

BATON ROUGE POLICE DEPARTMENT

General Order
No.281

Effective Date
11-01-1994

Revised Date
05-19-2016

Subject: Search of Persons

Reviewed 5/19/16

POLICY

It is the policy of the Department to provide guidelines regulating the searching of persons. The following procedure has been designed to maximize officer safety, while recognizing the intrusive nature of a search or frisk and the effect it may have on a citizen.

DEFINITIONS

Frisk: A pat down of the outer garments specifically for weapons.

Search: A thorough systematic inspection of all garments including the removal and examination of contents from pockets, purses or bags to locate weapons, contraband or evidence.

Strip Search: A visual inspection of an individual who has disrobed including the hair, mouth, ears, nostrils, groin area and buttocks to locate weapons, contraband or evidence.

Body Cavity Search: A search involving not only the visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances the stomach cavity, for weapons, evidence or contraband.

PROCEDURES

I. Frisk or "Pat Down" Search

- A. When an individual has been legitimately stopped for the purposes of conducting a field interview or investigation and the officer has a reasonable fear for his or another's safety, a frisk may be conducted.
- B. Factors an officer will consider when making the decision to frisk a suspect are:
 1. Type of crime suspected.
 2. Number of suspects which must be handled by one officer.
 3. Hour of day and location of the stop.
 4. Prior knowledge of the suspect.
 5. The appearance and demeanor of the suspect.
 6. Visual indications the suspect is carrying a weapon.
- C. A frisk will not be used as a pretext to search for evidence.
- D. If possible two officers will conduct the frisk; one to cover and one to search.
- E. If the situation demands a suspect be frisked, it is permissible and prudent for an officer of the opposite sex to conduct the frisk. A frisk will not be delayed until an officer of the same sex as the arrestee/suspect can be located.

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- F. One officer will not frisk multiple suspects. The officer will take a position of cover and summon an additional officer(s).
- G. A suspect may be frisked standing, kneeling or prone. The level of threat will determine the procedure.
- H. Officers will only pat the outer clothing unless an object which may be a weapon or contraband is felt.
 - 1. If a police officer lawfully pats down a suspect's outer clothing and feels an object whose contour or mass makes its identity as a weapon or as contraband immediately apparent, it and only it may be retrieved. No manipulation of suspected contraband to determine its identity is allowed without probable cause.
 - 2. Officers will use extreme caution when placing their hands into a suspect's pocket, due to the possibility of coming into contact with needles or other sharps.
- I. If a suspect is carrying a bag or other item, the item is to be left unopened and removed from his control.

II. Full Search

- A. A search of a person may be conducted based on probable cause or incident to arrest. The search may be for weapons, contraband or evidence.
- B. The search should be systematic and thorough. It should include all items in the suspect's possession, pockets, purse or any object that is within his reach.
- C. A search will, if at all possible, be conducted by two officers: one to search and one to cover.
- D. Searches will be conducted by officers of the same gender as the suspect/arrestee whenever possible.
 - 1. If a search must be conducted by an officer of the opposite sex, then two officers must be present.
 - 2. The offense report will reflect the names of both officers, which officer did the actual search and any significant events that transpired.
- E. Arrestees will be handcuffed and then searched prior to transport and every time a change of custody occurs thereafter.

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III. Strip Search

- A. Arrestees will not be subjected to strip searches unless the officer has articulate, reasonable suspicion that this particular arrestee may have weapons or contraband on his person. Reasonable suspicion will be based on the following factors:
1. The nature of the offense charged.
 2. The arrestee's appearance and conduct.
 3. The circumstances of the arrest.
 4. The arrestee's prior record.
- B. Strip searches will be conducted under the following conditions:
1. Strip searches of arrestees will only be conducted in either a fully enclosed room that is not accessible to the public or in a fully enclosed and secure portion of a Departmental facility or other custodial facility (e.g. Parish Prison, LSU Police Department, and Scotlandville Substation).
 2. Only the minimum number of individuals necessary to conduct the search will be present.
 3. Only officers of the same sex as the arrestee will conduct the search. The arrestee will not be touched by any officer unless it is necessary to counter resistance.
- C. Strip searches may be conducted on non-arrestees based on individualized articulable reasonable suspicion to frisk, probable cause to search, consent, or a court order.
1. Reasonable suspicion and probable cause will be based upon the same factors listed in III A.
 2. The search must be conducted in a fully enclosed room that is not accessible to the public.
 3. Only the minimum number of officers necessary to conduct the search will be present. No other persons will be present during the search.
 4. If such a location is not immediately available, the suspect may be brought to the closest departmental facility that meets the criteria set forth above.
 5. The suspect will be detained no longer than is absolutely necessary to conduct the search.
 6. Only officers of the same sex as the subject of the search will conduct the search.

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- D. After a strip search, the officer performing the search will include in the appropriate offense or supplemental report a detailed description of the search and all facts pertaining to the justification for conducting the search and the circumstances surrounding the search, as well as a description of any evidence, weapons or contraband found.
- E. If appropriate, additional charges will be made and all returns executed consistent with current procedure.

IV. Body Cavity Search

- A. When information is developed or visual inspection during a search leads an officer to believe an arrestee or suspect has weapons, evidence or contraband concealed within a body cavity, the following procedure will be followed:
 - 1. The officer will consult with his supervisor to determine whether or not probable cause exists to seek a search warrant for a body cavity search.
 - 2. If probable cause does exist the officer will obtain a search warrant or consent to search waiver consistent with departmental policy.
 - 3. Only a medical professional will conduct the search.