

	<b>KENOSHA POLICE DEPARTMENT</b>			
	<b>POLICY AND PROCEDURE</b>			
	<b>1.6 Strip Search</b>			
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**I. PURPOSE**

The purpose of this policy is to set forth a lawful and uniform procedure for determining when a strip search may be conducted.

**II. POLICY**

It is the policy of the Kenosha Police Department to protect the rights of detainees. Strip searches are to be performed only under circumstances as set forth in this policy and in accordance with Wisconsin State Statute 968.255. A search warrant authorizing the search of a specific person does not automatically allow a strip search and § 968.255 must be complied with.

Departmental personnel **are not authorized under any circumstances** to conduct a body cavity search.

**III. DEFINITIONS**

Strip search: A search in which a detained person's genitals, pubic area, buttock, anus, or a detained female's breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

Body Cavity Search: A search of the interior of the anus or vagina.

**IV. PROCEDURE**

An officer may conduct a strip search of a detained person only under the following circumstances:

- A. The subject must be "detained" which is defined as any of the following:
  - 1. Arrested for any felony.
  - 2. Arrested for any misdemeanor under § 167.30, WI. Stats, (Use of Firearms Near Park), 940.19 (Battery – Aggravated), 941.20(1) (Endangering Safety by use of Dangerous Weapons), 941.237 (Carrying Handgun Where Alcohol Sold and Consumed), 941.24 (Possession of Switchblade Knife), 948.60 (Possession of a Dangerous Weapon by a Child), 948.61 (Dangerous Weapons on School Premises), or 948.605(2)(a) (Possession of Firearm in School Zone).

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3. Taken into custody under § 938.19 and there are reasonable grounds to believe the child has committed an act which if committed by an adult would be covered under sub. 1. or 2.
  4. Arrested for any misdemeanor not specified in sub. 2., 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 they are being detained.
- B. The person conducting the search must obtain prior written permission from the Chief or the Chief's designee, unless there is probable cause to believe that the detained person is concealing a weapon.
  - C. The person conducting the search must be of the same sex as the person detained.
  - D. The detainee shall not be exposed to the view of any person not conducting the search.
  - E. The search shall not be reproduced through a visual or sound recording.
  - F. The person conducting the search must prepare a report identifying the person detained, all persons conducting the search, the time, date and place of the search and shall provide a copy of the report to the person detained. If written permission was obtained from the Chief or the Chief's designee, a copy must also be provided to the detained person.

## V. **APPLICATION**

This directive shall apply to all department personnel.

### A. FACTORS TO BE CONSIDERED IN AUTHORIZING A STRIP SEARCH:

1. The reasons for the search.
2. The nature and seriousness of the offense.
3. Whether or not the individual detained has a criminal record.
4. Whether or not there is reasonable suspicion to believe the individual is carrying contraband, drugs or weapons.
5. The length of time the individual may stay in custody.
6. Whether or not the individual will be held alone or with others.
7. Whether or not the individual resisted arrest or was violent.
8. Whether or not the individual has a history of violence, contraband or drugs.
9. Whether or not the individual is a danger to themselves or others.

### B. STRIP SEARCH OF PHYSICALLY DISABLED PERSONS (§ 968.256, Stats.)

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1. A “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.
2. 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 their body, the search shall be conducted with extreme care by a person who has had training in handling physically disabled persons.

## C. BODY CAVITY SEARCH

Departmental personnel are not authorized under any circumstances to conduct a body cavity search. Body cavity searches shall only be conducted by a physician, physician’s assistant, or registered nurse licensed to practice in this state. Body cavities include the interiors of the anus and vagina.

Intrusive searches of the mouth, nose, or ears, meaning searches which require the insertion of a finger or some object into the orifice are not considered to be a body cavity search; however, when practical they may also be conducted by medical personnel.