

**STANDARDIZED ROLL CALL TRAINING PROGRAM**  
**12-2018**  
**LESSON PLAN**

**TOPIC:** Search and Seizure  
**SUBJECT:** Pat Down Searches  
**PREPARED BY:** Legal Training Unit  
Training Division, (424) 393-4690  
**Date Prepared:** 3-01; **Revised:** 2-07, 1-10, 4-12, 11-17, 12-18  
**REFERENCES:** Pat Searches, Point of View, Alameda County  
District Attorney's Office 2008  
California Peace Officers Legal Sourcebook, Section 2.3

**PERFORMANCE OBJECTIVE**

Officers will understand when a pat down search may be conducted during a lawful detention and how it should be completed.

**DISCUSSION**

American criminals have a long tradition of armed violence. These suspects may pose a threat to the safety of the officers and to innocent bystanders. To reduce this risk, officers have the tool of the pat down search.

For officers to perform a pat down, the suspect must first be the subject of a lawful detention. The officer must also have independent reasonable suspicion that the detainee may be armed or dangerous.

An officer may manipulate a concealed object, if such action is necessary to determine if the object is a weapon or if it could be used as a weapon.

An officer may reach inside a suspect's clothing or pockets to inspect an object further only if:

- The object reasonably felt like a weapon or something that could be used as a weapon.
- An officer may only manipulate an object enough to determine whether it is a weapon or not.
- The suspect's clothing is so rigid or heavy that the officer could not rule out the possibility of a weapon or potential weapon.
- Over-manipulation of an object beyond what is necessary to determine the object's status will invalidate the search.

**SCENARIO**

On a follow up to a domestic violence radio call, officers observed an individual matching the description of the suspect. Upon making contact, the officer advised she would have to perform a pat down search.

The suspect said she was transgender, and preferred a male officer to perform the search. The female officer explained there were no female officer's currently available, and she would need to conduct a pat down search.

### **Was the pat down search lawful and conducted legally?**

**Yes.** For safety, an immediate cursory search for weapons may be conducted in the field by an officer of either sex. The purpose of a pat down search is to locate possible weapons.

NOTE: Transgender individuals shall not be subject to a more invasive search than non-transgender individuals. The procedure is applied equally to all individuals.

### **SCENARIO**

*Officers lawfully detained a possible burglary suspect leaving a closed business late at night. An officer conducted a pat down search, and felt a hard object concealed in the right rear pocket. The officer manipulated the object to determine what it was. The officer removed the hard object, and immediately recognized the item as a screwdriver.*

### **Was the pat down search conducted legally?**

**Yes.** It was reasonable for the officer to believe that the suspect was a possible burglary suspect, and might be "armed" with a weapon, or dangerous burglary tools (i.e., knives, crowbars, screwdrivers, or other dangerous objects).

### **REVIEW QUESTIONS**

1. Officers can pat search all suspects who are detained on the grounds that all people are potentially dangerous.
  - A. True
  - B. False. Courts have consistently found searches based on such generalize reasoning to be invalid
2. Must an officer cease conducting a pat down if the suspect's clothing is too rigid or heavy for the officer to determine whether the suspect has a weapon?

- A. Yes
  - B. No. Such conditions would warrant the officer reaching into the clothing or using other reasonable means to find any weapon or establish that none is present.
3. During a pat down search an officer may manipulate, or remove “lawful” objects, such as pens, tools, etc.
- A. True. Officers may remove any weapon, or any object that reasonably could be used as a weapon. If the object is legally possessed, the officer may maintain control of it for the duration of the contact and then return it.
  - B. False
4. May officers conduct a search in the field to determine the gender of an individual?
- A. Yes
  - B. No. An officer may only conduct a search to manipulate an object to determine whether it is a weapon, not to determine the gender of an individual.