



Minneapolis Police Department Policy and Procedure Manual

Number:
9-200

Volume Nine – Enforcement Policies

Search and Seizure

9-203 Strip Searches and Body Cavity Searches

(xx/xx/23)

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I. Purpose

- A. The purpose of this policy is to ensure that people's privacy and dignity are preserved to the greatest extent possible, and that Strip Searches and Body Cavity Searches are limited to the minimum extent necessary.
- B. This policy is intended to balance the interests of public safety with the deeply personal, constitutional privacy interests of every person in MPD custody.

II. Definitions

Body Cavity Search: A Body Cavity Search is a search of a person involving not only visual inspection of skin surfaces, but the internal physical examination of body cavities, such as a person's genital or anal region with or without any physical contact or intrusion into the body cavity, and in some instances, organs such as the stomach.

Strip Search: A Strip Search means any search of a person requiring the removal or rearrangement of some or all clothing to permit the visual inspection the person's groin or genital area, buttocks, or breasts.

Note: The following does not constitute a Strip Search:

1. The removal or rearranging of clothing reasonably required to render medical treatment or assistance.
2. The removal of articles of outer clothing, such as coats, ties, belts, shoes.
3. A Weapons Pat-Down (P&P 9-202) that includes minor manipulation at or around the waistband of the pants, including the untucking and shaking out of a person's shirt, which may expose the waistband of a person's undergarments only.

III. Policy

A. Only When Necessary

1. Privacy

- a. The MPD recognizes the intrusiveness of these Searches on individual privacy and will use the least intrusive means to achieve its law enforcement purpose. As such, it is imperative that employees consider the importance of individual privacy when determining the necessity for an allowable Strip Search or Body Cavity Search under the Fourth Amendment.
- b. Such Searches shall be conducted with due recognition and deference for the human dignity of those being searched and only with proper authority and justification in accordance with MPD policy.

2. Safety

The use of Strip Searches and Body Cavity Searches may, under the rarest of conditions, be necessary to protect the safety of MPD employees, civilians and other people in custody, and to safeguard the security and related interests of holding facilities.

3. Evidence

The use of Strip Searches and Body Cavity Searches may, under the rarest of conditions, also be necessary to detect and secure evidence of criminal activity.

B. Strip Searches

1. Respect and dignity

- a. Strip Searches shall be limited to the minimum extent necessary.
- b. Strip Searches shall only be conducted in a manner preserving the dignity and privacy of the person to the greatest extent possible.

2. Probable Cause required

Strip Searches may be conducted only in the following circumstances:

- a. Employees have probable cause to believe that evidence, or contraband exists and will be destroyed or lost in the absence of an immediate Strip Search; or
- b. Employees have probable cause to believe that an immediate Search is necessary to prevent imminent danger to the suspect, employee or others.

3. Supervisor approval required

- a. Approval shall be obtained from a supervisor at the rank of Lieutenant or above before conducting a Strip Search.
- b. Such approval shall only be given after an on-scene assessment by the supervisor, unless the circumstances prevent the supervisor from being on-scene.
- c. If the supervisor is unable to respond to the scene, they shall document the reason why in the Police Report.

4. Same gender required

A strip search shall be conducted by an employee of the same gender as the person being searched, and shall also be witnessed by another employee or supervisor of the same gender as the person being searched.

5. Supervisor presence required

- a. The supervisor approving the Search shall be present when the Search is conducted unless precluded from doing so by the issue of gender or other circumstances.
- b. If the supervisor who authorized the Strip Search is prohibited from being present, another supervisor of the same gender as the person to be searched should be present when the Search is conducted.
- c. If it is not reasonable or possible to have a supervisor of the same gender present to witness the Strip Search, the supervisor approving the Search shall ensure that at least two employees of the same gender conduct and witness the Search.

6. Privacy required

- a. The Search shall be performed in a location that affords the suspect privacy from persons not involved in the Search.
- b. Employees shall be aware that Strip Search conducted in the field could require extraordinary measures to ensure the suspect's privacy.

7. Touching areas prohibited

Employees shall not touch breasts, buttocks, genitalia, or body cavities of the person being searched.

8. Body worn camera

In accordance with P&P 4-223:

- a. All strip searches shall be recorded by at least one person present during the entirety of the strip search, including all pre-search instructions provided to the person being searched.
- b. The camera shall be positioned to ensure that only audio data is collected and that the person being searched is not captured on video.

9. Documentation

The supervisor authorizing the Strip Search shall articulate why the Search was justified and necessary in a narrative text with the Police Report. The documentation shall also include:

- Which employees conducted the Search.
- Which employees were present for the Search.
- Where the Search was conducted.
- How the Search was conducted.
- The reason for the supervisor's absence if the supervisor was unable to conduct an on-scene assessment or be present for the Search.

10. Weapons

Nothing stated in this policy shall preclude an employee from immediately recovering a weapon if the employee can articulate that any delay would cause imminent danger to the safety of the employee or others.

11. Urine sample

Nothing stated in this policy shall preclude an employee from collecting a urine sample for evidentiary purposes (e.g. DWI).

C. Body Cavity Searches

1. Due regard

Body Cavity Searches shall only be performed with due recognition of privacy and hygienic concerns.

2. Search warrant required

- a. With the exception of the mouth, nose and ears, Body Cavity Searches shall only be performed by pursuant to a search warrant or court order.
- b. Employees shall consult with their immediate supervisor to determine whether sufficient probable cause exists to seek a search warrant for a Body Cavity Search.

3. Medical professional required

Body Cavity Searches shall only be conducted by licensed medical professionals under sanitary conditions.

4. Contraband in mouth

- a. Exigent circumstances such as the suspect placing illegal narcotics or contraband into their mouth does not require obtaining a search warrant or court order.
- b. Minimal physical force (which includes low control options such as joint manipulation, pressure points and verbal directions) may be used to recover suspected narcotics from a suspect's mouth. Force used shall not include any strikes or any type of force which restricts breathing or blood flow in the neck.