



**Chapter:** Searches  
**Subject:** 08-01 – Search and Seizure  
**Effective:** April 19, 2022  
**Supersedes:** Official Order 1, Article 3, Sections 3.23-3.23c, dated January 7, 2009  
**Distribution:** Department Members

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**PURPOSE:** This Order establishes general department policy regarding search and seizure.

#### SEARCH AND SEIZURE

Section 3.23 Enforcement members shall abide by the laws of search and seizure in the performance of their duty.

Section 3.23a Although the courts have recognized the consent exception to the search warrant requirement, enforcement members shall remain objective when there appears to be no articulable reason for requesting consent to search. Enforcement members shall not conduct a consent search except when their observations and investigation indicate a need to do so based on an articulable reason.

Section 3.23b Department members are prohibited from bringing third parties (i.e. a recruit, intern, chaplain, media, or ride-along) into private places during the execution of a warrant unless one of the following conditions apply.

- A. Third parties may be allowed to enter into private places when their presence is necessary to assist the police in the execution of a warrant.
- B. Third parties may enter into a private place under an emergency to assist an enlisted member who requests assistance.
- C. Third parties may enter into private places if written consent is obtained from the owner or person who may authorize the search.
- D. A photographer or videographer (including the media) may accompany enforcement members to film an area for documentary or evidentiary purposes. However, the film or video shall be turned over to the department once the scene has been documented to avoid the implication that the filming was done for private purposes.
- E. An enlisted member who seeks a search warrant and knows at the time of the warrant request that the presence of a third party is necessary shall include this information in the warrant request.

Section 3.23c Enforcement members shall leave a copy of the search warrant affidavit with the person or place that the search was conducted unless doing so would inhibit the investigation or pose a safety threat to another individual.

DIRECTOR

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**Annual Review Responsibility:** Transparency and Accountability Division

**Accreditation Standards:** CALEA 1.2.4