

CHAPTER 22
SEARCHING
REVISED DECEMBER 2025
TABLE OF CONTENTS

| | |
|--|-------|
| <u>INTRODUCTION</u> | 22-3 |
| <u>POLICY</u> | 22-3 |
| Requirements for Search | 22-3 |
| Receiving Officer Search..... | 22-3 |
| <u>GENERAL</u> | 22-3 |
| Thorough Search | 22-3 |
| Grasp-and-Feel Technique | 22-3 |
| Multiple Weapons..... | 22-3 |
| <u>GUIDELINES</u> | 22-3 |
| Search Thoroughly and Systematically | 22-3 |
| Standing Search Guidelines..... | 22-4 |
| Preliminary Frisk Guidelines | 22-4 |
| <u>METHODS OF SEARCHING</u> | 22-5 |
| Standing Search..... | 22-5 |
| Preliminary Frisk | 22-13 |
| <u>STRIP AND VISUAL BODY CAVITY SEARCHES</u> | 22-22 |
| Definition | 22-22 |
| Policy | 22-23 |
| Procedures..... | 22-24 |
| <u>DOCUMENTATION</u> | 22-26 |
| <u>MANAGERS' AND SUPERVISORS' ROLES/RESPONSIBILITIES</u> | 22-27 |
| <u>AREA COMMANDERS' RESPONSIBILITIES</u> | 22-27 |

ANNEX

| | |
|---|-------|
| <u>A</u> – CHP 202DS, STRIP AND VISUAL BODY CAVITY SEARCH | 22-29 |
|---|-------|

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 22

SEARCHING

1. INTRODUCTION. Searching properly, efficiently, and safely is one of the most important steps in the arrest procedure. Every search must be conducted in a thorough, systematic, and professional manner.

2. POLICY.
 - a. Requirements for Search. All persons subjected to physical arrest **shall** be searched for weapons, evidence, and contraband. All weapons shall be removed from the arrestee's possession immediately. Sound professional judgment shall be utilized when removing evidence and contraband. In the event evidence and/or contraband are located in sensitive areas, it should be removed while out of public view and with respect for the individual's dignity.
 - b. Receiving Officer Search. When custody of an arrestee is transferred from one officer to another, the officer accepting custody **shall** search the arrestee. If the officer accepting custody observed a search conducted on the arrestee, the officer is not required to conduct a second search.

3. GENERAL.
 - a. Thorough Search. Extreme caution should always be exercised when searching persons or property. Do not hurry the search!
 - b. Grasp-and-Feel Technique. A proper grasp-and-feel technique should always be used. The officer should never "pat down" or "slide" their hands along the arrestee's body.
 - c. Multiple Weapons. Never discontinue a search because one weapon is found. Suspects have been known to carry multiple weapons.

4. GUIDELINES.
 - a. Search Thoroughly and Systematically. All searches shall be conducted in a thorough and systematic manner in accordance with guidelines outlined in this chapter.
 - b. Sound professional judgment shall be used during all searches.

- c. An officer shall never allow the gender identity or gender expression of an arrestee affect their use of proper search techniques and safety procedures. When searching an arrestee of a different gender identity or gender expression, at least one of the following guidelines should be followed:
- (1) Use of another uniformed employee of the same gender to conduct the search.
 - (2) Use of another uniformed employee as a witness.
 - (3) Use of an impartial witness.
 - (4) Use of the Mobile Video/Audio Recording System.
 - (5) Use of body-worn camera recordings.
- d. Officers should avoid placing their hands inside the clothing of an arrestee unless reasonably sure a weapon, evidence, and/or contraband have been located.
- e. Officers should avoid skin-to-skin contact with an arrestee. Exceptions to this would be if an officer has located a weapon, evidence, and/or contraband and skin-to-skin contact cannot be avoided to remove the items.
- f. Officers shall remove purses, backpacks, waist packs, etc., from the possession of arrestees.
- (1) While in the officer's possession, these items should remain within the arrestee's field of vision. The items removed shall remain in the custody of the arresting or transporting officer until the subject is booked into a detention facility.
- g. Standing Search Guidelines. The standing search shall be used for all arrest situations after the arrestee is handcuffed.
- h. Preliminary Frisk Guidelines.
- (1) The preliminary frisk is designed to search areas immediately accessible to the arrestee where a weapon may be concealed.
 - (2) The preliminary frisk is an exception to the Fourth Amendment's guarantee against warrantless search and seizure (refer to *Terry v. Ohio*, 392 U.S. 1 [1968]). The preliminary frisk is used in situations where there is a lawful detention and a reasonable belief the subject is armed or dangerous. The officer should base this belief on the totality of the

circumstances. Reasonable facts which could potentially lead to a preliminary frisk may include, but are not limited to, the following:

- (a) Nature of the crime for which the subject has been detained.
- (b) Bulges in clothing which appear to be caused by a weapon.
- (c) Furtive gestures.
- (d) Refusal to comply.
- (e) Hostile/agitated state.
- (f) Criminal history or gang affiliation.
- (g) Location of contact.

(3) Officer(s) outnumbered or outsized. When an officer conducts a consensual encounter with a subject, the subject has the right to refuse a search for weapons.

(4) When an officer has a duty to act and transport a subject, the officer has the authority to conduct a preliminary frisk of the subject for weapons when reasonable and with regard to sound professional judgment. Examples for this include, but are not limited to, the following:

- (a) Transportation of pedestrian off of a freeway.
- (b) Transportation of disabled motorist off of a freeway.

(5) If an officer does not have a duty to transport, the officer should:

- (a) Inform the subject of their right to refuse.
- (b) Inform the subject they may be searched for weapons if they accept transportation.

5. METHODS OF SEARCHING.

6. STRIP AND VISUAL BODY CAVITY SEARCHES. The purpose of this section is to establish guidelines and procedures in conformance with Section 4030 of the California Penal Code (PC) regarding strip and visual body cavity searches of detained persons.

a. Definition.

(1) Strip Search. A search which requires a person to remove or arrange some or all of their clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person. (Refer to Section 4030[c][3] PC.)

(2) Visual Body Cavity Search. A visual inspection of a body cavity. (Refer to Section 4030[c][4] PC.)

(3) Physical Body Cavity Search. A physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity. Physical body cavity searches **SHALL NOT** be conducted by members of this Department. (Refer to Section 4030[c][2] PC.)

(4) Body Cavity. Only means the stomach or rectal cavity of a person, and vagina of a female person. (Refer to Section 4030[c][1] PC.)

b. Policy.

(1) It is the policy of the CHP that strip searches and visual body cavity searches shall be conducted only with the proper authority and justification.

(2) Strip searches and visual body cavity searches are to be conducted under the following circumstances:

(a) When necessary to protect the safety of officers, civilians, and other arrestees, as well as safety and related interest of the allied agency prisoner detention and holding facility.

(b) Where a search warrant is necessary in order to secure evidence of criminal activity.

(3) Strip searches and visual body cavity searches are highly intrusive and shall be conducted within the limits of legal authority, out of public view, and with regard for human dignity. These searches shall be conducted with professionalism, respect, and consideration for the dignity of those being searched.

(4) A person arrested and held in custody on a misdemeanor or infraction offense—except those involving weapons, controlled substances, or violence, or a minor detained prior to a detention hearing on the grounds that they are a person described in Section 300, 601, or 602 of the California Welfare and Institutions Code, except for those minors alleged to have committed felonies or offenses involving weapons, controlled substances, or violence—**SHALL NOT** be subjected to a strip search or visual body cavity search prior to placement in the general jail population, unless a peace officer has determined there is reasonable suspicion, based on specific and articulable facts, to believe that person is concealing a weapon or contraband, and a strip search will result in the discovery of the weapon or contraband. (Refer to Section 4030[e] PC.)

(a) A strip search or visual body cavity search, or both, shall not be conducted without the prior written authorization of the on-duty supervisor. The authorization shall include the specific and articulable facts and circumstances upon which the reasonable suspicion determination was made by the supervisor. (Refer to Section 4030[e] PC.)

(5) All strip searches and visual body cavity searches shall be conducted within a booking/holding facility and in an area of privacy so that the search cannot be observed by persons not participating in the search. Persons are considered to be participating in the search if their official duties relative to search procedure require them to be present at the time the search is conducted. (Refer to Section 4030[l] PC.)

(6) Regardless of gender identity or gender expression, a person conducting or otherwise present or within sight of the inmate during a strip search or visual or physical body cavity search shall be of the same gender as the person being searched, except for physicians or licensed medical personnel. (Refer to Section 4030[k][1] PC.)

(7) A copy of the required prior written authorization shall be placed in the agency's records and made available, on request, to the person searched or their authorized representative. (Refer to Section 4030[h] PC.)

c. Procedures.

(1) All strip searches and visual body cavity searches shall be conducted within a booking/holding facility and in an area of privacy so that the search cannot be observed by persons not participating in the search. Persons are considered to be participating in the search if their official duties relative to search procedures require them to be present at the time the search is conducted. (Refer to Section 4030[l] PC.)

(2) Uniformed employees conducting a strip search or visual body cavity search shall not touch the breasts, buttocks, or genitalia of the person being searched. (Refer to Section 4030[i] PC.)

(3) When a uniformed employee conducting a strip search or visual body cavity search of an arrestee becomes aware the arrestee has placed any object in the rectal area, vaginal area, or under the breast or scrotum, the officer shall notify the staff of the detention facility and defer to the procedures of that facility to remove the object, even if the object can be recovered without touching the arrestee.

(4) In conducting the search, it should always be remembered that this is a visual inspection that should not involve touching in any manner. An officer should never remove anything from or violate a body orifice.

(5) Some arrestees may attempt to move contraband between items of clothing if allowed to remove articles of clothing one at a time as the search progresses. Therefore, arrestees should be instructed to remove

all clothing at the outset of the procedure and the clothing should be searched thoroughly.

(6) The arrestee to be searched should assume either a position where their hands and feet are separated wider than their shoulders while facing away from the officer/witness performing the search, or a standing position when visual examination is about to begin with their head and hair searched first.

(7) With a flashlight, examine the arrestee's ears, nostrils, and mouth.

(8) Dentures should be removed by the arrestee and held by them for inspection. The arrestee should be instructed to pull their cheek flaps and lips away from their teeth/gums so the officer may have a complete and unobstructed view of the mouth.

(9) The arrestee's chest and back should then be inspected along with the arms and armpit area. In the process of examining the hands and arms, observe any needle marks that suggest illegal drug usage. It may be necessary to instruct females to raise their breasts and separate them adequately so a complete inspection can be made. Similarly, obese arrestees may need to lift areas of excess skin so an adequate inspection may be performed.

(10) In examining the arrestee's buttocks and groin, it is helpful to use a mirror in conjunction with the flashlight. In regard to the buttocks, the arrestee should be instructed to lean forward and spread the cheeks of their buttocks. During the visual inspection, the officer should be alert to any string or other protrusions from the anus or vagina. Any such protrusions should be reported and a decision made concerning the need to remove them through a full body cavity search.

(11) Following the visual inspection, the arrestee should squat and cough deeply—an action that will often dislodge any foreign objects from the anus or vagina.

(12) After this procedure is complete, the officer should perform an inspection of the groin area. Excessive hair should be parted by the arrestee to allow a complete inspection of the area, and males should lift their penis and testicles.

(13) Finally, check the arrestee's legs, tops and bottoms of the feet, and between the toes. In these areas, be alert for track marks indicating illegal narcotics use.

(14) In some cases, officers may encounter arrestees wearing bandages, casts, or prosthetic devices. Whether or not these are used for legitimate medical purposes, they can also be used to hide contraband. Use of these items should be documented, as well as the presence of any other treated or untreated injuries.

(15) Following the search, any item(s) of contraband shall be fully documented and secured as evidence.

7. DOCUMENTATION.

a. The CHP 202DS, Strip and Visual Body Cavity Search, Section One and Section Two shall be completed prior to any strip search and/or visual body cavity search being conducted. (Refer to Annex A for an example of the CHP 202DS.)

(1) Section One – To Be Completed for All Strip and Visual Body Cavity Searches shall contain the following justification:

(a) Reasonable suspicion based on specific and articulable facts that the person to be searched is concealing a weapon or contraband and a strip search will result in the discovery of the weapon or contraband.

(2) Section Two – Mandatory Supervisory Approval shall contain the following:

(a) Specific articulable facts and circumstances upon which reasonable suspicion was made by supervisor.

(b) Written justification, date, time, and signature of supervisor PRIOR to any strip search and/or visual body cavity search being conducted.

(3) Section Three – Statement of Results shall contain the following information:

(a) Date.

(b) Time.

(c) Place of Search (location where search was conducted).

(d) Officers Present (name, identification number, gender).

1 Regardless of the subject's gender identity or gender expression, only officers of the same gender as the subject to be searched shall be present.

(e) Statement of results of search (to include list of contraband items removed from person).

(4) The CHP 202DS shall be made available, upon request, to the person searched or their authorized representative.

8. MANAGERS' AND SUPERVISORS' ROLE/RESPONSIBILITIES.

a. Managers and supervisors are responsible for being thoroughly familiar with this policy and shall ensure strip searches and visible body cavity searches are conducted with proper authority, justification, and in accordance with CHP policy.

b. A strip search, visual body cavity search, or both, shall not be conducted without the **prior** written authorization of the supervising officer on duty (sergeant/officer in charge). The authorization shall include the specific and articulable facts and circumstances upon which the reasonable suspicion determination was made by the supervisor. (Refer to Section 4030[e] PC.)

c. All complaints or instances of alleged misconduct by departmental employees involving strip searches and/or visual body cavity searches shall be promptly reported and handled in accordance with established CHP policy. (Refer to Highway Patrol Manual (HPM) 10.2, Internal Investigations Manual, and HPM 10.4, Citizens' Complaint Investigations.)

9. AREA COMMANDERS' RESPONSIBILITIES.

a. Area commanders or their designees shall review all reports documenting a strip search to ensure the specific and articulable facts and circumstances upon which the reasonable suspicion determination was made have been established, and for overall accuracy of the report.

b. Area commanders having uniformed personnel who may be required to conduct strip searches or visual body cavity searches by a booking or detention facility shall include procedures for strip searches and visual body cavity searches within their Area's Standard Operating Procedures (SOP) to ensure all requirements set forth in Section 4030 PC are met.

- c. Area commanders should contact the local prisoner detention and holding facility for their procedures on conducting strip searches and visual body cavity searches.
- d. Area commanders shall ensure their Area SOP contains specific guidelines on how officers are to obtain written supervisory approval **prior** to conducting a strip search or visual body cavity search. The written approval shall contain specific articulable facts and circumstances upon which the reasonable suspicion determination was made by the supervisor.
- e. Area commanders shall ensure strip searches or visual body cavity searches are not conducted as a mere booking practice but are only performed when a peace officer with prior supervisor's written authorization determines there is reasonable suspicion based on specific and articulable facts to believe that a person is concealing a weapon or contraband and a strip search or visual body cavity search will result in the discovery of the weapon or contraband per Section 4030(e) PC and as further articulated in this policy.

THIS PAGE INTENTIONALLY LEFT BLANK