

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

FRISK OF PERSONS DETAINED DURING INVESTIGATIVE STOP AND SEARCH OF PERSONS ARRESTED

Reviewed by: Lt. Clayton Arnold	Effective Date: May 15, 1996
Authorized by: Chief Daniel Donath	Revision Date: July 22, 2020

PURPOSE

The purpose of this SOP is to prescribe the circumstances, methods, and responsibilities for frisking persons detained during an investigative stop and searching subjects taken into custody, including strip searches.

PROCEDURE

FRISK

A pat down or frisk of the outer clothing to check for weapons may be done to a person stopped for temporary questioning without arrest (725 ILCS 5/107-14) when the officer reasonably suspects that the person stopped is armed and presently dangerous to the officer or others. If the officer discovers a weapon, he/she may take it until the completion of the questioning, at which time he/she shall either return the weapon, if lawfully possessed, or arrest the person. When an officer has reasonable suspicion to believe a weapon may be accessible in the passenger area of a vehicle, the officer may "frisk" the passenger area for a weapon.

During the course of a lawful frisk for weapons, an officer may seize non-threatening items discovered as a result of the frisk, if he/she develops probable cause that the object is evidence.

SEARCH INCIDENT TO ARREST

All persons under custodial arrest, as well as the area under their immediate control, should be searched at the time of arrest, or a time reasonably contemporaneous with the arrest, for any weapons and/or contraband. In the case of a vehicle stop, the area of immediate control would include the passenger compartment of a vehicle the custody occupied and locked or unlocked containers therein. For safety reasons, the search should be done prior to the custody being placed into a transporting vehicle. A search, which may be done lawfully at the scene of a custodial arrest, may also be done at the place of detention. Any officer taking custody of an custody should search the custody to ensure the officer's safety. All prisoners should be handcuffed. Officers should begin a field search by querying the custody about items in their possession that pose a risk to officer safety, or items of notable value. This permits the officer to proceed accordingly, as outlined below.

1. Ask if the custody has any drugs, weapons, or needles on his/her person in order to assess any risks of searching the custody.

2. If the custody indicates they are in possession of drugs, weapons, or needles on his/her person, collect them, using due care, to avoid injury or exposure. If the items are of evidentiary value for criminal prosecution, collect them as outlined in SOP 3.04.
3. An officer should ask the custody if they have any items of notable value on their person. If items of value are identified by the person in custody, the officer should ensure those items are present and accounted for.
4. If currency is identified as notable property of value, the officer should inquire how much currency is on the custody's person.
5. All money handled by an officer shall be counted by the officer while in the presence of the person in custody, unless the person in custody is conducting themselves in an uncooperative manner, preventing the counting of the currency in their presence. Or, if the amount of currency is too large to reasonably count securely, it may be transported to a secure location first. If it is to be transported to a secure location first, the currency should be placed in a container and sealed with shatter tape, where practical.
6. When counting the currency, an officer should make every effort to capture the count within the field of view of their Body Worn Camera while it is in active recording mode.
7. If currency or other property of notable value is not being seized from the person in custody, it should be placed back on their person once the field search is complete. If currency is being seized, ask the custody how much currency they believe they have, seal the currency in a container while in the custody's presence, and then follow the procedure outlined in SOP 1.13. If other forms of property of notable value is being seized, follow the procedure outlined in SOP 3.04.
8. If currency or other property of notable value must be kept off of a custody's person at the conclusion of a field search, it should be placed in a container, such as an envelope. It is preferable to have the container sealed with shatter tape and have the officer initial the seal. When sealing currency, the total amount of currency in the container should be written on the exterior of the container.
9. If the custody claims that not all property/currency has been accounted for, a second officer, preferably a supervisor, should respond to the scene and verify the inventory of property.
10. If there is a consensus among the two officers on the inventory, but the custody does not agree, then a detailed report shall be completed by both officers that describes their inventory and what the custody claims should be present. This includes situations where reports are not normally generated, such as a Warrant Arrest.
11. If a supervisor is not the second officer, then the officers shall notify the on-duty supervisor and make them aware of the contested property inventory.

If possible, the custody should be searched by an officer of the same gender. If the officer is of the opposite gender of the custody, the search can still be conducted to ensure the officer's safety, but care should be taken to prevent any allegations of sexual misconduct or abuse. For opposite sex searches, another officer should witness or videotape the search.

The custody should be relieved of any property such as a purse or any item that might conceal a weapon or contraband. The custody's outer clothing, such as a coat, may be removed for the search. The search can be completed by a pat down of the person.

If the custody is wearing shoes and socks, these should be removed and inspected. The removal or rearranging of any clothing, with the exception of a coat or outer sweater, should be avoided.

One acceptable method of positioning for the search is to have the subject stand with his/her feet farther apart than his/her torso, toes turned slightly outward. The subject's hands should be raised above the head and should be farther apart than the subject's torso. The subject should then lean into a stationary object such as a wall, thereby creating a slightly off-balance stance with his/her hands resting on the stationary object. The officer should be comfortable with the position of the subject (i.e. fingers locked above the head and subject leaning backward).

The officer conducting the search should be positioned behind the subject and slightly off to one side of the subject, with his/her strong foot just inside one foot of the custody to be searched. This is done to enable the officer doing the search to use his/her foot to apply force to the suspect's foot and pull him/her off balance in case of resistance or attempted flight.

The officer doing the search should begin by removing and examining any hat, cap, or headgear the subject is wearing. A comb or hand should be run through the subject's hair, moving down to the collar, paying close attention to the inside collar area. Both arms should then be examined moving out to the hands and fingers, with close attention being paid to the area between the fingers. From there, a pat down should be done of the torso with particular attention to the small of the back and, in female subjects, the bra area. In the waistline area, fingers should be run completely around the inside belt line in an effort to detect any contraband.

From this area a pat down of each leg should be done with particular attention to the groin area and cleft of the buttocks. At this point (with the socks already removed) a visual search of the feet should be executed, paying particular attention to the bottom of the feet and in between the toes.

In all cases, the officer conducting the search should pay special attention to the pocket areas of all garments. The officer may turn the custody's pockets inside out or explore inside of the pocket area to determine that nothing is present. The officer should at no time allow the suspect to reach into his/her pockets, thereby providing opportunity to retrieve a weapon.

The physical wellbeing of the officer doing the searching and the custody being searched should always be taken into account during the searching process. The officer conducting the search should wear examination gloves during the search.

Contraband and/or other items of potential evidentiary value should be collected and secured as evidence. Whenever possible, there should be another representative of the Department present to observe the search.

STRIP SEARCH

All strip searches must comply with the provisions of 725 ILCS5/103-1. Persons cited for city ordinances or traffic violations or arrested on misdemeanor offenses shall not be strip searched unless there is reasonable belief that the arrested person is concealing weapons or a controlled substance.

"Strip Search" means having a custody remove or arrange some or all of his/her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of the arrested.

All strip searches should be conducted in a secure and private area of the department. The search should be conducted in private by officers or employees of the same gender as the custody. This search will be conducted in a manner so it cannot be observed by persons not physically conducting the search.

Every officer of the department conducting a strip search shall obtain written permission for such a search from the shift commander/division commander or designate. A report shall be created which should include the written authorization of the shift commander, division commander or designate; the name of the custody subjected to the search, and the time, date, and place of the search. A copy of the report shall be provided to the custody subject to the search. A separate report containing the aforementioned information will supplement the general report.

In conducting the strip search, the officer shall instruct the subject to remove all of his/her clothing. These articles should be thoroughly examined following the strip search.

The search should begin by inspecting the prisoner's hair. Next, the entire head should be examined, specifically the ears, nose, and mouth, followed by the underarm area, arms, and hands. The hands should be open and fully extended in order to check between the fingers.

A visual inspection of the entire body should then be conducted. The prisoner should bend over and spread his/her buttocks. Upon inspecting the feet, special care should be taken to inspect between the toes.

No search of any body cavity other than the mouth shall be conducted without a search warrant. Such a search shall be performed under sanitary conditions and conducted by, or under the supervision of, a licensed physician.

All prosthetic devices, such as artificial legs, arms, and teeth, should be inspected carefully. Arm, leg, neck, and other such braces should also be examined thoroughly. Bandages and dressings should be inspected and replaced.