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MEMO



Senate of Pennsylvania

December 7, 2010

TO: ALL SENATORS

FROM: Stewart J. Greenleaf

Stewart

SUBJECT: Cosponsorship -- Strip searches

I am reintroducing **Senate Bill 517**, amending the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, to require municipal law enforcement agencies to have a policy that governs procedures for strip searches and body cavity searches. News articles, including one based on a *Philadelphia Inquirer* investigation, have documented that municipal law enforcement agencies do not always have policies regarding strip searches and may be subject to legal action. In some cases law enforcement agencies are conducting strip searches in very minor cases when there is little legal justification.

Accredited law enforcement agencies are required to have a strip search policy. Through the accreditation program operated by the Pennsylvania Chiefs of Police Association, 280 law enforcement agencies have enrolled in the accreditation program and 70 agencies have been accredited. However, there are 1100 law enforcement agencies of one type or another in Pennsylvania.

My legislation tracks the chiefs of police accreditation standard. The accreditation standard reads as follows:

Pennsylvania Law Enforcement Accreditation Commission Standard 1.2.5

1.2.5 *A written directive that governs procedures for strip and/or cavity searches that include:*

- a. authority for conducting such searches with and without a search warrant;*
- b. privacy provisions with search by same gender; and,*
- c. any required reporting procedures when such searches are conducted.*

Narrative: *Strip searches and body cavity searches by law enforcement personnel, even when legally permissible, are controversial. They should be done out of public view, with appropriate regard for the dignity of the suspect, and shall be considered legally necessary and reasonable. When possible all such searches should be witnessed. Body cavity searches should be conducted in a hygienic setting and by qualified medical personnel.*

The policy required by this legislation shall be consistent with the law on strip searches and body cavity searches and shall specify when under the law a search is allowed and under what constraints.

It is important that law enforcement agencies have policies regarding strip searches and that police officers follow those policies in an appropriate and professional manner.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.