



Tulsa Police Department

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Policy # 107

Policy Name Personal Searches

Approved by Dennis Larsen, Chief of Police

Effective Date 05/20/2025

Approved Date 05/19/2025

Previous Date 04/04/2025

PURPOSE OF CHANGE:

Update documentation procedure.

POLICY:

In accordance with the guidelines established by the United States Supreme Court, officers may conduct a "Terry Frisk," whenever circumstances warrant such a search. The Supreme Court of the United States has held that a frisk is lawful when the following factors are present:

1. The officer has reasonable suspicion that the subject is armed and dangerous to the officer or others.
2. Plain feel pat-down is limited to weapons.
3. The officer must have reasonable suspicion that a crime has been, is being, or is about to be committed. The officer also must have reasonable, articulable facts to support their belief that the subject is armed and dangerous.
4. The officer has legal reason to detain the subject.

The laws governing field searches are more liberal. Field searches may be conducted to discover concealed weapons, evidence, or objects that can be used as a means of escape. The field search is legally reasonable when it is:

1. Based on a properly issued warrant.
2. Connected with a lawful arrest.
3. Made with the free and voluntary consent of the person searched, absent a valid warrant or arrest.
4. To prevent the destruction of evidence.

The Supreme Court of the United States has permitted a search of the personal effects of an arrested person as part of the routine administrative procedure at a police station incident to booking and jailing the suspect. The reasons for allowing this type search include:

1. Safekeeping of the property of the accused.
2. Preventing false claims against the officer and the agency.
3. Identifying the accused.
4. Safety.

The Supreme Court of the United States has permitted visual body cavity searches on less than probable cause when the significant and legitimate security interests of the institution outweigh the privacy interests to the suspect.

Lower courts have interpreted this to mean that before persons accused of a misdemeanor or other minor crimes are subjected to strip/body cavity searches, there must be a reasonable suspicion that they are concealing weapons or other contraband.

The laws of Oklahoma do not provide for a distinction between searching a male or a female suspect. Officers, however, shall not conduct field searches on individuals who are members of the opposite sex except in exigent circumstances. In other situations where a field search is warranted, an officer of the same sex shall be called upon to conduct the search. If a strip search is warranted, a member of the same sex as the suspect shall conduct the complete search, or strip search, of

suspects delivered to the booking facility.

SUMMARY: Guidelines for conducting personal searches.

APPLIES TO: All sworn personnel

DEFINITIONS:

DEPARTMENT RECORD – all documents, including but not limited to, any book, paper, photograph (including mugshots), microfilm, computer tape, disk, record, sound recording, film recording, video recording, or other material, regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control, or possession of the Tulsa Police Department. (see also policy 105B)

FIELD SEARCH – A detailed search of a person based on a valid arrest or consent, made in the field for concealed weapons, evidence, or objects that can be used as a means of escape. Also known as “search incident to arrest” or “consent search”.

JAIL OR ADMINISTRATIVE SEARCH – An exhaustive search made at a detention facility as part of the routine administrative procedure during arrest. This routine administrative procedure includes the search of containers such as purses, shoulder bags, briefcases, etc., that the defendant had in his or her possession at the time of the arrest and are to be turned into the property room or kept in the custody of booking or jail personnel. Also known as an “inventory search” or “custodial search.”

MANUAL CAVITY SEARCH – In addition to visually inspecting the anal and genital areas (visual cavity search), some degree of touching or probing of body cavities is included.

PRELIMINARY SEARCH OR “TERRY FRISK” – A limited search solely to locate possible weapons. The search is generally limited to the outer layer of clothing, including an examination of bags or other objects that may contain weapons. If the officer is unable to immediately identify an item as a non-weapon, it is permitted to remove the item from the person’s clothing to confirm or dispel if it is a weapon.

SEX – The sex of the person determined by the person’s anatomical lower external reproductive organs existing at the time of the search. Persons having a penis shall be considered male; persons having no penis shall be considered female. The determination of the person’s sex shall be based on the statement of the person to be searched unless the officer personally observes otherwise.

STRIP SEARCH – An inspection of a naked individual, without any scrutiny of the subject’s body cavities. A strip search includes removing or rearranging some or all of a person’s clothing so as to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such person.

VISUAL CAVITY SEARCH – A visual inspection of the anal and genital areas.

PROCEDURES:

1. Remain alert. The person-to-person proximity of any search can develop into a potentially dangerous situation.
2. Thoroughly search the subject according to the existing techniques, keeping in mind the guidelines established by court decisions and departmental rules and policies.
3. Officers performing a field search, preliminary search, or Terry frisk should ensure it is documented in an official department record.
4. A strip search will only be conducted by a member of the same sex as the suspect and will be witnessed by another employee who is the same sex as the suspect. Unless the person being searched waives his/her right to

privacy, no other people will be allowed to observe the search.

5. If a strip search is conducted, document in the Incident Report the following items:
 - a. Name and sex of the person searched.
 - b. Name and sex of the person conducting the search.
 - c. Time, date, and place of the search.
 - d. A statement of the results of the search.

REGULATIONS:

1. A strip search shall not be conducted by a Tulsa Police officer unless first authorized by a captain or above.
2. A strip search shall not be conducted on a person for a traffic ordinance violation, regulatory ordinance violation, or nonviolent misdemeanor violation unless there is probable cause to believe that either a weapon or a controlled substance is being concealed.
3. A strip search of a juvenile will only be conducted with supervisor approval and the authorization of a parent or legal guardian. The parent or legal guardian may be present during the search.
4. Strip searches of transgender persons will be conducted in accordance to person's sex as defined herein. Officers of the same sex will conduct the search.
5. A manual cavity search will be conducted only under the authority of a search warrant and with the following restrictions:
 - a. It will be conducted only by a licensed physician or registered nurse.
 - b. Law enforcement officers may be present but only of the same sex as the person upon which the search is being conducted as defined herein.
6. Juveniles or those with limited mental capacity will not be subjected to a manual cavity search unless there is a reason to believe the subject's or other's lives are in danger. The manual search should then be performed by a licensed physician or registered nurse.
7. Officers will conduct a thorough search of detainees prior to transport and prior to taking custody of another officer's prisoner.

REFERENCES:

105B, *Request for Information*
TOG 1006, *Handcuffing and Custodial Transportation*
TOG 1018, *Personal Searches*