**
    - a. Departmental personnel are not authorized under any circumstances to conduct a body cavity search.
    - b. No person other than a physician, physician's assistant, or registered nurse licensed to practice in this state may conduct a body cavity search.
    - c. Body cavities include the anus and vagina, but do not include searches of the ear, nose or mouth.

- d. The detainee shall not be exposed to anyone other than the officers directing the search and the medical personnel needed to perform the search. Officers directing the search must be the same gender as the person to be searched.
  - e. The search shall not be reproduced through visual or sound recording.
  - f. The search shall be conducted in a private and professional manner with respect and consideration for the detainee. Members shall not make any degrading, insulting or harassing remarks while conducting strip searches.
  - g. The officer directing the search must obtain the prior written approval from the Chief or his or her designee authorizing such search, unless there is probable cause to believe that the person to be searched is concealing a weapon.
  - h. Failure to strictly conform to the statutory requirements and Department policies carries the same penalty and liability as an unlawful strip search as indicated above.
9. **Ear or Nose Search** - Since the ears and nose are such small areas and are protected by membranes, with the appropriate probable cause in hand, transport the subject to a medical facility under police guard, and have a physician remove the substances, thus preventing harm to the subject.
10. **Mouth Search** –An officer may conduct a search of the mouth if it involves mere touching of the outside surfaces and observing what is in plain view. At no point should an officer probe into the area with a finger or instrument.
- a. If the search intrudes beyond the body’s surface, it should be performed by a trained medical person in order to avoid physical harm and pain to the person searched and to ensure sanitary conditions.
  - b. No choking – choking is defined as the cutting off of the blood supply to the head or the cutting off of the air supply to the lungs.
  - c. No striking or other physical maneuvering of the subject for the sole purpose of extracting controlled substances from the mouth. This would not prevent an officer from striking a subject (using appropriate DAAT techniques), should the subject become combative to a level on the Use of Force Intervention Options permitting such strikes in an effort to control the subject.
11. **Request for compliance:** A verbal request for compliance should be directed towards the subject before any force is used. Reasonable force may be used to control the subject. The use of compliance holds to detain and control the subject is acceptable. The additional use of pressure points to gain the subject’s compliance with verbalized instructions shall be permitted. Verbalization should be ongoing throughout the officer’s contact with the subject, and should contain instructions for the subject to spit out the object(s).

Active resistance or the threat of active resistance may warrant the use of OC Spray; however, the tactical conditions may make the use of OC Spray impractical.

The use of a ruse such as the threat of OC Spray would be permitted, however, a threat to use unreasonable force (deadly force) is not acceptable.

Should the subject be successful in swallowing the controlled substances, the officers shall advise the subject that they (the officer) believes that the subject has ingested a substance that may be lethal. The officer should then summon rescue to provide transportation to a medical facility. The subject can then accept or refuse rescue, however, all circumstances surrounding the refusal of rescue services should be clearly documented.

After the situation has been completely controlled and the subject has been detained in jail, released on the street, or placed in medical care, ensure that all members involved in the Use of Force incident complete the proper documentation per policy 608.

## RELATED STATUTES

- § 968.255 – Strip searches
- § 968.256 – Search of physically disabled person

**RELATED PROCEDURES**

- [Table of Contents](#)
- [608 – Use of Force Documentation](#)