



Seattle Police Department Policy Manual



6.180 – Searches-General

Effective Date: 05/01/2020

This policy applies to searches conducted by Department employees.

1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

Officers will serve all search warrants in accordance with Seattle Police Manual Section [6.185 - Search Warrants](#).

Except as described in this policy, officers shall not conduct a search without a valid search warrant. In each circumstance, officers are required to document in a Report or Field Contact that an exception to the warrant requirement applies.

6.180-POL-1 Community Caretaking Searches

The need to protect or preserve life, avoid serious injury or protect property in danger of damage may justify an entry that would otherwise be illegal absent an emergency.

It is important to remember that while an entry may be justified under the emergency doctrine, a warrant will generally need to be obtained prior to further investigation or seizure of evidence.

The emergency doctrine and the community-caretaking exception do not require probable cause but shall be motivated solely by the perceived need to render aid or assistance. Officers will act under a community caretaking role in emergency action, not in their evidence gathering role.

1. Officers May Perform Warrantless Community Caretaking Searches Under Specific Circumstances

Officers may conduct warrantless community caretaking searches when:

- The officer has subjective belief that someone likely needs assistance for health or safety concerns;
- Officers will attempt to rouse suspected unconscious persons prior to conducting searches. Suspected unconsciousness alone does not support a reasonable, objective belief of a need for immediate assistance.

Seattle Police Department Policy Manual

- A reasonable person in the same situation would similarly believe that there is need for assistance;
- There is a reasonable basis to associate the need for assistance with the place searched;
- There is an imminent threat of substantial bodily injury to persons or substantial damage to property;
- A specific person or persons or property need immediate help for health or safety reasons

2. Officers May Make a Limited Sweep of a Vehicle Under Specific Circumstances

Officers may make a limited sweep of a vehicle when:

- There is reasonable suspicion that an unsecured firearm is in the vehicle, and
- The vehicle will be impounded and towed from the scene.

3. Officers Must Cease a Search Immediately Upon Dispelling the Reason for the Noncriminal Investigation

4. Officers Will Not Use Community Caretaking as Pretext for an Investigatory Search

6.180-POL-2 Consent Searches

1. Officers Conducting a Consent Search Will Ask the Consenting Person to Sign a Consent to Search form (form 9.54)

If the Consent to Search form is not available, officers will document the consent using another department authorized recording device, such as ICV, BWV, or digital recorder.

2. The Validity of the Consent Depends on Consent Being Given Voluntarily

The age, capacity for understanding, and education of the person are scrutinized by the court, as is the totality of the circumstances, including actual or perceived physical and mental coercion, exploitation, and the authority of the person to give consent. If consent is obtained after an officer notifies the person of the right to refuse consent, that can be considered an indicator of voluntariness.

Seattle Police Department Policy Manual

Prior to conducting a consent search, officers are required to make a good faith effort to determine whether the consenting person has capacity to provide consent.

3. Third-Party Consents Are Valid Under Certain Conditions

- Consent is valid if the third person has equal authority over the business or residence and it can be concluded the absent person assumed the risk the cohabitant (roommate) might permit a search.
- All cohabitants (roommates) or business partners who are present must affirmatively provide their consent prior to the search. Consent to search is not allowed if one cohabitant or business partner objects to the consent, even if another person gives permission.
- Parents and legal guardians may consent to search a minor's living area if they have routine access to the area and the minor is not paying rent.
- Landlords cannot give consent to search if a lease or rental agreement is still valid.

6.180-POL-3 Exigent Circumstance Searches

1. Officers Will Not Conduct Warrantless Searches or Seizures Unless there is Both Subjective and Objectively Reasonable Basis to Believe that Exigent Circumstances Exist.

Factors to be considered by the court include:

- Is the crime involved a serious offense or crime of violence?
- Is there reasonable basis to believe the suspect is armed?
- Is there objectively reasonable basis to believe the suspect committed the crime?
- Is there objectively reasonable basis to believe the suspect is on the premises?
- Is there objectively reasonable basis to believe that the suspect is likely to escape if not swiftly apprehended?
- Did the police identify themselves and give the suspect a chance to surrender prior to entry?
- Was the entry made peaceably?

6.180-POL-4 Open View and Plain View Doctrines

Seattle Police Department Policy Manual

Open View- The open view doctrine applies when the officer sees contraband or evidence from a vantage point available to the public. To seize the contraband or evidence, it must be located in an area open to the public and not protected by the Constitution.

- Police officers are not allowed to enter and seize contraband if the contraband is exposed to the public from a constitutionally protected place. For example: If officers see physical evidence of a crime in the window of a residence, they cannot enter the home, but have probable cause to seek a search warrant.

Plain View- The plain view doctrine applies when the police inadvertently discover contraband or evidence after making a lawful intrusion into a constitutionally protected area, such as a residence or a vehicle. The contraband or evidence must be immediately recognizable as such and be in plain view.

- The key to the plain view doctrine is being in the protected place with consent or on legitimate police business. Once the inadvertent discovery is made, officers may have probable cause to seek a search warrant for a more thorough search.

6.180-POL-5 Pat-Down/Frisk

The purpose and scope of a frisk is to discover weapons or other items which pose a danger to the officer or those nearby. It is not a generalized search of the entire person. The decision to conduct a frisk is based upon the totality of the circumstances and the reasonable conclusions drawn from the officer's training and experience. Generally, the frisk will be limited to a pat-down of outer clothing. Once the officer ascertains that no weapon is present after the frisk is completed, the officer's limited authority to frisk is completed (i.e., the frisk will stop).

6.180-POL-6 Search Incident-to-Arrest/Custodial Search

Search Incident-to-Arrest – Officers may, incident to a lawful arrest, search an arrestee's person and the area within the arrestee's immediate control.

Vehicles – After a person is arrested out of a vehicle, officers do not have authority to search the passenger compartment and locked or unlocked containers within the vehicle incident to arrest. One of the following must apply:

- Officers have consent to search,
- Exigent circumstances exist, or

Seattle Police Department Policy Manual

- Officers are performing an inventory search pursuant to impoundment of the vehicle. (Inventory searches do not include searches of locked containers or locked trunks.)

Residence – When a person is arrested in a residence, officers may only search the immediate area where the arrest occurred. Officers may only search other areas of the residence if:

- They reasonably believe that officer safety is threatened,
- There is a reasonable chance the arrested person might escape or destroy evidence.

Personal Items – Officers may only search personal items such as wallets, backpacks, or other bags if the subject had them in his or her actual and exclusive possession at or immediately preceding the time of his or her arrest.

Cell phones – Officers may not search digital information on a cell phone or other device without the owner's consent or a search warrant.

Exception: Officers may search abandoned cell phones/electronic devices for the sole purpose of identifying the owner of the property. The search must cease upon identifying the owner of the property. If the officer views evidence of a crime on a device, the officer must cease the search and write a search warrant for the phone/device.

6.180-POL-7 Custodial Searches

Officers shall thoroughly search the persons of all arrestees who are taken into custody.

1. Officers Will Conduct Custodial Searches as Soon as Possible After the Arrest and Before Transporting the Prisoner(s)

Evidence of any crime which is discovered in the course of a valid custodial search may be used to support whatever subsequent charge is appropriate.

2. Generally, Officers Will Not Search Suspects of the Opposite Gender

Officers may search suspects of the opposite gender if:

- There is a reasonable likelihood that the suspect possesses a weapon, or other object capable of causing injury or which could facilitate escape, or

Seattle Police Department Policy Manual

- The officer believes the suspect possesses objects which constitute evidence, which if not seized immediately could be destroyed, lost, or lose their evidentiary value, or
- There is no officer of the same gender readily available to conduct the search.

Officers will memorialize custodial searches via ICV and BWV.

3. Searches Conducted on Transgender Subjects Will Comply with Manual Section [16.200-Interacting with Gender-Diverse Individuals](#)