

MODEL CONSENT SEARCH POLICY LANGUAGE:

A Smart Policing Recommendation

Agency A:

If a search is conducted pursuant to consent, the officer shall document the circumstances under which the consent is obtained. The documentation may be enumerated in the “notes” section of the field Contact Report and written consent will be obtained from the person consenting to the search. The language for such consent shall be, “Having been informed of my constitutional right not to submit to a search, I voluntarily consent to such a search and do hereby authorize any deputy from the _____ to conduct said search.”

Agency B:

No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person’s voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof. Consent searches will only be conducted with written consent, using the proper department form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate “consent to search but refused to sign,” inserting initials and the signature of any witness in the signature book.