

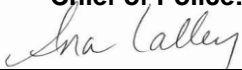


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|                              | <b>ELGIN POLICE DEPARTMENT</b><br>151 Douglas Avenue Elgin, Illinois 60120  |  |
| <b>Effective Date:</b><br>01/01/03   | <b>STANDARD OPERATING PROCEDURE</b>   | <b>Revised Date:</b><br>09/01/20   |
| <b>Chief of Police:</b><br> | Strip Search, 71.6  |  |
| <b>Cross Reference:</b><br>ILCS 725/5103-1   | <b>Policy Sections:</b><br>71.6.1 Authorization for Strip Search<br>Appendix A: Authorization for Strip Search Form |  |

## **PURPOSE**

The purpose of this policy is to establish guidelines for performing strip searches.

## **POLICY STATEMENT**

It is the policy of the Elgin Police Department to provide strict procedures on the performance of strip searches and to provide reasonable accommodations for detainees based on the totality of the circumstances. These procedures include guidelines on how and by whom a strip search may be performed, as well as the authorization required.

## **DEFINITIONS**

**Gender Identity:** A person's internal sense of gender, which may be different from one's assigned sex.

**Gender Non-Conforming:** A term used for individuals whose gender expression, gender characteristics, and/or gender identity does not conform to gender norms.

**Intersex:** A general term used for a variety of conditions in which a person is born with reproductive or sexual anatomy that is atypical.

**Reasonable Accommodation:** Actions taken to accommodate a person that does not jeopardize the safety of the officer or pose an undue hardship. Accommodations can be religious, physical, mental or emotional, academic or are employment related.

**Strip Search:** The practice of searching a person for weapons or other contraband suspected of being hidden on their body or inside their clothing, and not found by performing a frisk search, by requiring the person to remove some or all of his or her clothing.

**Transgender:** Person whose gender identity differs from their birth sex.

## **PROCEDURES**

### **71.6.1 AUTHORIZATION FOR STRIP SEARCH**

- A. No person arrested for traffic, regulatory or misdemeanor offenses, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon or controlled substance.
- B. Prior to conducting a strip search, the officer shall prepare an Authorization for Strip Search form. This includes the written authorization of a sworn supervisor; the name of the subject to be searched; personnel conducting the search; and, the time, date and location of the search.
- C. The officer shall complete a police report documenting the outcome of the strip search. The original Authorization for Strip Search form shall remain with the police report. A copy of the Authorization for Strip Search form shall be provided to the person searched.

- D. The performance of strip searches shall be limited to officers, animal control officers, community service officers, or telecommunicators.
- E. All strip searches shall be performed by two persons of the same sex as the arrested person and in an area where the search cannot be observed by persons not conducting the search.
  - 1. When the detainee self-discloses that they are transgender, intersex or gender non-conforming, hereinafter referred to as TIGN, the Statement of Search Preference on the Authorization for Strip Search form shall be completed.
  - 2. The department will make reasonable accommodations for all involved parties.
  - 3. Officers have discretion to determine the sex of the searching employee based on the detainee's government identification card or other legal documentation in those instances when the detainee, up until the point of the strip search, does not self-disclose that they are TIGN.
    - a. A sworn supervisor or the holding facility commander should be consulted, if time permits, prior to making a final determination.
    - b. The circumstances shall be documented in the police report.
- F. No search of any body cavity, other than the mouth, shall be conducted without a duly executed search warrant. Such search warrant should indicate that the search be performed by an appropriate licensed professional.
- G. The authorizing supervisor shall provide the original Authorization for Strip Search form, along with a copy of the police report, to the holding facility commander who shall review the documents. If the holding facility commander determines that the strip search was not conducted within the guidelines of department procedures, the respective commander shall be notified to determine if the incident requires an investigation.
- H. The holding facility commander shall forward the original documents to the Records Division for inclusion in the records management system.

## APPENDIX A: AUTHORIZATION FOR STRIP SEARCH FORM



### ELGIN POLICE DEPARTMENT Authorization for Strip Search (Retain the original for department records.)



I hereby give permission to the below listed Elgin Police Department employees to perform a strip search for the purpose of detecting a concealed weapon, controlled substance, evidence or other contraband on the date and location specified below. If I disclose that I am transgender, intersex and gender non-conforming (TIGN), the Statement of Search Preference shall be completed.

Police Report number  Date of search   
Arrestee's name  Sex  As listed on government identification card or other legal documentation  
Search location

#### Statement of Search Preference

My signature below indicates that (1) I understand I am under arrest (2) I understand that I am subject to a physical search of my person by an employee of the same sex as me (3) I understand that I may state my preference of the searching employee's sex. If I refuse to indicate my search preference, the sex listed on my government identification card or other legal documentation will determine the sex of the searching employees.

I am transgender: ☐ Female, identifies as male ☐ Male, identifies as female ☐ Refuse to search preference

I request to be searched by employees who are: ☐ Male ☐ Female ☐ Refuse to state search preference

|   |                      |                      |
|---|----------------------|----------------------|
| <input type="text"/>                    | <input type="text"/> | <input type="text"/> |
| Employee conducting the search          | Badge #              | Sex                  |
| <input type="text"/>                    | <input type="text"/> | <input type="text"/> |
| Employee conducting the search          | Badge #              | Sex                  |
| <input type="text"/>                    | <input type="text"/> |                      |
| Supervisor authorizing the strip search | Badge #              |                      |

My signature indicates that I authorized the above named staff members to conduct a strip search; a copy of this form has been provided to me.

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Arrestee's signature | Date                 | Time                 |

**25 ILCS 5/103-1 Rights on arrest.** (A) After an arrest on a warrant, the person making the arrest shall inform the person arrested that a warrant has been issued for his arrest and the nature of the offense specified in the warrant. (B) After an arrest without a warrant, the person making the arrest shall inform the person arrested of the nature of the offense on which the arrest is based. (C) No person arrested for a traffic, regulatory or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon or controlled substance. (D) "Strip search" means having an arrested person remove or arrange some or all of his clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person. (E) All strip searches conducted under this section shall be performed by persons of the same sex as the arrested person and on premises where the search cannot be observed by persons not physically conducting the search. (F) Every peace officer or employee of a police department conducting a strip search shall: (1) Obtain written permission of the police commander or an agent thereof designated for the purposes of authorizing a strip search in accordance with this section. (2) Prepare a report of the strip search. The report shall include the written authorization required by paragraph 1 of this subsection, the name of the person subjected to the search, the names of the persons conducting the search, and the time, date and place of the search. A copy of the report shall be provided to the person subject to the search. (G) No search of any body cavity other than the mouth shall be conducted without a duly executed search warrant; any warrant authorizing a body cavity search shall specify that the search must be performed under sanitary conditions and conducted either by or under the supervision of a physician licensed to practice medicine in all of its branches in this state. (H) Any peace officer or employee who knowingly or intentionally fails to comply with any provision of this section is guilty of official misconduct as provided in section 103-8; provided however, that nothing contained in this section shall preclude prosecution of a peace officer or employee under another section of this code. (I) Nothing in this section shall be construed as limiting any statutory or common law rights of any person for purposes of any civil action or injunctive relief. (J) The provisions of subsections (C) through (H) of this section shall not apply when the person is taken into custody by or remanded to the sheriff or correctional institution pursuant to a court order.