

The image shows two Baltimore Police cars parked in front of a building. The car on the left is a dark blue sedan with 'BALTIMORE POLICE' written in yellow and white on its side. A police badge is visible on the door. The car on the right is partially visible, also showing 'BALTIMORE POLICE' and a badge. A white rectangular box is superimposed over the center of the image, containing the text 'Searches Part 2' and 'BPD 2019 SSA Day 2'.

# Searches Part 2

*BPD 2019  
SSA Day 2*

# When can you conduct a search?

Weapons Pat Down	Arrest
Consent	Exigent
PC Vehicle	Inventory

Requires either:

- A search warrant (preferred)
- OR a recognized exception to the warrant requirement such as:
  - Weapons Pat Down
  - Search Incident to Arrest
  - **Consent**
  - Exigent Circumstances
  - PC Search of a Vehicle
  - Community Caretaking (inventory searches, etc)

**What is a consent search?**

**How can we make sure we're conducting consent searches in a way that improves police legitimacy?**

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**Consent**





# When can you ASK for consent?



BEFORE requesting consent to search for evidence, you need:

- RAS that a crime has **ALREADY** been committed
- RAS that either:
  - the person is involved in the crime
  - OR they have evidence on them
  - OR evidence is in the place to be searched

# Yes + No = No Consent Search



- If equals disagree over giving you consent, you can't search
- Special case: If a parent gives consent to search a youth's room or belongings, you can NOT search if the youth refuses

# Establishing Consent



- The search must be voluntary – no threats or other form of coercion.
- The scope must be established and respected
- The consenting person must be able to stop the search at any point

# Required: Consent to Search Form

POLICE DEPARTMENT  
BALTIMORE, MD

PERMISSION FOR SEARCH  
Form 29

**Right to Refuse**  
*The Baltimore Police Department would like to conduct a search of your person, residence, vehicle and/or other property described below. You have the right to refuse this search. If you agree, you may limit and/or revoke consent at any time.*

By signing below, I affirm that I understand my right to refuse, limit and revoke consent at any time.

PRINTED NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**Scope of Search**  
I, \_\_\_\_\_, having been informed of my rights, hereby authorize \_\_\_\_\_ of the Baltimore Police Department to conduct a search of

☐ my person,  
☐ my residence located at \_\_\_\_\_ and/or  
☐ my vehicle (year/make/model/license #) \_\_\_\_\_  
☐ other \_\_\_\_\_

My consent is:  
☐ not subject to any limitation  
☐ limited to \_\_\_\_\_

This officer is authorized by me to take from my person, residence, vehicle or other property herein described, any letters, papers, materials or other property related to a law enforcement investigation or action, subject to any limitations described above.

This written permission is being given by me to the above-named officer voluntarily and without threats or promises of any kind.

SIGNED: \_\_\_\_\_  
DATE: \_\_\_\_\_ 20\_\_\_\_ TIME: \_\_\_\_\_ M.  
WITNESSES: \_\_\_\_\_  
\_\_\_\_\_

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- Explain the purpose of Form 29 and right to refuse, limit, and revoke consent at any time.
- The person must either sign OR give verbal permission (if documented by BWC where available or on form if not).
- Document search details on back of form (or attach a copy of your report)

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# Exigent Circumstances

A warrantless search  
justified by the risk of  
harm that waiting to  
get a warrant would  
cause.

# Threat of Harm to a Person



Justified by reasonable belief that entry is required to:

- Ensure safety of a person
- Ensure safety of officers
- Ensure safety the public

Weigh the intrusion of entry against the need to make entry

# Threat of Destruction of Evidence



- Limited to evidence of a felony
- Do NOT seize the evidence (unless exigent circumstances require it)
- Secure the premises and the evidence

After the scene is “frozen”:

- Allow uninvolved occupants to leave
- Await the arrival of a search warrant

# Hot Pursuit



- **Limited to fleeing FELONS ONLY**
  - misdemeanants only if there is a threat of harm to a person
- **“Hot pursuit” does NOT mean you have to go in right away**
  - Wait for backup prior to making entry
  - Use your radio and resources
  - Emphasize safety
  - Do not “force” unsafe situations

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- Requires Probable Cause
  - Search anywhere the evidence you have PC for may reasonably be found
  - Can include containers regardless of who owns them
  - Can only search cars you have legal access to (not in garage, curtilage, etc)
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# Probable Cause Search of a Vehicle



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For more, go to [briefingroomart.com](http://briefingroomart.com)

# Vehicle Search Considerations



- When practical, first seek consent
- Make clear that you have probable cause and will conduct the search, but ask them if they are willing to cooperate

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# Inventory Searches



An inventory search is performed to:

- protect an owner's property while it is in the custody of the police
- ensure against claims of lost, stolen, or vandalized property
- guard the police from danger related to seized property

**NOTE: An inventory search is NOT a search for evidence.**

# Inventory Searches

- Inventory searches are only allowed where officers are guided by standard procedure
- Our procedure:
  - Owners can generally take possession of personal property prior to tow/submission
  - If we are taking a container into our possession (tow, ECU, etc), conduct an inventory search of the container
  - Inventory everything inside the container, opening closed containers





- All searches
  - Weapons pat-down
  - Search Incident to Arrest
  - Consent Search
  - Exigent Circumstances
  - Probable Cause Vehicle Search
  - Inventory Search
- 

What  
documentation  
is required  
for...

# Documentation Tips

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**Avoid terms that don't paint  
a specific picture:**

- “Characteristics of an armed person”
- “Furtive movement”
- “Officer safety”
- “My investigation revealed...”
- “Chimel area”

**Template vs. Boilerplate**

- Shooting the night before involving white, 2-door sedan with tinted windows
  - Dave Smith is a known “shooter”
  - Standing outside of a white, 2-door Honda Accord parked partially blocking an entrance to Old Town mall
  - Detective Mills approaches for an FI
  - Smith tosses a cigar, smells strongly of marijuana
  - Mills pats him down, finds nothing
  - Smith is placed under arrest
  - Mills asks if he can search the car. Smith says, “man, do what you’re gonna do.”
  - Smith is placed in a cage car.
  - Mills goes straight to the trunk and finds a handgun.
  - Car is towed to the Eastern District for processing.
  - Prior to tow, Mills performs an inventory search of the car and finds a pound of marijuana broken into bags in a backpack on the back seat.
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**KEEP  
CALM  
AND  
ASK  
QUESTIONS**