

Weapons Pat Down	Arrest
Consent	Exigent
PC Vehicle	Inventory

#### **Requires either:**

A search warrant (preferred)

- 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?

#### 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 <u>involved</u> in the crime
  - OR they have evidence on them
  - OR evidence is in the place to be searched

#### Yes + No = No Consent Search



- If <u>equals</u> 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

POLICE DEPARTMENT	
BALTIMORE, MD	
RENAMENDO FOR MEANCH	
Eight to Refere	
The Bullineare Police Department would like to conduct a search of prestilence, relative undoe other property described below. Tou have the relative served. Byoe agree, you may limit and or revoke consent at any the	gilt to replace no
By signing below, I affirm that I understand my right to refu service consent at my time.	er, Unot and
PRINTED NAME:	
BIONATURE	
Scope of Seach	
L,her	ng been
informed of my rights, hereby authorize	
of the Baltimore Police Department to conduct a search of  ( ) my person. ( ) my person. ( ) my readence located at	min, vehicle bei property
This written permission is being given by use to the above-to voluntarily and without spread or promises of any kind.	unet effice
그림이 지금하다 얼마를 하나 하는 것이 하나 있는데 하다면 하다.	
SKINED	M.

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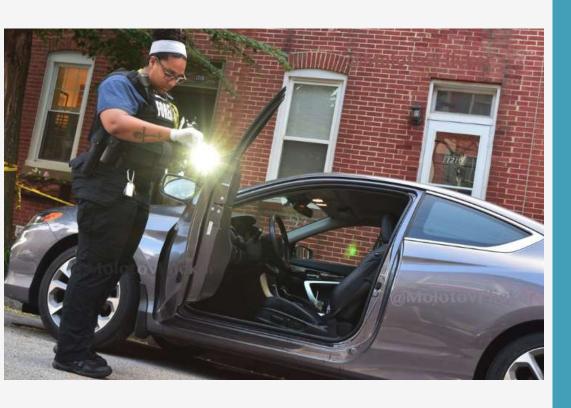
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- Requires Probable Cause
- Search anywhere the evidence you have PC for may <u>reasonably</u> be found
- Can include containers regardless of who owns them
- Can only search cars you have legal access to (not in garage, curtilage, etc)

# Probable Cause Search of a Vehicle



#### 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

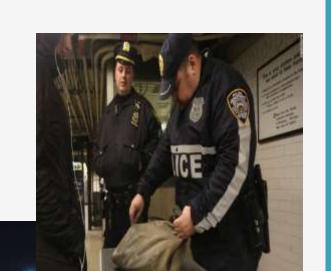


#### An inventory search is performed to:

- 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

### 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.



KEEP
CALM
AND
AND
ASK
QUESTIONS