

	<b>LOWER MERION TOWNSHIP POLICE DEPARTMENT</b> <b>Ardmore, Pennsylvania</b>	
	<b>Policy 3.12.2</b>	
Subject:		Distribution:
<b>Consent Searches</b>		<b>All Sworn Personnel</b>
Date of Issue:	Expiration Date:	Rescinds:
<b>06-01-2014</b>	<b>Until Amended or Rescinded</b>	<b>General Order: 05-35</b>
References:		
<b>CALEA: N/A; PLEAC: N/A</b>		
By Authority of:		
		<b>Superintendent of Police</b>

## **PURPOSE**

The purpose of this policy is to establish procedures to be followed by Police Department personnel when conducting a consent search.

## **POLICY**

The Lower Merion Police Department will only conduct searches that are non-biased, legal, and strictly observe the constitutional rights of the public. The consent search policy is intended to be more restrictive than statutory or constitutional requirements. Officers will not conduct consent searches on a random basis. Officers shall only conduct consent searches if the officer has reasonable, articulable information leading them to believe that the person, vehicle, or premises to be searched, may be involved in criminal activity. Searches will only be conducted with due regard for the safety of officers, other persons, and the property being searched.

## **PROCEDURES**

Consent must be voluntary and given by someone with either actual or apparent authority over the place or thing to be searched. Even where consent has been voluntarily given, the consent may be withdrawn or limited in scope at any time.

When requesting a consent search, officers will adhere to the following guidelines:

- A.** Officers must have reasonable, articulable information leading them to believe that the person, premises, or vehicle to be searched may be involved in criminal activity or contain contraband. Such facts could include: time of day, a person's specific actions, citizen information, or other suspicious activity.

- B.** Officers will not conduct searches alone. At least two officers must be present, for safety reasons, in order to allow one officer to search and one officer to monitor the person(s) present.
- C.** Officers must give the person consenting to be searched a verbal advisory explaining:
  - 1. Why they are requesting the search (articulable facts).
  - 2. That they have a constitutional right to refuse to a consent search.
  - 3. That if the search results in a seizure, any seized evidence may be used against them in court.

If the person voluntarily gives permission to a consent search, a Consent to Search Form ([INV-1](#)) must be completed, signed by the person granting permission, and witnessed by the two officers. The completed form will be filed along with the incident report.

- D.** A detailed report is required on all searches describing the reasonable articulable information that led to the consent search, how the person was advised, and the search results. Job Classification Code 4455 shall be used as a secondary code on all reports involving a consent search.
- E.** Investigating Officer(s) are responsible to notify a supervisor prior to executing a consent search. When feasible, the event should be captured on a Mobile Video Recorder in compliance with established policy.

### **RESPONSIBILITY**

- A.** Once an officer receives voluntary consent, the search must be executed in a timely manner. Searches should be conducted with a minimum degree of intrusion and completed in a reasonable amount of time.
- B.** It is the responsibility of all supervisory personnel to ensure that all personnel under their immediate supervision comply with this policy.