



Minneapolis Police Department Policy and Procedure Manual

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Volume Nine – Enforcement Policies

Adult Stops, Searches, and Seizures

9-112 Strip Searches and Body Cavity Searches

(xx/xx/xx)

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I. Purpose

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 greatest extent possible. Members shall adhere to all relevant guiding principles listed in P&P 9-101.

II. Policy

A. Conditions for Body Cavity and Strip Searches

1. Privacy

- a. The Minneapolis Police Department (MPD) recognizes the intrusiveness of these searches on a person's privacy and will use the least intrusive means to achieve its law enforcement purpose. As such, it is imperative that members consider the importance of a person's 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.
- c. Members shall consider whether any lesser means are available to protect the safety of members or to identify potential evidence, such as weapons pat-downs, clothing searches, or metal detectors. Feasible lesser means shall be used instead of a strip search or body cavity search whenever possible.
- d. The scope of the search must be reasonably related to the circumstances that justified it and must not be excessively intrusive in light of the person's age, gender, and the nature of the suspected offense. Members also shall follow the Strip Searches of Minors policy (P&P 8-302) when the person being searched is a minor.

2. Safety

- a. The use of strip searches and body cavity searches may, under the rarest of conditions, be necessary to protect the safety of MPD members, the public, or other people in custody, or to safeguard the security of holding facilities.
- b. A member may immediately seize a weapon located in a sensitive area if it poses an immediate risk.

B. 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.

III. Strip Searches**A. Probable Cause Required**

1. Strip searches may be conducted only in one of the following circumstances:
 - a. Members have probable cause (PC) to believe that evidence, or contraband exists and will be destroyed or lost in the absence of an immediate strip search.
 - b. Members have PC to believe that an immediate search is necessary to prevent imminent danger to the person, member, or others.
2. Prior to conducting a strip search, members shall explain to the person why they are being searched and provide them an opportunity to produce the suspected item voluntarily, if the member and the supervisor, at the rank of Lieutenant or above (as detailed below in [III-B]), believe that the item can be produced without compromising member safety or risking destruction of evidence.

B. Supervisor Approval Required

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

C. Gender of Members and Supervisors Present

1. A strip search shall be conducted by a member of the same gender as the person being searched and shall also be witnessed by another member or supervisor of the same gender as the person being searched.
 - a. If a member is unsure about a person's gender, the member shall ask the person what gender the person prefers to be identified as, shall treat the person as that gender, and shall ask their preference with regard to the gender of the member conducting the strip search.
 - b. Members shall, when feasible, ask transgender, gender queer, and non-binary people their preference with regard to the gender of the member conducting the strip search.
 - i. In accordance with P&P 5-604, people that identify as transgender, gender queer, or non-binary will not be subject to more invasive, humiliating, or demeaning search procedures than other people in the field or in police holding facilities.
 - ii. A person may be identified as transgender, gender queer, or non-binary if the person informs the member that they are transgender, gender queer, or non-binary, or if the member has a reason to believe that the person may be transgender, gender queer, or non-binary based on gender expression or prior interactions.
 - c. People's gender preferences will be honored, when feasible.
2. 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.
 - a. 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.
 - b. 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 another member of the same gender is present to witness the search being conducted by a member also of the same gender as the person being searched.

D. Privacy Required

1. All strip searches shall be conducted in a setting that ensures the privacy of the person searched, away from public view, under sanitary conditions, and in a professional, dignified manner.
2. A field strip search for anything other than a deadly weapon is not permitted. A strip search for anything other than a deadly weapon shall be conducted in a private location such as a precinct station.

3. All members involved in a strip search shall take reasonable steps to minimize the potential embarrassment or discomfort to the person being searched.
4. Only the person conducting the search and the supervisor (or another member of the same gender as the person being searched if a supervisor of the same gender is not able to be present) shall be present. No other members shall be present during the search.

E. Weapons

Members shall obtain express approval for any field strip search for a deadly weapon from a supervisor at the rank of Lieutenant or above, unless taking the time needed to obtain approval would pose an imminent threat to the safety of the arrested person, a member, or the public.

F. Touching Sensitive Areas Prohibited

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

G. Body Worn Camera

Unless the person requests that the strip search be captured on video, strip searches shall be audio recorded by the body worn camera (BWC) of at least one MPD member present during the entirety of the strip search, including all pre-search instructions provided to the person being searched.

1. For audio-only recordings, the BWC shall be positioned to ensure that the search is not captured on video.

H. Documentation

1. The supervisor authorizing the strip search shall articulate why the search was justified and necessary, as well as exigent circumstances, if any, in a narrative text within the Police Report. The supervisor shall also include the reason for the supervisor's absence if they were unable to conduct an on-scene assessment or be present for the search.
2. Members shall include the following in the Police Report:
 - Which members conducted the search.
 - The supervisor that authorized the search.
 - Which members were present for the search.
 - Where the search was conducted.
 - A step-by-step description of how the search was carried out.

I. Urine Sample

Nothing stated in this policy shall preclude a member from collecting a urine sample for evidentiary purposes (e.g., DWI – see P&P 7-605).

IV. Contraband in Mouth, Nose or Ears

The visual inspection of a person's mouth, nose, or ears does not require obtaining a search warrant or court order. For other body cavity searches, see section [V] below.

- A. 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 person's mouth. Force used shall not include any strikes or any type of force which restricts breathing or blood flow in the neck.
- B. In accordance with P&P 7-350, if members observe any serious medical issue, they shall immediately provide medical attention and contact EMS.

V. Body Cavity Searches

The following requirements apply to body cavity searches of areas other than the mouth, nose, and ears, which are detailed in [IV] above.

A. Probable Cause and Search Warrant Required

1. Body cavity searches are extremely invasive in nature, and as such require the high legal standard of PC to search in order to justify a body cavity search. A body cavity search can be conducted only if the member has PC to believe that a person has attempted to hide weapons or evidence of a crime pertinent to the investigation in a body cavity, and the suspected offense is of a serious nature or poses a threat to the safety of members or others.
2. With the exception of the mouth, nose and ears (section [IV]), body cavity searches shall only be performed pursuant to a search warrant or court order (in addition to probable cause).
3. Members shall consult with their immediate supervisor to determine whether sufficient PC exists to seek a search warrant for a body cavity search, and shall have approval as detailed below in [V-D].

B. Due Regard

Body cavity searches shall only be performed with due recognition of privacy and hygienic concerns.

C. Medical Professional Required

1. Body cavity searches shall be conducted only by a licensed medical professional under sanitary conditions at a detention facility or other authorized medical facility in a room designated for this purpose. MPD members shall not conduct the search.
2. An MPD member must be present during the search by a licensed medical professional and will be responsible for collecting evidence once produced and preparing necessary documentation.
 - a. The member should be the gender preferred by the person being searched, if the person stated a preference.
 - b. In absence of a stated preference, the gender of the member present shall be consistent with the gender of the person being searched.
 - i. If a member is unsure about the person's gender, the member shall ask the person what gender the person prefers to be identified as, shall treat the person as that gender, and shall ask their preference with regard to the gender of the member to be present.
 - c. The person's gender preference will be honored, when feasible.

D. Supervisor Approval Required

1. Approval shall be obtained from a supervisor at the rank of Lieutenant or above before requesting a body cavity search.
2. Such approval shall only be given after an on-scene assessment by the supervisor unless the circumstances prevent the supervisor from being on-scene.
3. If the supervisor is unable to respond to the scene, they shall document the reason why in the Police Report.

Glossary

Arrest: Taking a person into custody, which may be imposed by force or may result from a person submitting to a member. An arrest is a restraint of greater scope or duration than an investigative stop or detention. An arrest requires probable cause that a crime was committed or is being committed. This includes booking, citing in lieu of booking, and releasing pending charges.

Arrested Person: A person that has been taken into custody, and the restraint and duration are greater than an investigatory stop or detention. This includes people who are arrested and released at the scene, and those who are booked.

Body Cavity Search: A body cavity search involves an internal examination of a person's body cavities, such as the genital or anal regions. This search extends beyond a visual inspection of the skin and may or may not include physical contact or intrusion into the body cavity. In some cases, it can also involve the internal examination of organs such as the stomach.

Probable Cause (PC): Where an objective assessment of the articulable facts and circumstances, taken as a whole and known to the member at the time, would lead a reasonable member to believe the following:

- To effectuate an arrest or issue a citation: That a particular person has committed or is committing a specific crime or a traffic violation.
- To search: That evidence of a specific crime, contraband, or a person subject to arrest is located in a particular place.

Probable cause (PC) requires stronger evidence and greater certainty than reasonable articulable suspicion, and cannot be based on mere speculation or a simple assertion of criminal activity.

Search: Sometimes called a “full search,” a search is an inspection, examination or viewing of people, places, or items in which a person has a legitimate expectation of privacy, based on a warrant (P&P 9-301) or an exception to the warrant requirement (P&P 9-110). A search may be physical, visual, informational, or virtual.

- A **physical search** could include grasping, prying into or manipulating persons or objects (e.g., reaching into a purse or pocket, feeling inside of the trunk of a car; physical manipulation of a duffel bag, etc.).
- A **visual search** could include during a lawful traffic stop, a member observing the interior of a vehicle from the outside. If the member notices something in plain view, such as an open bottle of alcohol or a weapon, this constitutes a visual search.
- A canine sniff may constitute a search and as such be subject to the requirements in P&P 9-301 and P&P 9-110 (also see P&P 7-807 Authorized Use of Canines).
- Collecting someone's DNA from their person is a search.
- An **informational** or **virtual search** could include searching of certain types of paper or electronic records for information.

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.

The following does not constitute a strip search:

- The removal or rearranging of clothing reasonably required to render medical treatment or assistance.
- The removal of articles of outer clothing, such as coats, ties, belts, or shoes.
- A weapons pat-down (P&P 9-106) 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.

Weapons Pat-Down: Also known as a “frisk” or “terry frisk,” a weapons pat-down is a brief, non-probing running of the hands over the outside of a person's clothing, without manipulating objects, based on reasonable articulable suspicion (RAS) that the person is armed and presently dangerous. See P&P 9-106 for more specific information.

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