 <p style="text-align: center;"><b>YALE UNIVERSITY POLICE DEPARTMENT GENERAL ORDERS</b> <i>Serving with Integrity, Trust, Commitment and Courage Since 1894</i></p>	ORDER TYPE: <b>NEED TO KNOW</b> <b>312 SEARCH AND SEIZURE</b>	
	EFFECTIVE DATE: <p style="text-align: center;">27 JAN 2021</p>	REVIEW DATE: <p style="text-align: center;">ANNUAL</p>

**PURPOSE**

The purpose of this policy is to define legal implications and procedures involved when a search is performed.

**POLICY**

It is department policy that searches, with or without a warrant, will be based on probable cause and governed by constitutional requirements and case law.

**WARRANTLESS SEARCHES**

Under certain circumstances, officers are permitted to search persons, vehicles, or premises without a warrant and Seize persons and/or physical items. Constitutional requirements and case law govern warrantless searches and seizures.

**CONSENT TO SEARCH CTLEA 1.1.8c**

The consent of a person given to a law enforcement official to conduct a search of such person shall not, absent the existence of probable cause, constitute justification for such law enforcement official to conduct such search.

- If the person against whom the search is directed consents to the search of his person, and probable cause exists that the person has evidence of a crime is located on such person, a search may be made and any fruits of a crime, instrumentalities of a crime, contraband or mere evidence may be seized.
- A search may be directed against a defendant's property if consented to by a person who jointly occupies the premises with the defendant if that person has an equal right to the use and possession of the premises.
- However, if the defendant or another person with equal controlling authority over the property objects to the search, the search will not be conducted pursuant to consent.
- Any consent to search must be voluntary, without fear, threats, or promises and without undue pressure.
- Consent may be withdrawn at any time by any person with standing, and the search must be terminated immediately should this occur.
- When a consent search is to be conducted, the consent should be documented, preferably by executing the department's Consent to Search form. It is also strongly recommended that all consent search requests and responses be audio recorded.
- YPD Officers may not ask an operator of a motor vehicle for consent to search a motor vehicle or its contents if that vehicle is stopped solely for motor vehicle violations
  - Any consent to search given by an operator a motor vehicle must be unsolicited.
  - The unsolicited consent must be in written form or recorded on the officers body worn camera or a dashboard camera

**SEARCH INCIDENT TO ARREST**

Warrantless searches incidental to a lawful arrest are valid:

- When an officer makes a full "custodial" arrest, and the subject is being transported to the station or booking facility.
- To seize weapons or other articles which might be used to attack the officer.
- To seize the means the suspect might use to effect his escape.
- To prevent the destruction of the fruits or instrumentalities of the crime, or evidentiary items of the crime for which the arrest was made.
- Search beyond the person must be limited to those areas which remain within the reach of the arrestee
- Reach is not confined to arm's length but includes the areas reachable by the person if he made a lunge or quick move to gain possession of a weapon or of destructible evidence.
- If it is necessary for the person arrested to move about after his arrest to put on clothing or assemble

belongings, those areas to which he continues to have access may also be searched for weapons or destructible evidence. This movement must be a result of the arrestee's desire to do so. It cannot be directed or requested by the officer.

- Search of a vehicle incident to arrest may include the entire passenger compartment and all containers in the passenger compartment, locked or unlocked, no matter to whom they belong.

#### **STRIP AND BODY CAVITY SEARCHES CTLEA 1.1.8i**

##### **Strip Searches**

- A strip search may be conducted on persons arrested for felonies or misdemeanors when there is a reasonable belief the individual is concealing a weapon, controlled substance or contraband on their person.
- The arrestee may remove or rearrange their clothing themselves or a sworn police officer or police employee of the same gender as the arrestee may rearrange the clothing of the arrestee if the arrestee refuses to cooperate. CTLEA 1.1.8j
- All strip searches must be performed in a location where the search cannot be observed by anyone not physically conducting the search or not absolutely necessary to conduct the search.
- Prior to conducting the search, written authorization must be obtained from the Chief of Police or his designee (rank of Lieutenant or higher). A written document must be executed giving the following information:
  - Written authorization of the Chief or designee
  - Name of the person searched
  - Name of the person conducting the search
  - Time, date and place of the search
  - Inventory of articles of clothing either rearranged or removed during the search
  - Reason for the search
- A copy of the document will be provided to the person searched.
- An exception to written authorization will include circumstances under which officers have probable cause to believe a person is concealing contraband or a weapon beneath their clothing during a street encounter. Under such circumstances officers of the same sex as the subject may conduct a limited strip search, when they deem it reasonably necessary to confirm probable cause of a hidden weapon or contraband and they do so in a place and manner so as to protect the privacy and dignity of the suspect.

##### **Body Cavity Searches**

- No body cavity, other than the mouth, will be searched without a search warrant.
- The warrant authorizing the body cavity search must specify the search will be conducted under sanitary conditions and conducted by or under the supervision of a person licensed to practice medicine.
- If visual inspection during a strip search leads an officer to believe an individual is concealing a weapon, controlled substance or contraband within a body cavity:
  - The individual should be kept under surveillance until a body cavity search is performed or an alternative course of action is taken.
  - The investigating officer should consult their supervisor to determine if probable cause exists to obtain a body cavity search warrant.
  - If probable cause exists, an affidavit for a search warrant will be prepared.
  - If the warrant is granted, the search will be performed in an authorized and sanitary facility in conformance with this policy.

#### **SEARCHING THE PREMISES**

Evidence obtained in a search of the premises at the time of arrest is admissible in court if there are facts showing the following circumstances:

- There was probable cause for the search (sufficient ground upon which a search warrant could have been obtained).
- Exigent circumstances exist to lead a reasonable officer to believe that if entry and/or search is not immediately conducted a person may be harmed and/or significant evidence will be destroyed.
- Officers may conduct only a cursory examination of the premises when they have reason to believe other suspects who may pose a danger may be hiding in such areas.

- When an officer makes an arrest, that officer will search the suspect and any areas within the suspect's immediate control or areas within which he might gain possession of a weapon or destroy evidence. A search incident to arrest should normally be made shortly after taking the suspect into custody.

Officers receiving custody of a prisoner from another officer will search the prisoner before placing the prisoner in a police vehicle

- Under exigent circumstances when waiting for an officer of the same gender as the arrestee would pose a severe risk to the arresting officer's safety, the prisoner will be handcuffed with hands behind the back and a frisk for weapons will be conducted using the blade edge or back of the hand for the search.
- Remove purses, knapsacks, or other similar articles used to carry items from the prisoner upon arrest.
- Whenever practicable, a supervisor's permission should be obtained prior to an officer of one gender searching an arrestee of another gender.

#### **STOP AND FRISK CTLEA 1.1.8d**

The "stop and frisk" refers to the "limited search" of a person for weapons for the officer's protection during and investigative detention. A frisk may be done with reasonable suspicion the person may be armed and dangerous.

Officers may conduct a limited frisk or "pat down" of the outer clothing of the suspected person for the purpose of discovering weapons which might be used to assault them. The sole purpose of this frisk is to protect the officer from harm.

Citizens being given transportation may be subject to a frisk for weapons as a matter of officer safety.

#### **SEARCHES-PROBABLE CAUSE**

Under the following circumstances, officers have probable cause to search a vehicle or person but are not required to obtain a search warrant.

##### ***Vehicle Exception* CTLEA 1.1.8e**

Automobiles and other conveyances may be completely searched without a search warrant if there is probable cause to believe that the vehicle contains sizeable articles. If probable cause existed to search a vehicle when it came into the custody of an officer, a warrantless search may extend anywhere in the vehicle including closed containers in which the items being searched for may be found.

If probable cause exists to search a container that is in a vehicle, a search warrant is not necessary to search the container, even though there is no probable cause to search the entire vehicle.

If probable cause exists to search a vehicle, that search may take place at the location where the vehicle is seized, or the vehicle may be transported to another location to be searched due to safety, lighting or equipment concerns) as long as the suspect is present. Vehicles may not be searched without a warrant when impounded.

Although probable cause for a warrantless search may exist, it may be advisable to obtain a search warrant should a long delay in conducting the search occur.

##### ***Exigent Circumstances* CTLEA 1.1.1g**

An officer may enter premises without a warrant or consent under exigent circumstances not created by the officer. An officer may enter a premise without a warrant in the following situations that are recognized by the courts as exceptions:

- To arrest a fleeing felon in hot pursuit - The attempt to make the initial arrest must have taken place in a public place. CTLEA 1.1.1p
- Emergency aid or response to an emergency call - Officers having reasonable grounds to believe there is an emergency at hand and immediate need for their assistance for the protection of life or property may enter a premise to help a person who may be ill, injured or otherwise subjected to potential harm.
- Probability for the destruction of evidence - Officers must present facts amounting to probable cause to explain why they believed the evidence would be destroyed if they waited to obtain a search warrant. This exception only applies to felony crimes.
- Knowledge the person wanted is fleeing or about to flee - This exception only is valid when officers have specific information the person is wanted for a felony offense and is planning on leaving the state, going into hiding or escape and a warrant cannot be obtained.
- Risk of violence - This includes domestic violence or 911 calls where reports of violence are given or heard. Entry into the premises to prevent injury or violence is acceptable. If one party is outside in a safe location prior to officers' arrival and the potential for violence has ended, then officers must get consent or a search warrant prior to entering the premises.
- Officers making a valid arrest inside of a residence or immediately outside of a residence may perform a "Protective Sweep" of the residence if they have information to support the fear that someone may be inside the residence who can come out and harm them while effecting the arrest.
- Under limited circumstances, i.e. shooting calls or threats against officers, while conducting investigations at residences where persons are detained, officers may conduct a protective sweep of the residence.
- When there is a substantial risk of harm to the persons involved or to the law enforcement process if the police must wait for a warrant.

***Crime Scene Searches*** CTLEA 1.1.8f

A warrant or valid consent is required to search crime scenes. Under circumstances where entry to a scene is made under exigent circumstances, crime scenes will not be searched further after the exigency is over. The premises will be secured and a warrant or consent will be obtained.

**OTHER AUTHORIZED SEARCHES**

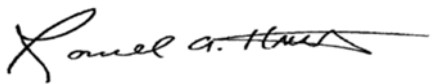
***Probation-Parole Assistance***

Officers may assist probation officers in searching individuals, their vehicles, or premises, who, as terms of their probation have given up the expectation of privacy of their person, home, and/or vehicles. The officer may seize items of evidence and subsequently charge the person with any applicable criminal violations.

***Plain View Seizures***

An officer lawfully present on the premises may seize evidence which he has probable cause to believe is crime related. Officers outside a premises who observe contraband inside must obtain a search warrant unless the entry and seizure of the item falls under one of the exigent circumstance exceptions.

PER ORDER OF



RONNELL A. HIGGINS  
DIRECTOR OF PUBLIC SAFETY AND CHIEF OF POLICE

**YALE UNIVERSITY POLICE DEPARTMENT  
STRIP SEARCH AUTHORIZATION**

CASE # \_\_\_\_\_

I, \_\_\_\_\_, having been designated by the Chief of Police to authorize strip  
(NAME AND RANK)

searches, do hereby certify that I have conducted an independent investigation of the facts and have determined that a reasonable belief exists that the person named below is concealing weapons, a controlled substance or contraband.

NAME OF PERSON BEING SEARCHED: \_\_\_\_\_

LOCATION SEARCH CONDUCTED: \_\_\_\_\_  
\_\_\_\_\_

OFFICER(S) CONDUCTING SEARCH: \_\_\_\_\_  
\_\_\_\_\_

SIGNATURE OF SUPERVISOR (LIEUTENANT OR ABOVE) \_\_\_\_\_

DATE \_\_\_\_\_

**Distribution:**

Copy of this form Hand Delivered or sent by Certified Mail to person being searched (circle one)

Original- attached to original case report