

Custodial Searches

901.1 PURPOSE AND SCOPE

- A. This policy provides guidance regarding searches of individuals in custody. Such custodial searches are necessary for the safety of arrestees, officers, and others and to eliminate the introduction of weapons, dangerous items, contraband, criminal evidence, or drugs and medications, into the SPD Temporary Detention Facility, interview rooms, police vehicles and other SPD locations. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.
- B. Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.2 DEFINITIONS

- A. Definitions related to this policy include:
 - 1. **Custodial search** - An in-custody (custodial) search of an individual, typically an arrestee, and of his/her property, such as but not limited to a purse, bag, wallet, backpack, containers, shoes and clothing, including pockets, cuffs and folds of the clothing, to remove all weapons, dangerous items, contraband, criminal evidence, and property.
 - 2. **Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity to remove all weapons, dangerous items, contraband and criminal evidence. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.
 - 3. **Strip search** - A search that requires removal or rearrangement of some or all of an arrestee's clothing to permit a visual inspection of the underclothing (underwear), breasts, buttocks, anus or outer genitalia to remove all weapons, dangerous items, contraband and criminal evidence. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.3 POLICY

- A. All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.
- B. Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.4 FIELD AND TRANSPORTATION SEARCHES

- A. An officer should conduct a custodial search of an individual immediately after his/her arrest, when receiving an arrested individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

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- B. Whenever practicable, a custodial search should be conducted by an officer of the same sex as the person being searched.
 - 1. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.
 - 2. Officers conducting a custody search shall use their body worn camera, a DAR, or other recording system whenever practical to help document the search.

901.5 SEARCHES AT POLICE OR LAW ENFORCEMENT OR CUSTODIAL FACILITIES

- A. Custodial searches shall be conducted on all individuals in custody (under arrest) who enter the SPD or another law enforcement or custodial facility.
- B. When reasonably possible, the search should be conducted by a member of the same sex as the individual being searched.
 - 1. If a member of the same sex is not available, a witnessing member should be present during the search.
 - 2. Officers conducting a custodial search shall use their body worn camera, a DAR, or other recording system whenever practical to help document the search.
- C. Custodial searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of persons or of the facility.

901.6 PROPERTY

- A. Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping, that will remain with the arrestee or detainee shall be kept in a secure location until the individual is released or transferred.
- B. Some property may not be accepted by the SPD or by a facility or agency that is taking custody of an individual from this department. Such property may include weapons or large items, a quantity of items, or property that presents a biohazard or health risk.
 - 1. Some items might be retained for safekeeping in accordance with the operating parameters of SPD Property and Evidence Section or other SPD policies or procedures. However, property that presents a biohazard or health risk will not be taken into the SPD or any SPD facility.
 - 2. If officers and a property owner cannot come to an appropriate and mutually agreeable disposition for property, such as being left with another person, left at the scene or location, or reasonably secured in some manner, they are to contact a supervisor or a command staff member to help determine a SPD acceptable resolution.
- C. All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be requested to sign the completed inventory or property form.

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1. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member.
2. The inventory should include the case number, date, time, member's SPD identification number and information regarding how and when the property may be released.

901.7 VERIFICATION OF MONEY

- A. An arrestee's or detainee's money shall be counted in the presence of the arrestee or detainee.
- B. When reasonably available, officers should have another officer witness the counting of money; however officers shall use their BWC, DAR or another recording method when counting out an arrestee's or detainee's money.
- C. Officers shall verbally state out loud in front of the arrestee or detainee the total amount of money they have counted and ask them if the total sounds correct. If the arrestee or detainee states the amount is wrong or that money is missing, the officer shall recount the money in the presence of the arrestee and restate the total. If the arrestee or detainee still states the amount is wrong or that money is missing, then the officer shall immediately make contact with a sergeant or higher ranking member and brief them on the issue.

901.8 STRIP SEARCHES

- A. No individual in custody at any SPD facility or other law enforcement or custodial facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon, dangerous item, contraband, or criminal evidence.
- B. A strip search requires prior supervisor approval (a sergeant or a corporal who is officially acting as a supervisor at the time of the strip search request) and completion of the SPD Strip Search Authorization Form. Prior to any strip search, the approving supervisor shall read the justification (reason for requesting the strip search) from the already completed SPD Strip Search Authorization Form to a lieutenant or higher ranking officer.
 1. A lieutenant or higher ranking officer shall make the decision for or against a strip search approval only from what has been read to them from the Strip Search Authorization Form.
- C. All strip searches and approval for such searches shall be documented via the SPD Strip Search Authorization Form and in any associated police report. Factors to be considered in determining reasonable suspicion include, but are not limited to:
 1. The detection of an object during a custodial search that may be a weapon, dangerous item, contraband, or criminal evidence, and cannot be safely retrieved without a strip search.

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2. Circumstances and articulable information connected to a current arrest that specifically indicates the individual may be concealing a weapon, dangerous item, contraband, or criminal evidence.
 - (a) A felony arrest charge or being under the influence of a controlled substance is not sufficient as reasonable suspicion absent other facts.
 3. Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
 4. The individual's actions or demeanor.
 5. Criminal history (i.e., level of experience in a custodial setting).
- D. No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.9 STRIP SEARCH PROCEDURES

- A. Strip searches at Sahuarita Police Department facilities shall be conducted as follows (28 CFR 115.115):
1. Written authorization from a supervisor shall be obtained prior to the strip search and in accordance with section 901.8 requirements of this policy.
 2. All members involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by a medical practitioner.
 3. All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced/recorded through a visual/video recording. If a video or other type of camera system is present, officers shall take steps to assure the strip search is not captured on the camera system (keeping the person out of view of the camera lens, placing a temporary hood or device over the camera lens, etc.
 4. A second member of the same sex shall be present during the search, for security and as a witness to the finding of a weapon, dangerous item, contraband or criminal evidence.
 5. Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
 6. The primary member conducting the search shall complete the SPD Strip Search Authorization Form and shall prepare a written SPD police report to include:
 - (a) The facts that led to the decision to perform a strip search.
 - (b) The reasons less intrusive methods of searching were not used or were insufficient.

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- (c) The written authorization for the search, obtained from a supervisor in accordance with section 901.8 requirements of this policy.
 - (d) The name of the individual who was searched.
 - (e) The name, sex and role of any person present during the search.
 - (f) The time and date of the search.
 - (g) The place at which the search was conducted.
 - (h) A list of the items, if any, recovered during the search.
 - (i) The facts upon which the member based his/her belief that the person searched was concealing a weapon, dangerous item, contraband or criminal evidence.
7. No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is cleaning themselves, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
8. The SPD Strip Search Authorization Form is an official SPD document and shall be forwarded to the records bureau and become an official attachment to the police report.

901.10 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

- A. A strip search may be conducted in the field only with a supervisor's authorization, in accordance with section 901.8 of this policy, and only in exceptional circumstances, such as when:
- 1. There is probable cause to believe that the individual is concealing a weapon, dangerous item, contraband or criminal evidence that cannot be recovered by a more limited search and exigency requires immediate removal or retrieval because transporting the person to the SPD or another custodial facility will endanger the officer, arrestee or others or will likely create a situation where criminal evidence is destroyed. Care shall be taken to make sure the strip search is not done in public view, nor visually recorded.

901.11 PHYSICAL BODY CAVITY SEARCH

- A. Physical body cavity searches shall be subject to the following:
- 1. No individual shall be subjected to a physical body cavity search without written approval of a supervisor (sergeant or corporal who is officially acting as a supervisor at the time of the request), in accordance with section 901.8 of this policy, and only upon a search warrant and in accordance with law. A copy of any search warrant for the physical body cavity search shall be provided to the individual who is searched prior to the search. The individual searched shall

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receive written documentation of any weapon, dangerous item, contraband, criminal evidence or property taken during the search.

2. Only a physician may conduct a physical body cavity search.
 3. Except for the physician conducting the search, law enforcement personnel present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
 4. Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search as described in this policy.
 5. All such searches shall be documented, including:
 - (a) The facts that led to the decision to perform a physical body cavity search of the individual.
 - (b) The reasons less intrusive methods of searching were not used or were insufficient.
 - (c) The appropriate SPD level of approval was obtained (lieutenant or higher ranking officer).
 - (d) A copy of the search warrant.
 - (e) The time, date and location of the search.
 - (f) The medical personnel present.
 - (g) The names, sex and roles of any department members present.
 - (h) Any weapon, dangerous item, contraband, criminal evidence or property discovered by the search.
- B. All written documentation, affidavits, search warrant, medical forms, etc. shall be retained and made part of the SPD police report.

901.12 TRAINING

- A. The Administrative Sergeant and/or Administrative Services Lieutenant shall ensure members have training that includes (28 CFR 115.115):
 1. Conducting searches of cross-gender individuals.
 2. Conducting searches of transgender and intersex individuals.
 3. Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

901.13 POLICY ISSUANCE OR REVIEW

03/25/2024 - Reviewed by Lt. Renee Carlson - SP328

04/15/2024 - Reviewed by Lt. Renee Carlson - SP328

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04/10/2025 - Reviewed by Lt. Scott Nied - SP260