

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 22

November 20, 2020

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON NOVEMBER 17, 2020

SUBJECT: FIELD OFFICER'S NOTEBOOK, FORM 15.03.00 – REVISED; AND, CONSENT TO SEARCH VERBAL ADVISEMENT, FORM 15.05.00 – ACTIVATED

PURPOSE: This Order establishes the requirements for officers obtaining consent to search a premise, person, personal property or vehicle. The below procedures for obtaining consent will help us communicate better with the community, as well as strengthen trust and minimize any adverse impact on individuals, officers and the Department.

Note: This Order pertains only to consensual searches and should not be confused with other legal searches, such as pat-downs when an officer has *articulable facts* which cause him or her to reasonably believe the person is dangerous or may be carrying a weapon.

As part of its commitment to Procedural Justice, the Department endeavors to have personnel better communicate their investigative reasoning and actions. In doing so, officers further the Department's initiatives to build trust and facilitate understanding with the community, as well as improve voluntary compliance in its enforcement efforts. Above all, greater transparency allows personnel to promote a better understanding amongst the public about actions taken by police officers and the reasons for them. (For further information, officers may reference, [Contacts with the Public – Part II Procedural Justice](#) Training Bulletin, dated April 2020.)

PROCEDURE:

- I. FIELD OFFICER'S NOTEBOOK, FORM 15.03.00 – REVISED.** The Field Officer's Notebook, Form 15.03.00, has been revised to include the Consent to Search Verbal Advisement, Form 15.05.00.
- II. CONSENT TO SEARCH VERBAL ADVISEMENT, FORM 15.05.00 – ACTIVATED.** The Consent to Search Verbal Advisement has been activated for use by officers to provide a verbal advisement to individuals from whom they wish to obtain consent to search their premise, person, personal property or vehicle.

Form Use and Completion:

- A. Use of Form.** This form shall be laminated by the Department of General Services and inserted inside the Field Officer's Notebook or officer's shirt pocket for reference relative to this advisement.
- B. Completion.** The completion of the Consent to Search Verbal Advisement is self-explanatory. Written consent shall be documented on an In House Form 11 or 12.
- C. Distribution.**
 - 1 – Original, issued to all sworn personnel.
 - 1 – **Total**

Note: When an officer seeks consent to search from an individual, he or she shall document whether written or verbal consent was obtained (or declined) on their Computer Aided Dispatch Summary Report, Daily Filed Activities Report (DFAR), Form 15.52.00, or the Traffic Daily Field Activities Report (TDFAR), Form 15.52.01.

III. CONSENSUAL SEARCH REQUIREMENTS. Absent a search warrant, officers may conduct a search in a limited set of circumstances. One such circumstance is when the subject of the search gives his or her consent for the search. There are five (5) basic lawful requirements inherent in consent searches:

1. Consent was given (i.e., the person must expressly or impliedly consent);
 - **Express Consent** is when a person responds in the affirmative to an officer's request for permission to search – that is, any word(s) that reasonably indicate the person is agreeing to the specified request.
 - **Implied Consent** is when a person's actions, gestures or response sufficiently communicates permission to the specified request, such as an individual handing an officer his or her car keys after the officer requests to search the car. However, a failure to object to a search or a request to search **does not** constitute implied consent.
2. Consent was voluntary (i.e., consent must be given voluntarily);
 - Authorization is given of one's own free will, absent any duress.
 - No threats, promises or demands for consent were used.
3. Scope of consent (officers shall only search those places and/or things that the person gave express or implied authorization to search);
4. Intensity of search (the search shall not be unduly intrusive); and,
 - Consent to search something does not provide authorization to destroy or damage the thing or place in the process.
5. Duration of search (the search shall not be unreasonable in length of time).
 - For example, it would be unreasonable for an officer to perform or extend a consensual search for an excessive period of time, particularly if awaiting specific resources (e.g., carpentry tools, a preliminary alcohol screening device or K-9) to complete a search.

Note: The consenting person may modify the scope of consent or withdraw it altogether *at any time*.

IV. PROCESS FOR OBTAINING CONSENT: Consent may be obtained either in writing or verbally:

1. **Written Consent.** The Department uses a Consent to Search Form – In House

Form 11, for English speaking individuals and an In House Form 12, which is the Spanish language version. These forms allow for the documentation of consent to search a premise, person, personal property (e.g., mobile devices and computers) or vehicle, and include necessary provisions or safeguards for obtaining lawful consent to search.

Note: The Spanish language version of the Consent to Search Form shall only be given by an officer who is fluent in Spanish (i.e., can read and write Spanish in accordance with the Department's language proficiency standards) and capable of testifying in Spanish.

2. **Verbal Consent.** When obtaining verbal consent, the entire interaction involving the request for and obtaining of verbal consent shall be captured on Body Worn Video (BWV) or a Digital In-Car Video System (DICVS). For verbal consent, each of the following points **shall** be declared/asked and **recorded** on BWV or DICVS:

- A clear request for consent to search the premise, person, personal property (including mobile devices) or vehicle. For instance, an officer may request to search:
 - A house;
 - A vehicle;
 - A person;
 - A cellphone; or,
 - A purse or backpack.
- Advisement that the person can refuse or withdraw consent to the search at any time, even after he or she has consented, and the search has begun; and,
- Confirmation of the person's understanding of the consent he or she has provided.

Note: If granted Implied Consent, Department personnel shall confirm the consent verbally and ensure that the confirmation is captured by BWV or DICVS. In the absence of BWV or DICVS at-scene, Department personnel shall obtain written consent for a search, absent probable cause.

Best Practices:

After consent has been requested, granted and recorded on BWV, DICVS (for verbal consent) or In House Forms (for written consent), the individual consenting should often be placed a safe distance from the location or items to be searched. Best practices suggest that an officer should use the BWV and DICVS as an audio recording device to narrate his or her actions to the best of his or her ability and indicate, if practicable, information including but not limited to the following:

1. Why he or she is searching the premise, vehicle, item or person;
2. What he or she is searching for;

3. Where he or she is searching;
4. What he or she discovers and/or recovers, if anything; and,
5. Where the item(s) was located.

For example, when an officer requests consent to search and consent is granted, as the officer commences the search, he or she should articulate on BWV or DICVS the above particulars of the item observed. If something is recovered, the officer should make every effort to capture the recovery on BWV. If nothing is discovered during the consent search, when practicable, officers should make an attempt to explain to the individual(s) the reason they asked for consent and how they performed the search.

It is understood that each incident is shaped by various factors which may preclude officers from following best practices in every situation. However, when practicable and safe to do so, officers should make every attempt to employ the procedures listed above.

FORM AVAILABILITY: The initial dissemination of 10,000 Consent to Search Advisements, Form 15.05.00, shall be distributed as a laminated card to all sworn personnel by the Office of Operations. Once the current stock of Field Officer's Notebooks which do not contain the integrated advisement has been depleted at the Department of General Services, this advisement shall then be integrated into the inside cover of the Field Officer's Notebook, thereafter. Training Division shall be responsible to order the standalone laminated advisement forms for their recruit officers until the advisement has been integrated into the Field Officer's Notebook.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

If you have any questions regarding this Order, please contact the Office of Constitutional Policing and Policy, at (213) 486-8730.



MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

**CONSENT TO SEARCH
VERBAL ADVISEMENT**

Field Officer's Notebook

Verbal consent shall be captured (both audio and video) on Body Worn Video (BWV) or on a Digital In-Car Video System (DICVS).

Verbal Consent requires three points to be made with words such as:

1. May I have your permission to search your _____ (e.g., premise, person, personal property (including mobile devices) or vehicle)?

¿Me da permiso para revisar su _____ (e.g., local, persona, propiedad personal (incluyendo aparatos inalámbricos) o su vehículo)?

2. You may refuse or withdraw consent at any time.

Puede rechazar o revocar su consentimiento a cualquier momento.

3. Do you understand?

Comprende usted?

Form 15.05.00 (9/20)

There are five (5) basic lawful requirements inherent in consent searches:

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 - Express Consent is when a person responds in the affirmative to an officer's request for permission to search.
 - Implied Consent is when a person's actions, gestures or response sufficiently communicates permission to the specified request, such as an individual handing an officer his or her car keys after the officer requests to search the car. However, a failure to object to a search or a request to search **does not** constitute implied consent.
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Note: The consenting person may modify the scope of consent or withdraw it altogether **at any time**.

Form 15.05.00 (9/20)

LOS ANGELES POLICE DEPARTMENT

MICHEL R. MOORE
Chief of Police



ERIC GARCETTI
Mayor

Post Office Box 30158
Los Angeles, California 90030
Telephone:
TDD: (877) 275-5273
Reference No.

CONSENT TO SEARCH FORM

DIRECTIONS: Officers shall complete the form, indicating the type of search(es) to be performed. The person giving his/her consent shall print and sign his/her name as indicated.

PREMISES _____
Address

PERSON _____
Name, date of birth and description

PERSONAL
PROPERTY _____
Description of personal property

VEHICLE _____
License, VIN number and description of vehicle

1. I have been asked by the below listed Los Angeles Police Officers to permit a complete search of the above described person(s), place(s) and/or thing(s).
2. I have been advised of my right to refuse consent to the search described above and to refuse to sign this form if I so choose. I further declare that the officers have made no promises, threats, force or physical or mental coercion of any kind against me to obtain my consent to the search described above or for me to sign this form.
3. I am giving permission for the search freely, voluntarily and without any threat or promise having been made against me, my family or other person.
4. I authorize these officers to take any items which they determine may be related to their investigation.

Print Name (person giving consent)

Date

Signature (person giving consent)

Print Name (Officer)

Serial No.

Date

Print Name (Officer)

Serial No.

Date

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LOS ANGELES POLICE DEPARTMENT

MICHEL R. MOORE
Chief of Police



P.O. Box 30158
Los Angeles, California 90030
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Ref #:

ERIC GARCETTI
Mayor

CONSENT TO SEARCH FORM (SPANISH VERSION)

LOCAL/
RESIDENCIA _____
DIRECCION/DOMICILIO

PERSONA _____
NOMBRE, FECHA DE NACIMIENTO, DESCRIPCION

EFFECTOS
PERSONALES _____
DESCRIPCION DE EFFECTOS PERSONALES

AUTOMOVIL _____
DESCRIPCION, NUMERO DE LICENSIA

1. Los oficiales del Departamento de Policia de Los Angeles (escrito abajo) me han pedido permiso para registrar el local(es), automovil(es), persona(s) y, o efectos personales descritos arriba.
2. He sido aconsejado sobre mi derecho de negar este permiso. Declaro aun mas que los oficiales no me han hecho promesas, ni amenazas, o han usado fuerza fisica ni mentalmente para obtener mi consentimiento para la busqueda o firma descrito en este documento.
3. Yo doy consentimiento voluntariamente y sin cualquier amenaza o promesa sido hecho contra mi, mi familia u otra persona.
4. Yo autorizo a los oficiales para que se lleven cualquier cosa que pueda estar relacionada con su investigacion.

Letras de molde

Fecha

Firma

Print Name (Officer)

Serial No.

Date

Print Name (Officer)

Serial No.

Date

NOTE: This consent to search form should only be given by an officer who is fluent and capable of testifying in Spanish.

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