



# FIELD ORDERS

Chapter

**ARREST and SEARCH**

Subject

**Warrantless Searches/Seizures****WARRANTLESS  
SEARCHES/SEIZURES**

In certain circumstances, peace officers are permitted to search persons, vehicles, or premises without a warrant and seize persons and/or physical items. These warrantless searches and seizures are governed by Constitutional requirements and case law.

**SEARCH by CONSENT**

Officers may request permission to search any person, vehicle, or premise at any time. Obtain permission from the individual who has apparent authority over the person, vehicle, or premise to be searched.

1. A person's consent must be voluntary and not the result of coercion from officers or other individuals.
2. Use your discretion on whether to complete the department Consent Search form. If completing the form, have the person sign it to grant authority to the search. Base your decision to use the form on:
  - The degree of intrusion and scope of the search.
  - The weight of the anticipated charges.
  - The apparent authority of the person granting permission.

**SEARCH INCIDENT to  
ARREST**

1. When making an arrest, search the suspect and any areas within the suspect's immediate control, or areas within which the suspect might gain possession of a weapon or destroy evidence.
2. A search incident to arrest should be made shortly after taking the suspect into custody.

**STOP and FRISK**

**PURPOSE** – The authority to stop someone and subsequently make a limited search for weapons, commonly called a “stop and frisk,” is generally part of an investigative detention. Grounds for a stop do not automatically infer that grounds exist for a frisk.

- A **stop** is lawful if you reasonably believe a person is or may be involved in criminal activity.
- A **frisk** is lawful if you reasonably believe the person is armed and may be a danger to himself or others.

**PROCEDURE**

1. **INVESTIGATIVE DETENTION** – You can stop a suspect for a brief investigative detention even though you do not have probable cause to arrest if:

- a. You have knowledge of facts that reasonably lead you to believe the suspect is or may be involved in criminal activity.
  - b. You identify yourself as a police officer and make reasonable inquiries as to the suspect's conduct.
  - c. The suspect's response to being stopped and questioned does not relieve your suspicions.
2. **FRISK** – You may frisk the suspect if you have knowledge of facts that reasonably lead you to believe the suspect is armed or otherwise a danger to yourself or others.
  - a. A frisk is not a full search. It must be carefully limited to searching the suspect's clothing aimed at discovering weapons.
  - b. If you detect an object that feels like it is or could be a weapon, you may seize it. However, your authority to conduct a frisk on reasonable suspicion does not allow you to remove an item from a suspect's clothing that you do not reasonably believe is a weapon or could be used as a weapon.
  - c. **Religious Head Coverings** – To support a suspect's right to religious freedom and ensure reasonable accommodations for religious beliefs and clothing of religious significance, an officer of the same gender (when possible) may pat down the outer clothing and religious head covering aimed at discovering weapons.
3. **PLAIN TOUCH SEIZURES**
  - a. Plain touch seizures grow out of weapon frisks based on reasonable suspicion. For this reason, the search that precedes the seizure must be limited in nature. Once you determine from patting the object that it is not a weapon, you may not continue to probe it by squeezing it or sliding it around; probable cause must arise or be immediately apparent as soon as you touch the object.
  - b. If, while frisking for weapons, you detect an object that is not a weapon, you may seize it without a warrant (Plain Touch) if your experience and sense of touch make it "immediately apparent" that the object is contraband or evidence of a crime.

- c. **Religious Head Coverings**
- 1) An officer of the same gender (when possible) as the suspect conducts a pat down of the outer clothing and religious head covering.
  - 2) If, during the pat down, you locate:
    - a) A weapon, remove it to ensure everyone's safety.
    - b) Contraband that is not a threat to health or safety may be seized.
  - 3) Inform the arrestee that the religious head covering must be temporarily removed and searched.
    - a) Advise the arrestee that the search will be conducted by an officer of the same gender, if available.
    - b) If possible, ensure officers of the opposite gender are not present when searching the religious head covering.

## PROBABLE CAUSE SEARCHES

Under certain circumstances, an officer can conduct a warrantless search of a vehicle, premise, or person.

1. **MOVEABLE VEHICLE EXCEPTION** – A vehicle may be searched with probable cause and no warrant when the vehicle is in a mobile condition.
2. **EXIGENT CIRCUMSTANCES** – You may enter premises without a warrant or consent under exigent circumstances that are not the result of your creation.
  - Exigent circumstances are a set of facts that require you to act without getting a warrant in order to:
    - Protect a person from injury,
    - Arrest a fleeing felon,
    - Or prevent the destruction of evidence.
  - To search for persons, you may enter a premise without a warrant in the following situations:
    - Arrest a fleeing felon in hot pursuit.
    - Conduct a protective sweep.
    - Look for a person who may be ill, injured, or dead.
3. **IMPOUNDED VEHICLES** – You may search a vehicle based on probable cause if the vehicle has been impounded, but it was impractical to search it prior to impoundment.

**CRIME SCENE SEARCHES**

Do not search crime scenes that a suspect owns or controls once the exigency is over. Secure the premises and get a warrant or consent.

**INVENTORY SEARCHES**

1. In order to protect the suspect/owner's property from theft and the police department from claims of theft, conduct an inventory search of all vehicles or property that are in your lawful custody.
2. Inventory searches include locked and/or closed containers such as luggage and purses left with a vehicle.
  - Open locked containers to perform an inventory if you cannot determine the contents from the container's exterior.
3. Document the inventory search results on the Vehicle Invoice, Property Impound, and/or in the narrative section of the DR.

**OTHER AUTHORIZED  
SEARCHES/SEIZURES****PROBATION ASSISTANCE**

1. Officers may assist Probation Officers in searching individuals, their vehicles, or premises when the individuals have given up the expectation of privacy of their person, home, and/or vehicles as a term of their probation.
2. You may seize items of evidence and charge the person with any applicable criminal violations.

**PLAIN VIEW SEIZURES** – If lawfully present on the premises, you may seize evidence that you have probable cause to believe is crime-related.

