

LCS Unit Order 45

LANCASTER STATION

UNIT ORDER # 45

CONSENT SEARCHES OF FIXED LOCATIONS

PURPOSE:

The purpose of this order is to outline the specific duties and responsibilities of all personnel assigned to this station as it relates to obtaining an Entry/Search Wavier, and the actual search of the location.

The use of the Entry and Search Wavier is a great tool for field investigations and should not be used as a substitute for a court issued search warrant when it is practical to obtain one. Often times, we use an Entry Search Wavier to conduct a warrantless search of a fixed location when seeking a search warrant is unrealistic and too time consuming based upon the circumstances. A Entry and Search Wavier should only be used when circumstances exist that would make an expedited search more practical for Department personnel as well as those being subjected to the search. Absent the above circumstances, a warrant issued by the court is preferred.

This order will encompass all Lancaster Station personnel; detectives, specialized units and field patrol personnel.

ORDER:

DEPUTY PERSONNEL RESPONSIBILITY:

Once the decision is made to seek consent for a warrantless search of a fixed location, a field supervisor shall be requested. He or she will video tape the explanation given to the occupant(s), the verbal consent, and signature on the wavier form(s) by each person giving consent. If a wavier is being obtained from more than

one person, separate waiver forms will be used for each person.

As a reminder, all announcements and entries into fixed locations shall be video or audio taped prior to the actual entry of the location. Once the location is secure, a videotape of the location shall be made prior to the actual search and after the search is completed.

When seeking an entry search waiver, it is important to remember that case law dictates that if the location has co-occupants and an occupant who is present objects, you cannot conduct the search without a warrant.
Reference: Georgia v. Randolph

Reference: FOD 00-09, MPP 5-09/465.30
