

<b>POLICY 501.3</b>	<b>SEARCHES OF ARRESTED PERSONS</b>	
	REVISED: 2/98, 2/02, 3/05, 03/07, 01/14, <b>08/16</b>	RELATED POLICIES: <b>501.1, 501.2, 501.4, 501.5, 501.6, 501.7, 501.8, 501.9, 501.10, 505, Jail Policy</b>
	CFA STANDARDS: <b>2.03, 2.07, 29.02, 30.04, 39.02</b>	REVIEWED: AS NEEDED

**A. POLICY**

It is the policy of the Fort Lauderdale Police Department that all persons arrested are searched in accordance with applicable state and federal laws. Arrested persons shall be completely and thoroughly searched prior to being transported and at anytime custody of an arrested person is transferred to another officer, vehicle or facility.

**B. PURPOSE OF SEARCH**

When a lawful arrest is affected, police officers will search the arrested person and the area within the person's immediate control for the purpose of:

1. Protecting the officer from attack;
2. Preventing the person from escaping;
3. Discovering the fruits of a crime;
4. Preventing the destruction of evidence; or
5. Ascertaining if the arrested person is wearing a medic-alert bracelet or necklace, if the arrested person appears to be inebriated, intoxicated, or not in control of his or her physical functions. (§ 901.215, Fla. Stat.)

**C. SEARCHES OF ARRESTED PERSONS**

1. Officers shall be responsible for conducting a search of every arrested person in their custody.
2. When available, any search of an arrested person shall be conducted by an officer who is of the same gender as the arrested person.

**D. STRIP SEARCHES AND BODY-CAVITY SEARCHES (§901.211, Fla. Stat.)**

1. All strip searches and body-cavity searches shall be fully documented in an offense or supplemental report. The report must contain the name and I.D. number of the person performing the search and all observers present, the date and time the search was performed and the results of the search.
2. Strip Searches
  - a. Definition: Strip search means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual or manual inspection of the genitals; buttock; anus; breast (in the case of a female) or undergarments of such person.
  - b. Strip-searches shall not be conducted routinely as a matter of policy.

- c. No person arrested for a traffic, regulatory, or misdemeanor offense, except in cases which involve violence, controlled substances, weapons or firearms shall be strip searched unless:
    - (1). There is probable cause to believe that the individual is concealing a weapon or firearm, a controlled substance or stolen property; or
    - (2). A judge at first appearance has found that the person arrested cannot be released either on recognizance or bond and therefore shall be incarcerated.
  - d. Each strip search shall be preformed by a person of the same gender as the arrested person and only within the confines of a facility where the search cannot be observed by persons not physically conducting or authorized to observe the search. Strip searches may only be performed in a jail or, if appropriate, at a medical facility where the arrested person has been transported.
  - e. All strip searches shall be observed by a minimum of two authorized observers. Any observer shall be of the same gender as the arrested person.
  - f. A "strip-search" may only be conducted with the prior written approval from the Shift Commander or acting Shift Commander. Shift Commanders who authorize a strip search must document in writing the justification for the search.
3. Body-Cavity Searches
- a. Body-cavity searches shall not be conducted routinely as a matter of policy.
  - b. Any body-cavity search must be performed under sanitary conditions.
  - c. Body-cavity searches shall be conducted in accordance with the following procedures:
    - (1). Body-cavity searches shall be conducted ONLY with the prior written approval of the Shift Commander or acting Shift Commander. Approval for such a search must be based upon a reasonable belief by the arresting or custodial officer that the individual arrested has secreted evidence and/or contraband within a body cavity.
    - (2). A body-cavity search shall NOT be performed by ANY member of the Police Department.
    - (3). Should an actual body-cavity search become necessary, such search shall be conducted ONLY by appropriate medical personnel. If a body-cavity search is necessary the arrested person will be transported to the Broward Health Medical Center where the search will be conducted by qualified medical personnel.

## **E. SEIZURE OF PROPERTY**

A police officer making a search incident to a lawful arrest, may seize all contraband, instruments, articles, or items discovered on the person arrested or within the person's control, for which the seizure is reasonably necessary for the purpose of:

1. Protecting the officer from attack;
2. Preventing the escape of the arrested person;
3. Assuring lawful custody of the fruits of a crime or of the articles used in the commission of a crime;
4. Forfeiture prosecution under the authority of the Florida Contraband Forfeiture Act, § 932.701-707 Florida Statutes; or
5. Carrying out any other duty as is required or permitted by law.