



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: CONSENT SEARCHES

NEW REVISED RESCINDS

APPROVED: *GM*
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ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

At the discretion of the police officer, the Consent to Search Form {CCPD 501} may be used when consent has been given and no search warrant has been obtained.

II. PROCEDURES

- A. When police obtain consent to search from a person to conduct a warrantless search, the person may be giving up a constitutionally protected right. The police must show that such consent was given voluntarily and not due to duress or intimidation.
- B. The police do not have to show probable cause for a search or seizure if the search or seizure was done with consent. Exigent circumstances do not have to be shown to justify the intrusion.
- C. When an officer chooses to use Consent to Search Form {CCPD 501} it will become part of the case file. The officer's report will clearly state the circumstances under which consent was obtained.
- D. The person who gives consent must have the authority to do so examples include:
 1. A homeowner/parent may give consent to search all common areas of their house.
 2. A parent can give consent to search a child's room in their house if the parent has access to the room.

3. A land lord, in most instances, cannot give consent to search a tenant's room.
 4. The owner or driver of a vehicle can give consent to search the vehicle and its contents. If the owner is present, consent must be obtained from the owner of the vehicle.
- E. The person giving consent to search can place limitations or conditions on the consent search and/or withdraw consent at any time.
 - F. Any items seized must be properly recorded as required by collection of evidence procedures.