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29.1 PURPOSE

To provide direction to sworn department personnel in their contacts with the public in accordance with the United States and South Carolina constitutions, federal and state statutes, and applicable federal and state appellate court decisions.

29.2 DEFINITIONS

Arrest - An arrest is a seizure that occurs when a person is taken into custody, and is not free to leave, for the purpose of criminal prosecution or interrogation. An arrest must be based upon probable cause.

Consensual Contact – A face-to-face communication between an officer and a citizen, when the citizen is free to leave. An officer may initiate a contact at any time, for any reason, and in any public place the officer has a lawful right to be. A consensual contact is not a seizure, stop or arrest, but rather a voluntary interaction between an officer and a person. There are no 4th Amendment issues with consensual contacts.

Probable Cause - Facts and circumstances known to the officer at the time that would lead a reasonable person to believe a crime is being, has been, or will be committed and that the person to be arrested is committing, has committed, or will commit that crime.

Reasonable Suspicion – It is more than a hunch, but less than probable cause. Specific, articulable facts taken together that give an officer reason to believe that criminal activity will occur, is occurring, or has just occurred.

Search - Examination of an area or item by law enforcement officers in which a person has a reasonable expectation of privacy.

1. The Fourth Amendment has been interpreted by the Supreme Court to require a search warrant prior to any search by a law enforcement officer, or a person acting at the direction of a law enforcement officer, of a person, or of an area or item in which a person has a reasonable expectation of privacy.
2. No search may be performed without a warrant, unless the search can be justified by one of the exceptions to the warrant requirement.

Seizure - A person is seized only when, by means of physical force or a show of authority, his/her freedom of movement is restrained, and a reasonable person would not feel free to leave. The Fourth Amendment prohibits unreasonable seizures of persons or property. An officer may seize a person only when there is reasonable suspicion or probable cause to believe that the person is engaged in criminal activity.

Investigatory “Terry” Stop – An investigatory “Terry” Stop is a temporary detention of a person or a vehicle for the investigation of possible criminal activity. A stop occurs when an officer uses police authority either to compel a person to halt, to remain in a certain place, or to perform some act (such as walking to another location). A stop has occurred whenever a reasonable person would believe he or she is not free to leave. A stop is considered a seizure under the Fourth Amendment and occurs whenever a person is detained by a police officer. Investigatory Stops are authorized only if the officer has reasonable suspicion that the person has committed, is committing, or is about to commit a crime.

“Terry” Frisk - A pat-down of the outer clothing of a suspect to search for a weapon based upon reasonable suspicion the person is armed and dangerous.

Pre-textual Stop - A Pre-textual stop occurs when officers use legal justification (a traffic violation) to stop a vehicle in order to investigate a different, more serious crime for which there is no reasonable suspicion. Such a stop is legal, regardless of the motivation of an officer in doing so. Pre-textual stops are appropriate when an actual violation of law has been observed and officers have probable cause that a traffic violation has occurred, and the officer has observed conduct or behavior on the part of the individual to be stopped, or has some independent source of information, that would lead a

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reasonable officer to believe that the individual is engaged in some illegal activity. NOTE: a person's race or ethnicity can never be the sole justification for the stop.

Motor Vehicle Stop - Non-consensual motor vehicles stops will be based on the legal standard of reasonable suspicion or probable cause pursuant to the Fourth Amendment to the United States Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for such stops. Officers shall make vehicle stops only when they are able to articulate at least reasonable suspicion that criminal activity or a traffic violation has occurred or is occurring.

Warrant - For purposes of this policy, the term "warrant" will include not only arrest warrants, but also civil papers that have been signed by a judicial officer (i.e., magistrate or judge). Civil papers include Temporary Detention Orders, and Emergency Custody Orders.

29.3 POLICY (CALEA 61.1.7; 74.3.1; 74.3.2)

Sworn personnel will direct their contacts with all members of the public remembering that the United States Constitution is the basis for and provides the guiding principles for the conduct of law enforcement personnel.

The Fourth Amendment to the U.S. Constitution guarantees citizens the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. U.S. Supreme Court decisions regarding searches and seizures place the responsibility on the police to ensure that citizens' Fourth Amendment rights are respected and not violated. Officers will scrupulously observe constitutional guidelines, as interpreted by the U.S. Supreme Court, the Circuit Court of Appeals and the South Carolina appellate courts when making searches and/or seizures of persons or property.

In accordance with applicable statutory law and appellate court decisions, only sworn law enforcement officers employed with this department will execute warrants and other criminal processes.

All sworn officers will execute warrants, summons, and other criminal processes in accordance with State Code. Officers will be mindful of statutory jurisdictional limitations, which will vary depending on the circumstances of the arrest. All response to resistance and/or aggression in connection with arrests will be in accordance with the General Order pertaining to Response to Resistance and/or Aggression.

Contact with the community, even through enforcement, provides an opportunity to build relationships with the public. Officers should treat people fairly throughout the stop. In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following when conducting motor vehicle or investigatory stops:

1. Introduce themselves to the person (providing name and assignment within the department) and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. In vehicles stop, the officer shall provide this information before asking the driver for their license and registration.
2. Ensure that the detention is no longer than necessary to take appropriate actions for the known or suspected offense, and the person understands the purpose of reasonable delays.
3. Answer any questions the person may have relating to the stop, including explaining options for traffic citations disposition, if relevant.
4. Provide their name and badge number, in writing on a business card as they are disengaging from the stop as it is outlined in *General Order 7.15 Officer Disengagement*.
5. Explain if they determine that the reasonable suspicion was unfounded and thank them for their cooperation (e.g. after an investigatory stop).

29.4 VOLUNTARY CONTACT WITH CITIZENS

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Officers are free to initiate a voluntary contact with a person for any or no reason, the same as an ordinary citizen can. No level of suspicion (reasonable suspicion or probable cause) is needed. There is no 4th Amendment issue if the contact is consensual, even if it is for investigative purposes. There is no seizure as long as a reasonable person would believe they were free to refuse the officer's requests, or answer questions, and/or was free to leave. Refusal to cooperate does not, by itself, justify detention. Persons contacted will not be detained or searched against their will unless reasonable suspicion/probable cause exists for the stop and for the search. An officer may not use force or coercion in initiating a contact or in attempting to obtain cooperation once the contact is made. These contacts are entirely consensual on the citizen's part. Officers will act in a restrained and courteous manner. Officers shall be cognizant of factors affecting the citizen's belief that they can freely leave, are not being involuntarily detained, and can ignore the officer's greeting or question. A person who does not respond to the officer's greeting or approach must be allowed to go on their way unless the officer has reasonable suspicion or probable cause that the person is involved in criminal activity. Exercising any legal authority or restraining the person in any manner converts the contact into a stop, which may be made only with probable cause or reasonable suspicion. Obtaining consent is the key to keeping this contact from being considered a seizure.

Officer's should ask for cooperation, rather than demand it to keep the contact from being considered a seizure. For example, "Excuse me, may I speak with you" versus "Hey you, come here NOW and speak to me". The former makes the stop consensual, the latter is a seizure.

29.5 INVESTIGATORY "TERRY" STOPS (CALEA 1.2.4 b)

Officers may stop a person based upon reasonable suspicion that a person is involved in criminal activity, based upon the totality of the circumstances. The officer must articulate (put into words) what facts were considered in making the stop. They will use the least coercive means necessary to affect the stop of a person. The least coercive means may be a verbal request, an order, or the use of physical force. Deadly force is not authorized. Justification for a stop does not permit unreasonable conduct during the stop.

A person may be detained at or near the scene of a stop for a reasonable period. The length of time of a stop must be reasonable in relationship to the type of crime being investigated and must be diligently pursued to determine whether there is probable cause to arrest or the person must be released.

Officers may question a detained person for the purpose of obtaining name, address, and an explanation of presence and conduct. When the person has been operating a vehicle, the officer may request to view certain documents (such as operator's license and vehicle registration). Officers will not search a subject who has been stopped based on reasonable suspicion except when there is justification to perform a frisk or when the person consents to a search. For additional information on Investigatory "Terry" Stops, officers should refer to Sections 6-10 in the Search and Seizure Field Guide.

29.6 "TERRY FRISK" (CALEA 1.2.4 b)

A pat-down performed on an individual is a search for weapons, not evidence. The essential elements of a frisk are that the individual to be frisked must have been stopped based on reasonable suspicion of criminal activity and the officer must be able to articulate a reasonable belief that the person to be frisked is presently armed and dangerous. The frisk is a separate act from the original stop and requires its own justification. The two, "stop and frisk" do not automatically go together without the additional articulable reasonable belief that the person is armed. This reasonable belief may be based on articulable facts as outlined in Section 11 of the Search and Seizure Field Guide.

Scope of "Terry Frisks"- The frisk will be confined in scope to an intrusion reasonably necessary to discover guns, knives, clubs, or other hidden instruments that might be used to assault the officer. Size of the object is not material; as

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long as it may be something that can be used as a weapon to harm you; it can be removed from the person. For officer safety, even a hard/sharp object should be treated as if it is a weapon.

A frisk is generally limited to a pat down of the outer garments of a suspect, particularly those areas most likely to contain a weapon. The frisk may be extended to areas designed to discover potentially lethal weapons. Removal of clothing items to conduct a frisk without consent is not permissible. A jacket may be opened if it conceals areas of concern, such as a waistband. Shirts may be lifted to view areas once an item is felt. If consent is obtained, clothing will not be removed in public places to conduct the frisk. The frisk may be extended to other areas on or about the detainee to discover weapons. The frisk may be conducted immediately upon making the detention or at any time during the detention, but will be made as soon as practical after the officer develops a reasonable suspicion that the person is armed and dangerous.

Plain Feel - If while conducting a "frisk," an officer feels an object whose contour or mass makes its identity as a weapon or contraband immediately apparent, this item may be seized. If, however, the officer is sure this item is not a weapon, but is unsure whether it is contraband, the officer may not squeeze or manipulate the item in order to identify it.

Persons who are frisked, but not arrested, will have any objects taken from them returned to them upon completion of the frisk, unless the objects constitute contraband or evidence of a crime.

29.7 MOTOR VEHICLE STOPS (CALEA 61.1.7)

It is the policy of the Department that motor vehicle stops be performed in a professional and courteous manner, and free of bias. Officers will perform motor vehicle stops consistent with the mission and purpose of the Department to protect and serve the people within the City of Charleston and the commitment to preserve peace, order and safety and enforce applicable laws in a fair and impartial manner. All motor vehicle stops are to be conducted in accordance with department policy and the rights secured or protected by the U.S. Constitution and the laws of the United States and the State of South Carolina.

Officers will perform motor vehicle stops keeping in mind the objectives of public safety, roadway safety, and the prevention of crime. Officers, as part of their daily operations, make contact with motorists due to a variety of circumstances to include traffic law enforcement, investigative stops, and suspicious activity calls among others. Officers shall have legal justification prior to the stop of a motor vehicle. This may include the commission of a traffic violation or reasonable suspicion of involvement in some other criminal activity. Officers may encounter unlawful behavior during the course of their duties, while on patrol, or at times will be directed to take law enforcement action in pre-determined areas based on factors such as complaints, calls for service and/or intelligence and collision data. Nothing prohibits officers from performing lawful motor vehicle stops upon observing unlawful behavior, whether previously directed or not.

29.8 ARRESTS

An arrest warrant is preferred in most cases. Officers may arrest without a warrant for felonies or misdemeanors committed in their presence. Officers may make warrantless arrests for felonies not committed in their presence when there is probable cause to believe a felony has been committed and that the person arrested committed the felony. Officers may arrest for misdemeanors not committed in their presence either pursuant to a warrant or without a warrant when there is probable cause to believe the person has committed certain misdemeanors identified by South Carolina State Code.

29.9 SEARCH INCIDENT TO ARREST

A search incident to arrest is permissible when there is a full custodial arrest and the individual will be transported to a police or jail facility for booking. Individuals who are released pursuant to a summons are not in custody and therefore a search of their person is not permitted under the search incidental to arrest exception. See Section 16 of the Search and Seizure Field Guide for the permitted scope allowed during a search incident to arrest.

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29.10 INTRUSIVENESS OF SEARCHES (CALEA 1.2.8)

All searches of persons based on search incident to arrest will not extend beyond the arrestees clothing unless pursuant to a search warrant, based on exigent circumstances, and/or the existence of reasonable suspicion to believe that the person is concealing a weapon, evidence, or contraband. If the officer believes the arrestee is concealing a weapon, evidence, or contraband they may conduct a more intrusive search to the extent reasonable, to recover the item. The search will be conducted by members of the same sex as the suspect in a private location and under sanitary conditions.

However, a visual or manual search of any body cavity, other than the non-forcible visual inspection of the mouth, will not be conducted by Department members and can only be conducted by jail personnel or hospital medical personnel.

If a strip search is conducted, the search must be documented and will include the information listed in Section 17 of the Search and Seizure Field Guide.

29.11 CONSENT SEARCHES (CALEA 1.2.4 a)

Consent searches are more than just an exception to the warrant requirement; consent is a waiver, not only of the warrant requirement, but also of the probable cause or reasonable suspicion requirement. Consent must be provided voluntarily and should be within the guidelines listed in Section 18 of the Search and Seizure Field Guide.

No person shall be subjected to stops and/or searches by an officer unless the officer has some articulable reason that the individual has, or is about to, violate the law.

Consent searches are appropriate during a vehicle stop or consensual contact where prior to or during the vehicle stop or consensual contact an officer suspects that the vehicle, its occupants, or a citizen may have contraband or evidence of criminal activity based on the conduct or behavior of the occupants or some other source of information, but the suspicion falls short of probable cause. Consent to search cannot be requested when the only violation is for not wearing a seatbelt [SC Code 56-5-6540 (D)]. The request and obtaining of consent should be recorded on the officer's body worn camera or in car camera system. In the event an officer's camera is inoperable, a second officer with a functional body worn camera or in car system should be called to the scene to ensure the consent is recorded.

After a motor vehicle stop is completed, the driver may not be asked for consent to search unless the officer develops reasonable suspicion that a crime is afoot.

Such stops and searches are expressly prohibited when conducted randomly or without any indication of illegal or suspicious conduct or behavior, or when they are based on the drivers, passengers, or individual's appearance or personal characteristics. Officers should be aware that overuse of the consent search can negatively impact the Department's relationship with our community and that they should only request a consent search when they have an articulable reason why they believe the search is necessary and likely to produce evidence related to an investigation or crime.

29.12 SCOPE OF A CONSENT SEARCH (CALEA 1.2.4 a)

The extent of the search is limited by the consent given. The individual consenting to the search can stop the search at any time, or restrict the scope and breadth of the search at any time.

1. A consent search must be immediately stopped if the person says to stop. That withdrawal must be clearly communicated to the officer;
2. The officer must stop the search unless reasonable suspicion or probable cause has been established before the consent was withdrawn;
3. No person should be subjected to stops and/or searches by an officer without good legal cause;
4. Strip searches shall not be conducted pursuant to a consent search.

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The same legal guidelines apply when officers request consent to search a residence or other real property. The extent of the search is limited to the area over which the consenting party possesses common authority to properly provide consent to search. Whether or not a person has authority to consent to a search of particular property or a particular area depends on all of the facts known to the officers at the time. The officer must be prepared to explain why the officer reasonably believed the person giving consent had authority to do so. Officers may request consent to search from any person who has apparent authority over the area to be searched. See Section 28 of the Search and Seizure Field Guide for additional information related to consent searches of premises.

29.13 CONSENT SEARCH DOCUMENTATION (CALEA 1.2.4 a)

Consent searches of a vehicle or person shall be documented in the Department's Records Management System as outlined in section 29.25 of this policy. If the consent to search form or card is completed, it will be turned into the Team's Administrative Sergeant. The Administrative Sergeant will confirm that a corresponding Field Contact Card has been completed, and then scan and upload the consent form to the shared folder drive. The file will be saved as "FCC####.pdf" where the "#" is the system ID number for the corresponding FCC in RMS. The related FCC will then be updated to show the consent form was documented on the shared folder.

29.14 EXIGENT CIRCUMSTANCES (CALEA 1.2.4 e)

Officers must respect a firm line drawn by the courts at the entrance to a house. It does not matter if the entry into the residence is forced or not, or whether the officers entered through an open door. Warrantless entries into dwellings, followed by searches, seizures, and/or arrests are presumed to be unreasonable under the Fourth Amendment.

Prior to entering a residence without a warrant, the factors listed in Section 21 of the Search and Seizure Field Guide should be considered and will be viewed based on the facts and circumstances that were reasonably available to the officer at the time the warrantless entry was made.

29.15 HOT PURSUIT (CALEA 1.2.4 g)

Pursuit must be "hot." Although officers are not required to keep the suspect in sight; the officer must be in active pursuit of the fleeing suspect. After considering the above factors, officers may determine that the proper course of action would be to not enter the residence without a warrant but consider other options such as securing the residence while requesting additional resources such as the SWAT team.

In addition to the legal requirements for Hot Pursuit listed within Section 22 of the Search and Seizure Field Guide, officers and supervisors should continually assess the tactical concerns of continuing a foot pursuit into a private residence or into areas that are unfamiliar to the officer.

While not exhaustive, the considerations also outlined in Section 22 should be applied when determining whether or not to terminate a foot pursuit.

29.16 DESTRUCTION OF EVIDENCE

This exception allows for a warrantless search of an area or item if there are sufficient facts that would leave a reasonable person to believe evidence is being or will be destroyed or removed in the time it would take officers to obtain a search warrant. Again, the reasonableness of your thoughts and actions is the key to conducting a warrantless search. A known drug house is not reason alone to conduct a warrantless search, but that combined with observations that a person inside is seen by police pouring drugs down the sink would allow for entry to secure evidence in plain view or that is about to be destroyed. Once this step has been accomplished, officers will stop any further action and obtain a search warrant before searching for additional evidence or contraband. Officers need to understand the courts have suggested in various case

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decisions that small quantities of drugs or minor crimes may not justify the warrantless entry of a private dwelling. Each case will be judged based on the specific facts presented and articulated by the officer(s).

29.17 PUBLIC SAFETY SEARCHES

This exception generally relates to factual situations in which it appears that a person may be hurt or in need of immediate medical assistance. This exception is based upon the need for immediate aid, not on the need for investigation or the seriousness of an offense. Officers will document specific facts warranting the necessity for the immediate entry. Items found in plain view may be seized. A search warrant should then be obtained before searching further based on the crimes uncovered.

When they reasonably perceive an immediate danger to their safety, officers may make a warrantless, protective sweep of a residence.

A protective sweep does not authorize officers to search a residence simply because they are interviewing an occupant, either at the threshold or within the residence, when there is not reasonable suspicion for believing someone might be within the residence that poses a threat. The search is limited to those areas in which the person may be found.

29.18 CRIME SCENE SEARCHES (CALEA 1.2.4 d)

There is no crime scene exception to the search warrant requirement. A search warrant would be needed to enter and search the premises for evidence. Although exigent circumstances may permit an emergency entry into a dwelling, the scope of the search must be limited to providing aid for those believed to be in need of assistance, or to securing evidence in plain view or that is about to be destroyed. Once that is accomplished a search warrant or consent will be obtained before searching for additional evidence or contraband.

29.19 ENTRY INTO PRIVATE RESIDENCES WITH ARREST WARRANT (CALEA 1.2.4 g)

If officers have an arrest warrant in their possession for a suspect at his/her residence and probable cause to believe that the suspect named in the warrant is currently inside his/her residence, then entry to arrest the suspect is legally permissible.

Prior to entering a private residence under the authority of an arrest warrant or without the consent of an individual currently present and residing in the residence, officer(s) will follow the procedure outlined in Section 26 of the Search and Seizure Field Guide.

29.20 SEARCHES OF PLACES (RESIDENCES, BUSINESSES, ETC.)

A search warrant is required to enter and search a residence, private business or other place where a person has a reasonable expectation of privacy. There are certain limited situations where there is an exception to the warrant requirement that will be discussed below. Unless consent is given or one of these limited exceptions applies, a search warrant based upon probable cause must be obtained prior to conducting a search. South Carolina Code of Laws Chapter 17-13-140 through 160 addresses the law of search warrants. See Sections 29-32 of the Search and Seizure Field Guide.

29.21 VEHICLE SEARCHES AND SEIZURES (CALEA 1.2.4 c)

Search warrants are not required to search a motor vehicle in a public place when probable cause exists to believe that there is contraband or evidence in the vehicle. This extends to any vehicle that has the attribute of mobility and in which a lesser expectation of privacy exists, i.e., buses and mobile homes that are not at a fixed location.

Warrantless searches of vehicles are permissible even though the vehicle has been moved to a police station or impound lot.

There may be occasions when consideration should be given to obtaining a search warrant for a motor vehicle. For example, if an informant provided information on which probable cause is based and you want to take all precautions to

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protect the identity of the informant. If the location of the vehicle has not been established, a search warrant will provide authority to search the vehicle if it is later located on property, which is not constitutionally accessible to the police.

The scope of a vehicle search is the same as would be authorized by a search warrant. The search will be limited by the object of the search, and may include the passenger compartment, trunk and all containers (locked or unlocked, belonging to driver or passenger(s) within the vehicle. Once the object of the search is found, the authority for a warrantless search ceases.

When possible, officers will open a locked container, trunk, or glove compartment with a key rather than by force. If keys are unavailable, and time permits, officers will contact the City contract locksmith to respond and open the vehicle or container.

Searches will be conducted at the scene of the arrest as soon as the prisoner is placed in secure custody. In those cases where it is not feasible to conduct the search at the scene of the arrest, the vehicle will be secured in police custody at all times until it is searched. The search will be conducted as soon as practicable.

A motor home or mobile home, if apparently mobile, is treated the same as a motor vehicle for the purposes of warrantless searches. Motor homes and mobile homes that are apparently affixed to a location, e.g., water hookups, skirts, lack of wheels, will be treated as residences, not as vehicles.

Incident to Arrest

The search of the passenger compartment of a vehicle incident to a lawful custodial arrest of the driver or occupant is allowed only if the factors listed in Section 39 of the Search and Seizure Field Guide are met.

When these justifications are absent, a search warrant must be obtained in order to search the vehicle incident to arrest unless some exception to the warrant requirement applies.

29.22 VEHICLE INVENTORY (CALEA 1.2.4 f)

Officers have a responsibility to protect property in their custody. This responsibility includes property within motor vehicles or boats, which have been seized, towed, or otherwise removed from the custody of the owner by direction of the officer. The inventory is designed to protect and account for a person's property, and protect the officer and the department from false claims or accusations of theft by that person. Laxity in this regard can result in property losses, which could have been averted by precautionary measures taken by the officer.

When conducting a vehicle inventory, officers will follow the procedures delineated in the General Orders outlining towing procedures.

An inventory of a vehicle that is being towed does not require a search warrant. It is not a search for evidence, so pulling off door panels or removing air ducts is not permitted without probable cause.

29.23 OTHER EXCEPTIONS TO THE SEARCH WARRANT REQUIREMENT (CALEA 1.2.4 g)

The Supreme Court has ruled the Fourth Amendment only regulates searches of persons, places, and items in which there is a reasonable expectation of privacy. Searches conducted when a person has no reasonable expectation of privacy are not protected under the Fourth Amendment. Examples include Plain View, Canine Sniffs, Garbage, Abandoned Property, Open Fields, Aerial Observation and Inmate Property Searches. For a more detailed explanation of each, review Section 42 of the Search and Seizure Field Guide.

29.24 SEARCH OF PROBATIONERS AND PAROLEES

A law was passed in South Carolina in May of 2010 authorizing the warrantless search of probationers and parolees by any law enforcement officer. The search can be of the probationer/parolee's person, their possessions (book bags, purses, wallets, etc.) and vehicles that they own or are operating. Residences cannot be searched under this provision. Officers

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must first verify that the person is still on probation/parole before conducting the search under this article. Reasonable suspicion is required to search probationers, while there is no level of suspicion necessary to search parolees. Officers must then report that a search was made of that person, and will be subject to disciplinary action for not doing so. The search will not be used as a form of harassment or intimidation.

This new law does not prevent officers from conducting lawful searches of a probationer or parolee as if for any suspect.

Mobile Tracking Devices

South Carolina Code 17-30-140 requires that the Attorney General or a Solicitor apply for an order from a circuit court judge to install a mobile tracking device on a person or an object, including a vehicle.

29.25 DOCUMENTATION OF STOPS AND SEARCHES REQUIRED (CALEA 1.2.3)

All self-initiated stops (not those as part of a citizen call for service) conducted by officers of the Charleston Police Department will be documented using the Field Contact Module (FCC). The FCC will be completed in addition to any other documentation created by the stop (citation, warning, incident report, arrest report) and should include the CAD Event number. All FCCs should include the type of search (or 'None' if no search was conducted) and disposition (contraband field). The notes field should include an explanation for the stop and the probable cause or reasonable suspicion for a search, if conducted. For instances of consent searches, the notes field should include the articulable reasonable suspicion for requesting consent.

Officers are required to submit all FCCs prior to the end of their shift. In the event an officer is off duty or does not have computer access at the time of the search, the officer should enter it within 24 hours of their next scheduled duty day. In the event a citizen refuses to provide information on their identity to the officer, and they are lawfully allowed to refuse, the officer will complete a "John/Jane Doe" FCC with as many relevant descriptors as possible including the information that the person declined to provide their name.

For this section, "all searches" will specifically include person/vehicle frisk searches as well as all consent searches of persons, vehicles, or premises and any search not otherwise documented in the arrest paperwork.

Security Checks

For the purposes of this policy section, the routine visual checking of bags at security checkpoints at city sponsored or special events will not constitute a search per se as everyone is checked and this check is part of a security and access plan approved by Command. These checks would normally not be included in the documentation requirement.

29.26 REVIEW OF STOPS

The use of stops, or Fourth Amendment Seizures (temporary detention or arrests), is a tool limited to law enforcement officers and shall be to accomplish the department's mission. Commanders shall provide direction to their officers to address traffic or crime related matters relative to their Team or area of operation. On a regular basis, at least annually, CPD shall review the data collected from the stops to ensure stops are being conducted consistent with the Department's mission and vision.