

6-2 Consent To Search Investigations

NARCOTICS BUREAU

DETECTIVE DIVISION

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Bureau Order Number: **6-2**

Subject: **CONSENT TO SEARCH INVESTIGATIONS**

Effective Date:	03/15/2009	Last Date Revised:	10/15/2019
Last Date Reviewed:	04/01/2021	Next Review Date:	04/01/2022

I. **CONCEPT AND ISSUES**

A. **Purpose**

The purpose of this order is to establish policy and provide guidelines for consent to search investigations, commonly referred as a "door knock" or "knock & talk". Adherence to this order is imperative to assist in follow up investigations or citizens' complaint.

B. **Background**

During the course of some narcotics investigations, Bureau members may find it necessary to conduct a consent to search investigation. This may occur when there is insufficient probable cause for a search warrant or during a "roll back" investigation when time is an issue.

C. Scope of Policy

This policy will clearly establish procedures which shall be followed by all Narcotics Bureau personnel when conducting a consent search.

D. Accountability

It is strongly recommended that personnel should whenever possible obtain a search warrant. It is recognized that there will be times when the disadvantages will outweigh the advantages for obtaining a search warrant. Narcotics Bureau personnel will be held accountable to follow the guidelines of this order while conducting a consent search.

E. Training

Personnel must be aware of the disadvantages of conducting a consent search investigation. They include, but are not limited to:

- Challenged voluntariness of the search.
- Occupant may limit/stop the scope of the search at any time.
- Absent exigent circumstances, if the resident refuses consent, you cannot “lock-down” or enter the location, while you seek a search warrant.
- Cannot create “exigent circumstances” simply by the occupant refusing consent thereby revealing your investigation.
- The resident may be able to destroy evidence before giving consent.

- Inability to restrict movement of people within the location.
- Limited knowledge of the criminal nature of occupants.

Bureau Sergeants will ensure that personnel under his/her direction understand this order and follow its guidelines.

F. Conclusion

The intent of this policy is to insure that on those rare occasions when a search warrant is not obtained, the consent searches will be conducted in a uniform and orderly manner.

II. POLICY

A. GUIDELINES

All applicable provisions outlined in Bureau Orders # 6-1, 6-11, 2-4, 5-8, and MPP 5-09/465.00 - 465.60 shall be followed.

Prior to conducting a consent to search investigation at fixed locations (e.g. residence, business etc., and excluding vehicles in a public place) the following will be performed in all instances:

- The Zone Lieutenant shall be notified. If unavailable, a supervisor of the rank of Lieutenant shall be notified prior to any consent search.
- The Crew Sergeant must be present prior to contacting the subject and remain at the location throughout the search.
- Check with the L.A. County Regional Criminal Information Clearinghouse.
- Notify the local agency.

Once contact with the subject has been made, the following shall be performed:

- Have the resident sign a consent form (prior to conducting any search). **NOTE:** It is strongly advised to obtain consent on video for prosecution purposes.
- Crew Sergeants will direct two deputies to search each room ensuring that the assignment is recorded in the first/complaint report.
- Take before and after search video.
- Obtain an investigative file number (441) (whether or not an arrest is made) and complete a SH-R-49.
- Leave an itemized receipt for all property or money seized.

An "Entry and Search" waiver form in both English (SH-R-401) and Spanish

(SH-R-410) is attached.

On occasion, crew members may be requested to assist station detectives or other units to conduct consent searches. In those instances, when the focus of the investigation becomes narcotics related and the Narcotics Bureau will assume functional control, all Bureau related guidelines and policies will remain in effect.

ORIGINAL SIGNED

LOYL. MCBRIDE, CAPTAIN

NARCOTICS BUREAU

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

ENTRY AND SEARCH WAIVER

File No.

I, _____, having legal custody or

(Last name)
(Middle)

(First)

control or authority or personal ownership of the premises located at _____

and described as _____

do hereby grant full and unconditional authority to the Los Angeles County Sheriff's Department to enter

those premises to conduct a search for _____

and to conduct any related investigation in any related criminal or non-criminal law enforcement matter.

I will grant this consent freely, knowingly, and intelligently with full knowledge that members of the

Department will have free and unrestricted access to the premises until the current investigation is

completed.

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Signature

Date

Time

Witnessing Officer

Badge/I.D. No.

Date

Time

SH-R-410 (01-2001)

DEPARTAMENTO DEL ALGUACIL DEL CONDADO DE LOS ANGELES

RENUNCIA DE ENTRADA Y REGISTRO

NUMERO DE EXPEDIENTE: _____

Yo, _____ , teniendo custodia
(Apellido) (Primer Nombre) (Segundo Nombre)

legal o control o autoridad o posesion personal de las propiedades localizadas en _____

y descritas como _____

hago conceder autoridad total e incondicional al Departamento del Alguacil del Condado de Los Angeles,

para entrar en aquellas propiedades para conducir la busqueda de _____

y para conducir cualquier investigacion relacionada en cualquier asunto de la ley, criminal o sin ser

criminal.

Yo concedo este concentimiento libremente, con entendimiento e inteligencia, enterado completamente

que miembros del Departamento tendran acceso libre y sin restricciones a estas propiedades, hasta que la presente investigacion haya sido completada.

Firma

Fecha

Hora

Oficial/Testigo

No. de Insignia/I.D.

Fecha

Hora

SH-R-401 (01-2001)
