



King County

Office of Law Enforcement Oversight

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TO: Sheriff John Urquhart

FR: Deborah Jacobs, Director, Office of Law Enforcement Oversight

RE: Recommendation on GOM 5.00.055(5)(e) Searches of the Opposite Sex and GOM 5.00.055(4) Pat-down Frisk

We note that there was an update to the GOM relating to Searches of the Opposite Sex: GOM 5.00.055(5)(e). Although this policy was adopted prior to OLEO's new ordinance taking effect, we appreciate the opportunity to provide a couple small but important recommendations for improvement.

Through our certification review of misconduct investigations, we have noticed several complaints from members of the public relating to searches by deputies of the opposite sex. Regardless of whether these allegations bear out, the frequency with which IIU has received such complaints calls for heightened attention to related policy and training.

One of the factors that may contribute to objections to searches by the opposite sex is the frequency with which members of our society – and females in particular – have experienced sexual trauma. In the U.S., at least one in four women and one in six men have survived sexual violation. Many survivors are triggered or re-traumatized by unwanted physical contact.

For this reason, arrestees may have preferences with respect to the gender of the deputy who searches them, particularly females preferring a search by a female. However, because there are limited female deputies available on any given shift, KCSO has limited capacity to have female deputies available to conduct searches.

Thus, in order to conduct searches of the opposite sex with decency, minimize re-traumatizing individuals and potentially reduce complaints involving this issue, we recommend KCSO revise GOM 5.00.055(5)(e) to the following:

- e. Suspects will not be searched by deputies of the opposite sex unless there is no deputy of the same sex reasonably available to conduct the search and there is a

reasonable likelihood that the suspect possesses a weapon or other object capable of causing injury or facilitating an escape, or if the deputy reasonably believes that the suspect possesses evidence, which if not recovered immediately could be destroyed or lost.

- The search shall be made with decency, ~~and~~ in the presence of another witness whenever possible, and the deputy shall verbally explain the steps of the search to the suspect.

We have learned from listening to deputies during misconduct investigation interviews, that sometimes only a “pat down” or “frisk,” as opposed to a “search,” is conducted when arresting an individual. As a result and for the same reasons outlined above, we also recommend KCSO add the following to GOM 5.00.055(4), Pat-down Frisk:

4. Pat-down Frisk

- a. The purpose and scope of the pat-down frisk is to discover weapons or other items which pose a danger to the deputy.
- b. For a deputy to frisk a suspect who has been stopped as a result of a reasonable suspicion of criminal activity, the deputy must:
 - Have reason to believe that the suspect may be armed or dangerous, or
 - Be able to articulate the belief that their safety or that of others was in danger.
- c. The frisk for weapons is strictly limited to what is necessary for the discovery of weapons that might be used to harm the deputy or others nearby. Generally, the frisk must be limited to a pat-down of outer clothing. **In addition to the basis for the stop itself**, the deputy must have a sufficient basis to believe an individual is armed. This may include, but is not limited to:
 - Prior knowledge that the suspect carries a concealed weapon, Example: A hazard flag, or warrant information, exists indicating the suspect carries a weapon.
 - Suspicious behavior, such as failure to comply with instructions to keep hands in sight, Example: Suspect reaches under vehicle seat despite instructions to the contrary.
 - Observations, such as suspicious bulges, consistent with carrying a concealed weapon or suspect has heavily sagging jacket pocket.
 - Prior knowledge, that the suspect is a verified member of a gang known to carry weapons.

d. The frisk shall be made with decency.

- If involving the opposite sex, the frisk should be in the presence of another witness whenever possible, and the deputy shall verbally explain the steps of the frisk to the suspect.