

PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...honor, integrity, courage, respect, and compassion."</i>		SUBJECT: "WARRANTLESS SEARCHES AND SEIZURES"	ORDER NUMBER: 45-2
		PLEAC STANDARD: 1.2.2 C, 1.2.3 A-E & G	PAGE 1 OF 10
REVISE DATE: 11/21/2016	EFFECTIVE DATE: 6/20/2011	ANNUAL REVIEW DATE JULY	RESCINDS: All Previous
			AMENDS: N/A

1.0 POLICY OR PURPOSE

- 1.1. The purpose of this policy is to provide officers with guidelines for all warrantless searches and seizures conducted in association with mere encounters, investigatory stops of individuals or motor vehicles, arrests or custodial detentions of individuals or searches of structures and crime scenes. In addition, the following guidelines set forth the procedures for the proper documentation of these searches and seizures.
- 1.2. The Fourth Amendment to the United States Constitution has been interpreted by the United States Supreme to require that, whenever possible and practicable, with certain limited exceptions, a police officer should always obtain a valid search warrant prior to initiating a search.

2.0 DEFINITIONS

- 2.1. **Exigent Circumstances** - Information obtained in such a way that it was unforeseen and which requires immediate action. Frequently, the term relates to an unforeseen series of events which produce probable cause that evidence of a crime is located in a specific place, and there is not enough time to obtain a search warrant before the evidence will be moved and/or destroyed, and may never again be located by the police. Exigent circumstances, coupled with probable cause, will support a warrantless search.
- 2.2. **Field Contact Interview** - Contact by an officer with a citizen for the purpose of conducting an investigative stop/detention. Its purpose is to gather information to confirm or dispel the officer's suspicion as soon as possible.
- 2.3. **Investigative Stop/Detention** - A brief stop and/or detention of a citizen, whether on foot or in a vehicle, based upon articulable facts that lead an officer to reasonably suspect that the citizen is, has been or is about to engage in criminal activity i.e., reasonable suspicion. Its purpose is to confirm or dispel the officer's suspicions as quickly as possible.
- 2.4. **Mere Encounter** - A request for information by an officer to a citizen. It need not be supported by any level of suspicion or probable cause, but it also carries with it no official compulsion for the citizen to stop or respond to the officer's inquiries.
- 2.5. **Motor Vehicle** - A vehicle that is self-propelled, including but not limited to automobiles, trucks, trailers, motorcycles or recreational vehicles. It does not include any vehicle that has been immobilized in one location for use as a temporary or permanent residence or storage facility or which would otherwise be classified by law as a residence or a building.
- 2.6. **Motor Vehicle Search** - An examination of all or a portion of a motor vehicle with an investigatory motive, namely, looking for contraband, fruits, instrumentalities or evidence of criminal activity.
- 2.7. **Probable Cause to Arrest** - It exists if the facts and circumstances known to the officer at the time of arrest, and of which the officer has reasonably trustworthy information, are sufficient to warrant an officer of reasonable caution in the belief that the suspect has committed, or is committing a crime.
- 2.8. **Probable Cause to Issue a Search Warrant** - It exists if the facts and circumstances known to the officer and of which the officer has reasonably trustworthy information to warrant an officer of reasonable caution in the belief that the items sought are connected with criminal activity and will likely be found in the place to be searched. Such probable cause must be set forth in an affidavit and presented to a neutral and detached judicial officer for

review in determining whether to issue a search warrant.

- 2.9. **Probable Cause to Make a Warrantless Search** – It exists if the facts and circumstances known to the officer and of which the officer has reasonably trustworthy information to warrant an officer of reasonable caution in the belief that the items sought are connected with criminal activity and will likely be found in the place to be searched. A warrantless search may only be performed if there is some exception to the general requirement that all searches are to be conducted pursuant to a search warrant.
- 2.10. **Pat-Down Search** - A search limited to an external feeling of the outer garments of a citizen based upon reasonable suspicions that criminal activity may be afoot and that the person may be armed and presently dangerous. If a weapon is detected, the officer may reach into a pocket or under the garment and seize the weapon.
- 2.11. **Reasonable Suspicion** - A legal standard of proof that is less than probable cause but more than a hunch or feeling. It must be based on specific and articulable facts, taken together with rational inferences from those facts. Reasonable suspicion is evaluated using the "reasonable officer" standard, in which an officer in the same circumstances could reasonably believe a person has been, is, or is about to be engaged in criminal activity; it depends upon the totality of circumstances, and can result from a combination of particular facts, even if each is individually innocuous.
- 2.12. **The Fourth Amendment of the Constitution**- The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- 2.13. **Authority to Consent**- In order for consent to be valid, it must be given by one possessing control over the area searched. Any officer initiating a consent search shall ensure the subject giving consent has ownership or other authority to consent to the area or item to be searched.
- 2.14. **Voluntariness of Consent**- Consent to search must be voluntarily given and not the result of duress, coercion, express or implied. Voluntariness is a question of fact to be determined from all the circumstances. Officers shall ensure that consent searched are in fact voluntary and that the consent has been freely given prior to initiating any such search.

3.0 CONSENT TO SEARCH

- 3.1. Voluntariness of consent.
 - 3.1.1. Consent to search must be voluntarily given and not the result of duress or coercion, express or implied. Voluntariness is a question of fact to be determined from all the circumstances. Officers shall ensure that consent searches are in fact voluntary and that consent has been freely given prior to initiating any such search.
- 3.2. An officer may search a person, vehicle, residence or other area or object without probable cause provided that he/she has obtained consent to search from a person authorized to grant such consent.
 - 3.2.1. Any officer initiating a consent search shall ensure the subject giving consent has ownership or other authority to consent to the area or item to be searched, i.e., person in charge may not consent to the search of another person's items if the other person is present.
 - 3.2.2. A person has a right to limit the scope of a consent search.
 - 3.2.3. Officers conducting consent searches shall ensure that the subject granting consent has extended that consent to the area and/or item(s) searched.
- 3.3. Consent must be clear, unequivocal and voluntary. Consent to search may be withdrawn at any time and officers ***must*** terminate the consent search immediately.

- 3.4. The right to conduct a consent search is only as broad as the consent itself. Consent may be limited to specific portions or containers within a premise, a vehicle or upon a person.
- 3.5. Consent searches of any type must be conducted with a minimum degree of intrusion, and must be completed within a reasonable length of time.
- 3.6. Written consent should be obtained whenever possible before conducting a consent search by requesting that the individual review and sign the “Consent to Search” in Section B of the “Field Contact/Search/Seizure Report” (PBP Form #5).
- 3.7. Any time an officer obtains consent to search, the officer must complete Sections A and B of the “Field Contact/Search/Seizure Report” (PBP Form #5).
 - 3.7.1. If the consent search results in the seizure of property, the officer must also complete Section C of the “Field Contact/Search/Seizure Report” (PBP Form #5).

4.0 SEARCH AND SEIZURE CONSENT FORM

- 4.1. Prior to conducting a consent search of a person’s property officers should make every effort to have the person sign a Search and Seizure Consent form.
 - 4.1.1. In cases where the consent form is not used, the officer shall provide a detailed explanation in the incident report as to the circumstances and the reasons for not using the form, as well as the facts surrounding the voluntariness of the consent.

5.0 PROCEDURE FOR CONDUCTING PAT-DOWN SEARCHES (Terry Stop)

- 5.1. Pat-down searches of suspects may be conducted for weapons only, and only under the following circumstances;
 - 5.1.1. Where there is reasonable suspicion that the suspect is or may be engaged in criminal activity, and
 - 5.1.2. Where there is reasonable suspicion that the suspect may be armed and presently dangerous.
- 5.2. Pat-down searches should be performed with due caution, restraint and sensitivity. Pat-down searches should be conducted in the following manner:
 - 5.2.1. Whenever possible, pat-down searches should be performed by officers of the same gender.
 - 5.2.2. Whenever possible, pat-down searches should be conducted by at least two officers; one should perform the search while the other provides protective cover.
 - 5.2.3. When conducting a pat-down search, officers shall not place their hands inside a suspect's pockets unless the article feels like an object that could reasonably be a weapon such as a firearm, knife, club or other item. An officer may also reach into the pocket or clothing during the search for weapons if the officer detects an object that is not a weapon and it is immediately apparent to the officer that the item is contraband or evidence of a crime.
 - 5.2.4. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack or other item that may conceal a weapon, the officer should not open the item. Whenever possible, the officer should place it out of the suspect’s reach.
 - 5.2.5. If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer shall retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.
- 5.3. Handcuffs

- 5.3.1. Officers may handcuff subjects prior to initiating a pat-down if the officer can justify that the handcuffing was necessary for officer safety. Any person being handcuffed for a pat-down shall be informed that they are being handcuffed for officer safety, they are not under arrest, and the handcuffs will be removed when the encounter is over or when officer safety is ensured.
- 5.4. Pat-downs can extend to the driver/passenger compartment of a vehicle, and officers may search the driver/passenger(s), if the officer reasonably believes that a suspect can gain access to a weapon.
- 5.5. If, after conducting a pat-down search of a subject, the officer determines probable cause exists to arrest the subject and the pat-down search results in the seizure of property from the subject, the officer must complete Sections A, B and C of the “Field Contact/Search/Seizure Report” (PBP Form #5), as well as all other required reports.
- 5.6. If, after conducting a pat-down search of a subject no probable cause exists to effect an arrest and no property is seized, the officer is not required to record the pat-down search. However, an officer may record any information obtained during the course of the pat-down search and encounter in Section A, “Field Contact Information” section of the Field Contact/Search/Seizure Report (PBP Form #5).
- 6.0 INVESTIGATIVE STOPS AND WARRANTLESS SEARCHES OF MOTOR VEHICLES**
(Refer to General Order 46-1 Interview and Interrogations Section 5.0 Mere Encounter, Section 6.0 Investigative Stops and 7.0 Custodial Detention).
- 6.1. An officer may only stop a motor vehicle under the following circumstances:
- 6.1.1. If there is reasonable suspicion to suspect that the vehicle or the driver is in violation of some provision of the Vehicle Code, or
- 6.1.2. If there is reasonable suspicion based upon articulable facts that the vehicle or occupants are, have been, or are about to engage in criminal activity, or
- 6.1.3. If probable cause otherwise exist.
- 6.2. Whenever feasible, a warrant must be obtained for the search of a motor vehicle.
- 6.3. Warrantless searches of motor vehicles may be conducted under the following circumstances:
- 6.3.1. With the consent of the operator or owner.
- 6.3.2. When the officer has probable cause to search a vehicle. Warrantless searches based upon probable cause may extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area of the vehicle. When police have prior knowledge about a vehicle, a search warrant must be obtained before searching it, if there is time to do so.
- § Commonwealth of Pennsylvania v Shiem- Accordingly, we adopt the federal automobile exception to the warrant requirement, which allows police officers to search a motor vehicle when there is probable cause to do so and does not require any exigency beyond the inherent mobility of a vehicle.
- 6.3.3. When necessary to examine the Vehicle Identification Number. Entries made to examine the Vehicle Identification Number must be limited to actions reasonably necessary to accomplish that goal.
- 6.3.4. Terry Stop rule. Officers may search the driver/passenger(s) compartment, if the officer reasonably believes that a suspect can gain access to a weapon.
- 6.4. In no instance shall a container in a motor vehicle be searched unless it could contain the item(s) being sought.
- 6.5. Locked containers such as attaché cases, suitcases and footlockers that are found during a vehicle search shall be secured and opened only with consent or after a search warrant has been obtained.

- 6.6. Whenever possible, the search of a motor vehicle and of containers found therein should be conducted at the location where the vehicle was discovered or detained. Under exigent circumstances, search of the vehicle or container may be delayed and/or conducted after the vehicle or container has been moved to another location. However, in all instances, searches shall be conducted as soon as is reasonably possible; that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all officers, citizens and property concerned.
- 6.7. Motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants and other persons involved. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search.
- 6.8. After conducting any warrantless search of a motor vehicle, the officer *must* record the facts of the search by completing Sections A and B of the “Field Contact/Search/Seizure Report” (PBP Form #5).
- 6.8.1. If the warrantless search of the motor vehicle results in the seizure of any property, Section C of the “Field Contact/Search/Seizure Report” (PBP Form #5) must be completed.

7.0 INVENTORY OF VEHICLES

- 7.1. Officers shall conduct an inventory of a vehicle for the purposes of identifying valuables contained in a vehicle in police custody to assure the safekeeping of any such valuables.
- 7.2. Officers shall not conduct an inventory if the sole purpose in conducting the inventory is to find evidence of a crime.
- 7.2.1. An inventory cannot be done in order to circumvent the need for a search warrant.
- 7.2.2. If, during an inventory, evidence of a crime is discovered, the officer shall stop the inventory search and secure a search warrant prior to continuing the search.
- 7.3. An inventory will be conducted when the vehicle is being towed by PBP to the City auto pound. The purpose of this inventory is to note the condition of the vehicle and determine if there are any non-evidentiary, high value, or potentially dangerous items in the vehicle that should be secured at the Zone station.
- 7.4. If the inventory results in the seizure of property, the officer must also complete Section C of the “Field Contact/Search/Seizure Report” (PBP Form #5). A copy of this form must be placed in the vehicle.
- 7.5. **Refer to General Order 41-4.03 Towing and Tow Pound Procedures and Inventories.**

8.0 SEARCHES INVOLVING MOTOR VEHICLES THAT DO NOT REQUIRE REPORTING

- 8.1. Officers are not required to complete a PBP Form #5, “Field Contact/Search/Seizure Report” when searching stolen or abandoned vehicles.
- 8.2. Officers are not required to complete a PBP Form #5, “Field Contact/Search/Seizure Report” where invalid license plates, operator’s licenses and/or inspection stickers are seized.

9.0 SEARCHES INCEDENT TO ARREST

- 9.1. For the safety of the officer, a defendant shall be searched after he/she has been arrested pursuant to an arrest warrant or where a warrantless arrest, authorized by law, has been made based upon probable cause.
- 9.1.1. After a defendant has been arrested, an officer may thoroughly search the defendant to discover any weapons or evidence of criminal activity. The search is not limited to the person of the defendant, but may also extend to any area or object into which the defendant may reach to secure a weapon or item of destructible evidence.

9.1.2. When a person has been arrested based upon a warrant, probable cause or other legal authority, a search incident to that arrest may be made in accordance with the following:

9.1.2.1. Person

The clothing worn by the person and any bags or packages they may be in possession of at the time and place of arrest.

Multiple searches of the person are permitted under this exception as custody is passed from officer to officer or passed to the next receiving facility.

9.1.2.2. Vehicle

A cursory search under vehicle seats, or within area of the interior where the person could reach and retrieve a weapon, when the person was arrested from a vehicle and the vehicle involved has not yet been fully secured.

9.2. Officers are not required to complete a PBP Form #5, “Field Contact/Search/Seizure Report” for searches incident to (or following) an arrest.

9.2.1. However, if an officer conducts any search of a subject ***prior to arrest*** (other than a pat-down search that does not result in the seizure of evidence), and the officer determines probable cause exists to arrest the subject, the officer must complete Sections A, B, and/or C of the PBP Form #5, “Field Contact/Search/Seizure Report” as well as all other required reports.

9.2.2. Additionally, as per Section 5.3 of this policy, if an officer conducts a pat-down search of a subject and, as a result of the pat-down search, the officer determines probable cause exists to arrest the subject ***and*** the pat-down search results in the seizure of property from the subject, the officer must complete Sections A, B, and C of the PBP Form #5, “Field Contact/Search/Seizure Report” as well as all other required reports.

10.0 BUILDING SEARCHES

10.1. Generally, a search warrant is required under Article 1, Section 8 of the Pennsylvania Constitution and the 4th Amendment of the U.S. Constitution to search a building or a residence.

10.2. A warrantless search may be conducted if:

10.1.1 Exigent circumstances exist.

10.1.2 Consent to search has been authorized.

10.1.1 The building constitutes public property.

10.1.2 You have an arrest warrant for an individual and probable cause to believe that individual is currently located inside that building.

10.3. Searches of buildings or residences shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to owners, occupants and other persons involved. Where possible, damage to property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search.

10.4. Any warrantless search of a building or residence ***must*** be recorded by completing Section B of the “Field Contact/Search/Seizure Report” (PBP Form #5) with the following exceptions.

10.4.1. Officers ***are not*** required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” where they are dispatched to a private/public or abandoned building or residence in response to the following types of call ***as long as no evidence or contraband is seized:***

10.4.1.1. When responding to a 9-1-1 Emergency Call for Service (e.g. open doors, burglary in progress, etc.)

10.4.1.2. When responding to a alarm that has been activated

10.4.1.3. When conducting a search at the request of the owner or occupant of a building or residence or

10.4.1.4. When conducting a “routine check” (applies to public or abandoned property)

10.5. However, any time a warrantless search of a building or residence results in the seizure of evidence, contraband or property (even in those instances excepted in Sections 10.4.1.1 – 10.4.1.4) officers ***will be required*** to complete Sections B and C of the “Field Contact/Search/Seizure Report” (PBP Form #5).

11.0 CRIME SCENE SEARCHES

11.1. Officers shall consider the following procedures when initiating a search at the scene of a crime.

11.2. Officers may conduct a warrantless entry of residences under the following conditions:

11.2.1. **Consent by tenant or owner.**

11.2.1.1. If there are co-owner/co tenants and one owner/tenant refuses consent this supersedes any consent granted by the other owner/tenant.

11.2.2. **Probable cause.**

11.2.2.1. To believe someone in the premises is armed and dangerous.

11.2.2.2. To believe someone’s life or personal safety is in danger.

11.2.2.3. To believe a serious crime is being committed in your presence and the likelihood the offender would escape if time is taken to get a warrant or that evidence of crime could be destroyed.

11.2.3. **Hot Pursuit.**

11.2.3.1. To apprehend a fleeing suspect and to perform a protective sweep to that apprehension.

11.2.3.2. Officers shall secure a search warrant in all cases where circumstances do not provide for exceptions to the warrant rule.

11.3. There is no crime scene exception to the search warrant requirement.

12.0 EXIGENT CIRCUMSTANCES

12.1. Officers shall consider the following factors when initiating a search under exigent circumstances, particularly where public safety is believed to be endangered.

12.1.1. Potential harm to the community if the item to be searched for is not found immediately.

12.1.2. If the place to be searched is movable and there is a potential that it could be moved prior to officers obtaining a search warrant. Movability alone IS NOT grounds for exigent circumstances.

12.1.3. Likelihood of the evidence being destroyed if a search is delayed.

12.2. A warrant is not needed when an officer can articulate a reasonable belief that evidence is in imminent danger of being removed or destroyed. Exigent circumstances may also exist where there is a continuing danger, or where officers have a reasonable belief that people are in need of assistance.

13.0 ALL OTHER SEARCHES

13.1. Officers ***are not*** required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” in circumstances where a subject has been arrested for DUI and is directed to submit to a chemical test of breath or blood within the context of a Section 3802 Motor Vehicle Code violation. In these instances, it will suffice to complete the “Observer Impairment Form.”

13.2. Officers ***are not*** required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” where they are ordered to conduct routine and consistent searches of personal property during special events (e.g. searching coolers for alcohol prior to entry into public parks, etc.).

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- 13.3. Officers ***are not*** required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” where they are searching abandoned containers, e.g. lost/abandoned articles or containers.
- 13.4. Officers ***are not*** required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” for “confidential informants” who are searched prior to and following drug buys.
- 13.5. Officers ***are not*** required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” where they are dispatched to secure or search a crime scene for the purpose of collecting an processing evidence, regardless of whether a seizure results.

14.0 SEIZURE OF EVIDENCE

- 14.1. Any evidentiary items discovered in the course of any search shall be collected, handled, packaged, marked, transported and stored in accordance with Section 36-1 “Evidence Procedures” of the Pittsburgh Bureau of Police Manual of Procedural Orders.
- 14.2. Where appropriate and feasible, itemized receipts for seized property shall be given to the owner of the property seized.
- 14.2.1. The rules of criminal procedure *require* that an inventory be prepared, when feasible, in front of the person from whom the property was taken, or at least in front of a witness.
- 14.3. Police officers will adhere to all Commonwealth and Federal statutory and case law provisions in the course of searches and seizures.

15.0 REPORTING OF WARRANTLESS SEARCHES AND SEIZURES

- 15.1. Following is a table that may be used as reference outlining when the PBP Form #5 “Field Contact/Search/Seizure Report” should be completed according to the provisions set forth in this policy.

TYPE OF WARRANTLESS SEARCH	PROPERTY SEIZED?	COMPLETE PBP FORM #5?	POLICY REFERENCE
Arrest: Search Incident to (<i>Following</i>)	Yes	No	Section 9.2
	No	No	
Arrest: Search Prior to (excluding pat-down)	Yes	Yes	Section 9.2
	No	Yes	
Arrest: Seizure of breath or blood for DUI	Yes	No	Section 13.1
	No	No	
Buildings/Residences: Owner/Occupant Request	Yes	Yes	Section 10.4.1.3
	No	No	
Buildings/Residences: Burglar Alarms	Yes	Yes	Section 10.4.1.2
	No	No	
Buildings/Residences: Emergency 9-1-1 Response	Yes	Yes	Section 10.4.1.1
	No	No	
Buildings/Residences: Routine Check for Abandoned	Yes	Yes	Section 10.4.1.4
	No	No	
Buildings: Routine Check of Public Building	Yes	Yes	Section 10.1.1
	No	No	
TYPE OF WARRANTLESS SEARCH	PROPERTY SEIZED?	COMPLETE PBP FORM #5?	POLICY REFERENCE
Confidential Informants	Yes	Yes	Section 13.4
	No	No	
Consent Searches	Yes	Yes	Section 3.0
	No	Yes	
Containers: Lost or Abandoned	Yes	No	Section 13.3
	No	No	
Containers: Routine/Consistent Searches at Special	Yes	Yes	Section 13.2

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Events	No	No	
Containers: Within Motor Vehicle	Yes	Yes	Section 6.4
	No	Yes	
Crime Scene for Collecting Evidence	Yes	No	Section 11.1
	No	No	
Pat Downs for Weapons	Yes	Yes	Section 5.1
	No	No	
Special Events: Routine/Consistent Searches of Personal Property	Yes	Yes	Section 13.2
	No	No	
Strip Searches	Yes	Yes	General Order
	No	Yes	45-1
Vehicles: Abandoned or Stolen Vehicles	Yes	No	Section 8.1
	No	No	
Vehicles: Searches of Motor Vehicles	Yes	Yes	Section 6.3
	No	Yes	
Vehicles: Seizure of Invalid License Plate, Registration Card or Operator License	Yes	No	Section 8.2
	No	N/A	

15.2. The following circumstances ***do not*** require the completion of the "Field Contact/Search/Seizure Report" (PBP Form #5), however, appropriate sections of the report ***may be completed*** at the discretion of the officer:

15.2.1. Information obtained during a mere encounter.

15.2.2. Information obtained during an investigatory stop/detention or field contact interview where no probable cause exists to arrest the subject.

15.2.3. Information obtained during a pat-down search where no probable cause exists to arrest the subject and no property has been seized.

15.3. Officers shall complete one PBP Form #5 "Field Contact/Search/Seizure Report" per person, place or item searched per incident.

15.3.1. Example, if there are multiple subjects searched in the course of a single incident, a separate PBP Form #5 will be completed for each subject by the reporting officer.

15.4. The PBP Form #5 will be completed by the initial reporting officer, and shall list the names and assigned numbers of all officers who participated or assisted in the search in the appropriate section.

15.4.1. In instances where a canine alert prompts the search of a subject, the canine and his handler will be listed as participating in the search.

15.4.2. In instances where a canine has been directed to "sniff" a person by the handler (which is considered to be a "search"), the handler will also complete a Form #5.

15.5. It is acceptable for the reporting officer to document the narrative pertaining to the specifics of the Field/Contact/Search/Seizure incident only once on an accompanying Offense/Incident Report. The officer should make the notation "See related Offense/Incident Report for Narrative" in the narrative section (Section E) of the Form#5.

15.5.1. The officer must be certain that the narrative contained in the Offense/Incident Report is thorough and complete and lists all the necessary information related to any search or seizure that may have occurred related to the incident including the extent to which all assisting officers participated in the search.

16.0 REVIEW POLICY

16.1. The Commander shall be responsible for conducting at least an initial review of all Field Contact/Search/Seizure Reports within seven (7) days of the date of the report, and shall note the date of initial review in the space provided on the Form #5.

- 16.2. When a Commander approves a PBP Form #5 “Field Contact/Search/Seizure Report” and determines that the warrantless search/seizure conducted in the incident was appropriate, the original shall be forwarded to the Assistant Chief of the Office of Professional Standards Branch.
- 16.3. When a Commander has reason to believe that an OMI Investigation should be conducted into the circumstances surrounding the warrantless search/seizure, the Commander shall check the appropriate block. The original report shall then be forwarded to the Assistant Chief of the Office of Professional Standards, and copies of the Field Contact/Search/Seizure report will be forwarded to OMI and to the Legal Advisor.
- 16.4. When a Commander has reason to believe that some other action might be necessary or appropriate (such as training, re-training or counseling), he/she shall check the appropriate block and shall attach a PBP Form #54, “Special Report” to the Field Contact/Search/Seizure Report.
- 16.4.1. This Special Report shall explain exactly what the “Other Action Recommended” might be.
- 16.4.2. The Special Report, accompanied by the Form #5, shall be submitted through the chain of command, and courtesy copied (cc'd) to the Legal Advisor.
- 16.5. The Legal Advisor shall review all Field Contact/Search/Seizure reports that have been deemed questionable through command staff review, and shall attempt to detect abnormal trends that may indicate the need for more/better training and/or supervision.

Approved By:

Scott Schubert
A/Chief of Police