

A photograph of two Baltimore Police cars parked in front of a building. The cars are dark blue with yellow and white stripes. The word "BALTIMORE" is written in white on the side of the cars, and "POLICE" is written in yellow. A police badge is visible on the side of the car on the left. The building in the background has a sign that says "POLICE" and "FARANGE 11 WEST".

Searches Part 1

*BPD 2019
SSA Day 2*

Objectives

- Identify BPD policy requirements for various types of searches.
- Apply BPD policy requirements to various types of searches.
- Understand the potential impact of various types of searches on public trust.

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)

Conducting a Search

Requirements



- Explain the reason
- Search courteously
- Use professional language
- Minimize disruption
- Return property to pre-search condition to the extent possible
- Document all searches

Searches and Gender



- No cross-gender searches unless there is a safety/exigency concern.
- A cross-gender search depends on gender identity
 - What makes them feel most comfortable/safe?
 - If you don't listen to the person's request, put the reason on BWC
- If you have to do a cross-gender search, have a witness

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- A minimally intrusive check for weapons
 - Requires RAS that:
 - The person is/has/is-about-to commit a crime
 - AND the suspect is armed
 - AND the suspect is dangerous
-

Weapons Pat-Down



A weapons pat-down may only include a container IF:



- It's within reach
 - AND it could contain a weapon
 - AND it can't be safely moved somewhere

- OR it can't be safely returned

Note: If you develop RAS that there is a weapon within the container, you may check the interior of the container **FOR THE WEAPON ONLY** and separate the weapon from the suspect.

Gender and Weapons Pat-Down



- Same-gender preference
- “Armed and dangerous” suggests waiting for a same-gender officer isn’t safe
- Do NOT conduct a weapons pat-down to evaluate gender

Weapons Pat-Down Documentation

- Requires a report
 - No boilerplate language
- If not arrested: Provide 309
- If arrested: No Form 309 is required

INCIDENT REPORT
Form 309-00

POLICE DEPARTMENT
BALTIMORE, MARYLAND

Person ☐ Property ☐ Vehicle ☐ Miscellaneous ☐

1. Date: _____ 2. Time: _____ 3. Location: _____

4. Incident: _____ 5. Officer: _____ 6. Supervisor: _____

7. Description: _____ 8. Action: _____ 9. Result: _____

10. Remarks: _____

11. Signature: _____ 12. Date: _____

REPORT SHOULD BE TYPED OR LEGIBLY PRINTED IN BLACK INK

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- Search pockets
 - Search property on the person
 - Ok to adjust clothing as long as it doesn't expose private area or undergarments (other than waistband)
-

Search Incident to Arrest



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Searching the IMMEDIATE AREA incident to arrest

- Anywhere the suspect could immediately reach to grab a weapon or hide/destroy evidence.
- Once the suspect is moved from the area, you can NOT search there incident to arrest.



Protective Sweep



Arrest allows a protective sweep in the IMMEDIATE AREA of the arrest.

Beyond that requires RAS that there's a person present who poses a threat.

Remember: A protective sweep is a search for people.

Policy: A search warrant is necessary to seize anything not in plain view.

Search of a VEHICLE Incident to Arrest



Police may search the passenger compartment incident to a recent occupant's arrest **only if:**

- RAS the car contains evidence related to the arrest

OR

- The suspect is unsecured AND in reach of that area

Exposing the person's:

- Private area
- Or undergarments

NOT a strip search:

- Medical aid
 - Exposing/manipulating waistband of undergarments
-

Strip Searches



When can a Strip Search be performed?



- Must be legally justified
- **ONLY** if you have Probable Cause that a person is concealing:
 - evidence
 - contraband
 - or a dangerous weapon

Where can a Strip Search be performed?



ONLY in a private area of a police district/facility

UNLESS

- PC they have a **deadly weapon**
- They pose a threat to self/other
- Can't be transported safely to a police facility for search

Supervisor Approval



- A strip search can **ONLY** be approved by a permanently ranked **LIEUTENANT** or above
- You must explain: the **Probable Cause** to believe they have evidence/weapon/contraband, including identifying the suspected item
- You must record the statement on **BWC**
- Document the supervisor who provided approval

Field Strip Search Approval

Lieutenant or above approval is required **UNLESS** the time to do so would pose an imminent threat to safety

AND a Field Strip Search is allowed:

- Concealing a deadly weapon
- A threat to himself or others
- **AND** cannot be transported safely to a private area



Before You Conduct a Strip Search



- Try using less intrusive means
- Explain the reason for the search
- If safe, give the suspect a chance to get it themselves
 - If you are going to do this, Mirandize them before letting them retrieve it

Strip Search BWC Requirements



- Before beginning the Strip Search:
 - BWC should already be activated
 - Ask if they want the search to be on BWC
 - Comply with the wishes of the person
- If the person doesn't want it recorded, document this using the BWC and end recording
- After the search, **wait 30 seconds** before re-activating

Cross-Gender Strip Search

ONLY where:

- **PC the arrestee is concealing a deadly weapon**
- **AND waiting on a member of the same gender identity or attempting to transport would pose an imminent risk to safety**

Require 95 (*Administrative Report*) kept with file

Documenting a Strip

- Provide arrestee a Form 309
- Explanation – In report, explain why a strip search was required along with all relevant details
- Command Review - Report must be reviewed by a command level official within 48 hours of the search

INCIDENT REPORT
Form 309-01-01
POLICE DEPARTMENT
BALTIMORE, MARYLAND

☐ Person ☐ Property ☐ Vehicle ☐ Miscellaneous

☐ Arrestee ☐ Victim ☐ Suspect ☐ Witness

1. Incident Information
1.1 Date: 1.2 Time: 1.3 Location: 1.4 Incident Type: 1.5 Incident Number: 1.6 Page: of

2. Person/Property/Vehicle/Miscellaneous
2.1 Person: 2.2 Property: 2.3 Vehicle: 2.4 Miscellaneous:

3. Arrest/Investigation
3.1 Arresting Officer: 3.2 Arresting Agency: 3.3 Arresting Date: 3.4 Arresting Time: 3.5 Arresting Location: 3.6 Arresting Reason: 3.7 Arresting Officer's Signature:

4. Search
4.1 Search Type: 4.2 Search Date: 4.3 Search Time: 4.4 Search Location: 4.5 Search Reason: 4.6 Search Officer's Signature:

5. Command Review
5.1 Reviewed by: 5.2 Reviewed Date: 5.3 Reviewed Time: 5.4 Reviewed Location: 5.5 Reviewed Reason: 5.6 Reviewed Officer's Signature:

6. Remarks
6.1 Description of Incident:
6.2 Description of Search:
6.3 Description of Arrest:
6.4 Description of Command Review:

7. Signatures
7.1 Officer's Signature: 7.2 Supervisor's Signature: 7.3 Arrestee's Signature:

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Body Cavity Search



Any visual or manual inspection of a person's:

- Mouth*
- Nose*
- Ear canal*
- Anus
- Genital region
- Internal organs

* NOTE: Visual inspection or minor manual manipulation of a person's ear, nose or mouth are exempt from the supervisory approval, warrant and reporting requirements for Body Cavity Searches.

Body Cavity Search



- Requires a Search Warrant
- ONLY with PC that a person has attempted to hide: evidence of a crime, weapons, or contraband
- Conducted by a licensed medical professional (doctor, nurse, medic, etc) under sanitary conditions
- BPD member will be present

Force during Cavity Search



- Force is **NOT** allowed to recover evidence
- Get medical attention
- **NO FORCE** beyond minor manipulation may be used absent observable and articulable facts that the person's safety is in imminent danger (e.g. choking)



LUNCH BREAK

**SECURE YOUR WEAPONS
PRIOR TO COMING BACK**
