

# THE RALEIGH POLICE DEPARTMENT

**1110-08**

## **SEARCHES AND SEIZURES: INVESTIGATIVE STOPS AND FRISKS**

### **PURPOSE**

To provide general guidelines on the conduct of searches and seizures and on the authority of officers to initiate searches or seizures.

### **VALUES REFLECTED**

The directive reflects our values of Service and Integrity. We recognize the importance of continually measuring our actions against the constitutions of North Carolina and of the United States. By following these guidelines, we strive to always display ethical conduct. We further recognize the need for scrutiny of our actions regarding the constitutional rights of all those we come into contact with and expect to be held accountable for such actions.

### **UNITS AFFECTED**

All Divisions/Sworn Officers

### **REFERENCES/FORMS**

G.S. 15A-221 to 15A-223 "Consent Searches"

G.S. 15A-241 to 15A-258 "Search Warrants"

Arrest, Search and Investigation in North Carolina, Robert L. Farb, UNC School of Government

Attachment A: Seized Vehicle Inspection and Inventory Form

Attachment B: Raleigh Police Department Consent Search Form (English)

Attachment C: Raleigh Police Department Consent Search Form (Spanish)

Attachment D: Consent Search Form Submission Envelope

Inventory Search Form

May be Released to the Public

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## **GENERAL POLICIES**

Searches may be conducted incident to arrest, with a search warrant, or by voluntary consent. Emergency searches without a warrant may be conducted if the officer has probable cause to search and an emergency exists. All searches are to be conducted in a reasonable manner and place.

Any property seized during a search is to be accounted for according to established procedures (refer to DOI 1108-04 "Evidence and Found Property") and state law.

## **CONSENT SEARCHES**

Consent searches are a useful tool for law enforcement, but they must be conducted in a manner that is fair, reasonable, and in compliance with state and federal law. Accordingly, consent to search must be given freely and voluntarily and cannot be coerced. Officers shall not ask for consent to search an individual, vehicle, or premises based on race, religion, or ethnicity.

### **Granting Consent**

Consent is a statement made voluntarily to an officer giving permission to search. When asking for consent to search, officers must inform the citizen that he/she has the right to refuse consent. The person granting consent must be: the person being searched; the registered owner or person in apparent control of a vehicle being searched; or a person who is in apparent control of the premises. The courts will consider the totality of the circumstances to determine the validity of a consent search.

### **Scope of Consent Search**

The scope of the consent search must be objectively reasonable, given the totality of the circumstances.

A person has the right to refuse to give consent to search. A person giving consent may limit the scope or duration of the search. The consent may be withdrawn at any time during the search. If the consent is revoked, then the search must cease unless the officer has other authority justifying a search. If consent is obtained from a person to search a residence and another person with equal authority over the property is present and objects to the consent search, then the officer may not search pursuant to consent.

### **Consent Search Forms (Attachments B and C)**

Before conducting a consent search of a vehicle, residence, business, or building of any kind, officers shall, at minimum, have the consenting person sign a "Consent Search" form or make a clear statement on a Body-worn camera indicating said consent. While officers may use one method instead of the other, the combined use of a Body-worn camera recording with the consent search form remains preferred.

Before conducting a strip search based on consent, officers shall have the consenting person sign a "Consent Search" form, make a clear statement on a Body-worn camera indicating said consent, or both.

When asking for consent to search a person, officers should either have the consenting person sign a "Consent Search" form or make a clear statement on a Body-worn camera indicating said consent before initiating the search. If written consent cannot be obtained for a consent search of a person, officers should document precisely what the person said when giving verbal consent and note any witnesses that were present when the consent was obtained.

All original "Consent Search" forms will be sealed in a "Consent Search Form Submission Envelope" (Attachment D) and maintained by the Department. Officers should ensure the following information is contained on the front of the envelope:

- Case number
- Date
- Officer's name
- Whether the area searched was a person, vehicle, residence, business, or other building.

Consent Search Form Submission Envelopes will be forwarded to Police Records and other paperwork at the conclusion of the officer's shift. Officers may retain a copy of the Consent Search form for their records.

#### Completion of an Incident Report

Officers shall complete an incident report every time they conduct a consent search of a vehicle, residence, business or building of any kind. This report is to be completed whether evidence of a crime or contraband is recovered or not.

#### Preservation of Video Evidence

Officers shall tag and preserve an encounter in accordance with DOI 1109-18 when:

- The giving of consent is captured on a mobile video recorder (MVR) or Body-worn Camera (BWC), or
- The consent search is captured on a mobile video recorder (MVR) or Body-worn Camera (BWC).

#### Inventory of Seized Items

Officers may seize the same type of evidence which may be seized pursuant to a search warrant (See G.S. 15A-242). When an officer seizes evidence pursuant to a consent search, the officer must fill out an inventory sheet listing the items seized. The officer must give a copy to the person searched and to the owner of the property if it is a different person.

## **SEARCH WARRANTS**

A search warrant is a court order directing a law enforcement officer to search a designated person, place or vehicle for particularly described items that are subject to seizure. The laws regarding the issuance and execution of search warrants are set out in G.S. 15A-241 to 15A-259 and are listed on the following page.

G.S. 15A-241	Definition of search warrant
G.S. 15A-242	Items subject to seizure under a search warrant
G.S. 15A-243	Who may issue a search warrant
G.S. 15A-244	Contents of the application for a search warrant
G.S. 15A-245	Basis for issuance of a search warrant; duty of the issuing official
G.S. 15A-246	Form and content of the search warrant
G.S. 15A-247	Who may execute a search warrant
G.S. 15A-248	Time of execution of a search warrant
G.S. 15A-249	Officer to give notice of identity and purpose
G.S. 15A-250	Reserved for future use
G.S. 15A-251	Entry by force
G.S. 15A-252	Service of a search warrant
G.S. 15A-253	Scope of the search; seizure of items not named in the warrant
G.S. 15A-254	List of items seized
G.S. 15A-255	Frisk of persons present in premises or vehicle to be searched
G.S. 15A-256	Detention and search of persons present in private premises or vehicle to be searched
G.S. 15A-257	Return of the executed warrant
G.S. 15A-258	Disposition of seized property
G.S. 15A-259	Application of Article to all warrants, exception as to inspection warrants and special riot situations

### **Searches of Residences**

Any officer who intends to execute a search warrant of a residence must ensure that a police supervisor is present. The supervisor will notify the Watch Commander prior to executing the warrant. A uniformed police officer shall be present if there is reason to believe that forcible entry may be required. The officer must give notice of the officer's authority and purpose before entering. The Raleigh Police Department will not seek or serve "No-Knock" search warrants.

### **Time Limitations**

Search warrants must be executed within 48 hours of issuance. If a warrant is not executed, it must be marked "not executed" and returned to the clerk of the issuing court.

After executing a search warrant, the officer must, without unreasonable delay, return the search warrant with a written inventory of the items seized to the office of the Clerk of Court.

## **EMERGENCY SEARCHES**

Officers may conduct a warrantless emergency search where there is probable cause to search and an emergency (exigent circumstances) exists which denies the officer the time and opportunity to obtain a search warrant. In the event an officer seizes any evidence, the officer must prepare a list of the items seized and follow the procedures set forth in G.S. 15A-254 for preparing an inventory pursuant to a seizure with a search warrant.

### **Vehicles**

If an officer has probable cause to search a motor vehicle that is lawfully stopped in a public place, such as a street, highway, or public vehicular area, then the officer may conduct a warrantless search anywhere in the vehicle that could contain the item(s) the officer has probable cause to believe are in the vehicle. If any doubt exists as to whether the vehicle is in a public place, the officer should obtain consent or a search warrant. The officer may conduct the search where the vehicle is stopped or move the vehicle to a different facility. The scope of the search is the same as could be authorized by a search warrant, generally only limited by the size of the item being sought.

If an officer's probable cause focuses on the vehicle and not on a particular container, then the entire vehicle, including containers, can be searched if the containers could conceal the evidence that is the subject of the search.

If an officer's probable cause to search focuses on a particular container which is within a vehicle, then the officer may search the vehicle for the specific container and may conduct a warrantless search of the container for the evidence. The vehicle must be lawfully stopped in a public place.

Probable cause to search a motor vehicle does not automatically provide probable cause to search an occupant of the vehicle. Absent consent or a search incident to arrest, officers must have independent probable cause to search the occupant(s) of a motor vehicle.

### **Residences or Other Premises**

Generally, residences or other premises should not be searched without a search warrant or consent. If officers have probable cause to search and an emergency exists, then officers could make a warrantless emergency entry, secure the premises, eliminate the emergency, apply for a search warrant and conduct a search when the search warrant arrives.

### **Persons**

A warrantless search of a person can be conducted if the officer has probable cause to search and exigent circumstances exist. Very often the same facts which create probable cause to search also provide probable cause to arrest. An officer has the option of searching based on probable cause plus exigent circumstances or making an arrest and then searching the person incident to the arrest (see below).

## Crime Scene Searches

If an officer comes upon the scene of a crime, it is permissible for the officer to make a cursory search or walk through of the crime scene to look for persons who may need medical assistance or who may pose a threat to the officer. The officer should be as careful as possible to avoid contamination of the crime scene. Officers should document exactly where they walked and what they touched.

Once the cursory search is complete, the officer should secure the crime scene.

After additional officers arrive at the scene, authority will have to be obtained in order to conduct a thorough search of the crime scene by either obtaining a crime scene search warrant or by obtaining consent to search from a person who has the apparent authority to give consent.

In the event officers cannot determine who can give valid consent, then the officers should obtain a crime scene search warrant.

## **SEARCH INCIDENT TO ARREST**

### Persons Under Arrest

Upon making a full custody arrest, an officer may conduct a full search of the arrestee and the area within the arrestee's immediate control. Generally, the area within immediate control is considered that area within the arrestee's reach. If the arrestee is permitted to move from room to room or is given access to particular areas, such as a drawer or closet, then the area that can be searched incident to arrest is expanded. See special rules for strip searches.

## **MOTOR VEHICLE**

Officers may search the passenger area of a private motor vehicle incident to a full custody arrest of an occupant or recent occupant of that vehicle at the time of arrest when:

- The arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search; or
- The officer has reason to believe that evidence of the crime for which the person was arrested might be in the vehicle. Officers may search any part of the passenger compartment, including containers that could reasonably contain evidence relevant to the crime of arrest.

Officers may not purposefully leave an arrestee unsecured near a vehicle in order to search the vehicle. A full search of the person arrested can also be made as described in the "Persons Under Arrest" section above. See special rule for strip searches set out below.

## **SEARCHES OF PERSONS**

On occasion, an officer will have facts that indicate that a strip search or a body cavity search is necessary in order to find evidence of a crime.

## Strip Searches

A strip search is any search of an individual that results in the removal or rearrangement of some or all their clothing to permit the visual inspection of skin surfaces, specifically the buttocks, genital/groin area, and/or breasts. Under no circumstances shall officers be present during a strip search solely for the purpose of touching, viewing, or evaluating the person's anatomy, or for the purpose of assigning gender.

Strip searches shall only be conducted if:

- the officer has a search warrant for the person.
- the person is under arrest; or,
- the subject consents to be searched.

Prior to conducting a strip search that is based on consent officers shall have the consenting person sign a "Consent Search" form.

Unless exigent circumstances exist that would justify the need to conduct a strip search without delay, a strip search of a juvenile shall only be conducted if the officer has a search warrant for the juvenile.

Consistent with DOI 1106-19, prior to conducting a strip search, officers should inquire about the person's gender identity and preferred gender identity of the searching officer by asking the person being strip searched the following questions:

- What is your gender? identity?
- What is the gender identity of the officer that you would prefer to conduct the strip search?

These questions and the individual's stated preference should be recorded with a body worn camera. For all strip searches, in addition to the searching officer, one witness officer must be present. If the individual's gender identity differs from the individual's preferred gender identity of the searching officer, the following protocol shall be followed:

- The individual will be searched by an officer with the gender identity of their preference.
- The officer witness will match the gender identity of the individual being searched.

Strip searches are to be conducted in a manner that protects the privacy interests of the person to be searched and shall not be conducted in a public place unless the officer has both probable cause and an exigent circumstance. A strip search is not to be conducted routinely, randomly or at the whim of an officer. Strip searches should only be conducted when the officer can articulate the facts establishing reasonable suspicion or probable cause to justify the need for a strip search. Officers should consider all of the facts, circumstances and the officer's experience to articulate why the person is suspected of concealing contraband, weapons, drugs, or some other prohibited substance or property. The nature of the crime being investigated should be considered, particularly if the crime involves weapons or contraband and the suspect has a prior history for concealing evidence on the suspect's body. The mere fact of arrest does not automatically justify a strip search.

Before a strip search is conducted the searching officer must obtain authorization from a supervisor.

After conducting a strip search, the searching officer will complete a supplement articulating reasons for the search; whether the search was incident to arrest, with a search warrant or by consent; the name of the supervisor authorizing the strip search; the location of the search; the manner in which the search was conducted; name of the officer(s) participating in the search; whether or not evidence was located and whether any charges were made. Any evidence seized must be described in detail.

#### Body Cavity Searches

If there is probable cause to believe that evidence of a crime is being concealed in a body cavity such as the rectal or vaginal cavity, then a search warrant which specifically orders a body cavity search must be obtained. The search will have to be conducted by appropriate medical personnel. A subject can consent to a body cavity search by medical personnel. The consent should be carefully documented. Prior to seeking a body cavity search warrant officers shall consult the police attorney.

#### DNA Collection

All biological evidence that is obtained directly from a person's body shall be collected lawfully - either pursuant to consent, search warrant, court order, or in compliance with N.C.G.S. §15A-266.3A.

All Raleigh Police Officers and/or Detectives are required to complete the WCBFS DNA collection form in its entirety once WCBFS completes the collection kit. The officer and/or detective will ensure that the RPD (agency) case number is on the form. After completion of the WCBFS DNA collection form, the officer and/or detective must submit the form to Raleigh Police Department Records. RPD Records Personnel will then disseminate the collection form accordingly.

### **SEARCHES TO AFFECT ARREST**

Often, an officer will have to enter a residence or premise to affect an arrest.

#### Arrestee's Residence

**Consent:** Entry may be made by requesting consent to enter from a person who has the apparent authority to give consent. The officer may then arrest with a warrant or without a warrant if such authority exists.

**Exigent Circumstances:** An officer could make a warrantless entry into the arrestee's premises to affect an arrest only when there is an emergency which justifies immediate action, authority to arrest and reason to believe that the arrestee is inside.

**Arrest Warrant in Possession:** Unless an officer has consent or exigent circumstances to justify entry into the arrestee's residence, the officer must have an arrest warrant in the officer's possession to make a forced entry into the home. The officer must have reasonable grounds to believe that the person to be arrested is inside his/her residence. The officer must give notice



of the officer's authority and purpose before entering. If admission is unreasonably denied or delayed, then the officer is authorized to make a forced entry. If giving notice presents a clear danger to human life, entry may be made without notice.

#### Third Person's Residence

**Consent:** An officer may enter a third person's residence with the consent from a person who has the apparent authority to give consent to effect an arrest of a person who does not live there.

**Exigent Circumstances:** An officer can make a warrantless entry into a third person's residence to arrest someone, who does not live there, if there is authority to arrest and there is an emergency.

**Arrest Warrant and Search Warrant in Possession:** To make a forced entry into a third person's residence to arrest someone who does not live there, the officer must have both a printed or paper arrest warrant and a search warrant in the officer's possession when there is no consent and no exigent circumstances.

#### Other Premises

If an officer needs to enter non-residential premises for the purpose of making an arrest, entry can be made if the property is generally open to the public. If the property is not open to the public then the officer should follow the rules discussed under "Third Person's Residence" stated above.

### **CONDUCTING SEARCHES**

#### Control of the Search

When more than one officer is involved, the officer executing the search must be identified as the officer in charge of the search. This officer is responsible for ensuring that the search is properly executed, and that any evidence seized is properly maintained. A supervisor shall be present in any non-consent search of a residence.

#### Seized Items

The area or person to be searched must be searched thoroughly. In the event evidence is located, the officer in charge will be notified and that officer will collect the evidence and note the precise location of the discovered evidence.

The officer in charge will prepare and sign a receipt for all items seized during the search; to be left with the owner or person in charge of the premises searched.

#### Detention of Persons Present

An officer directing a search of a premise not generally open to the public, or of a vehicle other than a common carrier, may detain persons present for such time as is reasonably necessary to execute the search.

Officers may frisk persons present if they can articulate why they believe the person is armed or a threat to safety.

If the items listed on a search warrant are not found on the premises or vehicle, the officers may then search any person present at the time of the officer's entry to the extent reasonably necessary to find property described in the warrant which could be concealed upon the person.

### Inventory Search

#### Wake County Detention Center

Any personal property in possession of an arrestee must be searched before entry into the Wake County Detention Center per the Wake County Detention Center's policy. This search shall be documented on a Body-worn camera/MVR or an inventory search form. The officer shall tag the Body-worn camera/MVR video as an Inventory Search. If the Wake County Detention Center refuses to accept the arrestee's property, this property shall be stored by the Raleigh Police Department's Evidence Unit for safekeeping.

### Concluding the Search

At the conclusion of the search the officer in charge has a responsibility for making sure that the property that has been searched is secure or that the person in control of the property has had an opportunity to secure the property. In the event the officers caused any damage to the property while conducting the search, a supervisor must be notified, and a record made of the damage.

## **SEIZURE OF VEHICLES SUBJECT TO FORFEITURE**

Conveyances used in the commission of certain offenses related to drugs, alcohol, stolen property, and speed competition are subject to forfeiture and may be turned over by the Courts for use by the Department. If an officer seizes a vehicle which may be suitable for use by the Department, the usual towing procedures should not be followed. The below procedure should be followed instead.

### Vehicles Subject to Forfeiture

Vehicles used in felony violations concerning the sale, delivery, or manufacture of controlled substances may be seized. Vehicles used to transport non-tax paid alcoholic beverages may be seized, as well as those used in felony violations concerning receiving or transporting stolen property. Vehicles used in armed robberies or pre-arranged speed competitions are also subject to forfeiture. (G.S. 90-112, G.S. 18B-504, G.S. 14-86.1, and G.S. 20-141.3).

The owner must be in possession of the vehicle at the time or have knowledge that the vehicle was being used in the violation. A Seized Vehicle Inspection and Inventory Form (Attachment A) must be completed whenever a vehicle is seized.

Common carrier vehicles are exempt unless the owner was aware of the violation.

### Impounding Vehicles Subject to Forfeiture

Officers will not impound vehicles subject to forfeiture unless all the following criteria are met and verified by a supervisor:

- Vehicle mileage is under 100,000.
- Vehicle body and mechanical condition appear to be good.
- There are no liens on the vehicle.

A rotation wrecker should not be called for seized vehicles unless absolutely necessary. An officer should drive the vehicle to the designated storage area.

A Vehicle Inventory List and photographs of the interior and exterior of the vehicle will also be submitted into evidence. Items which are inside the vehicle and have a substantial monetary value (i.e. jewelry, computers, cell phones, currency, etc.) shall be removed and placed into Found Property or returned to the owner prior to vehicle storage. Items documented on the Vehicle Inventory List, which are not being used as evidence or stored into Found Property, will remain inside the vehicle when being stored in the secured vehicle storage area.

The officer must complete a Property/Evidence Voucher using the case number associated with the seizure. The officer will identify the vehicle and list the keys only on that voucher. The keys will be placed in an evidence envelope and entered into evidence.

The officer will complete the Seized Vehicle Inspection and Inventory Form (Attachment A) and turn it into the Evidence Control Section along with any towing bills. The officer will then check the court disposition on the case, at least every six months, and document this on the form. Upon final disposition the officer will provide copies of the court order, pertaining to the vehicle, to the Evidence Control Section.

After disposition of the case, the officer will notify the Evidence Control Section of the disposition and provide copies of the court orders pertaining to the vehicle.

### Seizure of Vehicles Subject to DWI Seizure/Forfeiture

Officers have the authority to seize vehicles being driven by a drunk driver who is driving with a license that is revoked for a previous impaired driving or related conviction and meets certain criteria. Officers should refer to NCGS 20—28.3 and DOI 1109-10 "Traffic Enforcement." Officers who seize a vehicle in accordance with NCGS 20-28.3, shall complete the Seized Vehicle Inspection and Inventory Form (Attachment A) and turn it into the Records Unit with their DWI and Seizure paperwork.

### Seizure of Vehicles Subject to Felony Speeding to Elude Seizure/Forfeiture

Officers have the authority to seize vehicles under Felony Speeding to Elude charges. Officers should refer to NCGS 20—141.5 and DOI 1109-10 "Traffic Enforcement." Officers who seize a vehicle in accordance with NCGS 20-141.5, shall complete the Seized Vehicle Inspection and Inventory Form (Attachment A) and turn it into the Records Unit with their Seizure paperwork.

## **INVESTIGATIVE STOPS AND FRISKS**

Officers may stop citizens when the officer has reasonable suspicion that the person has committed, is committing, or is about to commit a crime.

The length of the investigative stop is determined by the facts and circumstances of each stop. Generally, more time is allowed for more serious crimes. Officers must conduct their investigation as efficiently as possible and must try to keep the stop as brief as possible.

An officer may use a reasonable amount of force to conduct an investigative stop as dictated by the facts of the stop. If it becomes necessary to restrain a subject with handcuffs based on the factors set out below, the officer will advise the subject that they are not under arrest but are being temporarily secured to protect the officer and that the handcuffs will be removed as soon as possible. Officers may only handcuff subjects who are detained and not under arrest in one or more of the following situations:

- The crime for which the subject is being detained involves violence against another person or the officer conducting the detention.
- When the officer has a reasonable belief based on specific articulable facts that the person will flee if not restrained.
- When the officer has a reasonable belief based on specific articulable facts that the person will present an immediate threat of serious physical injury to the officer or other person present if not restrained.
- When the officer has a reasonable belief based on specific articulable facts that the person will be physically uncooperative with the officer in a way that interferes with the officer's ability to pursue the investigation or conduct the detention safely if the subject is not restrained.

Handcuffing subjects who are not under arrest shall only be done when there is no other reasonable means available that allows the officer to safely and efficiently conduct their investigation. Circumstances that officers should specifically consider when deciding whether to handcuff a person who is not under arrest include, but are not limited to:

- the seriousness of the suspected crime.
- the number of suspects detained.
- the number of officers present.
- the suspect's demeanor.
- the degree to which the suspect has been uncooperative.
- the physical size and make-up of the suspect to be detained.
- the known presence of weapons and the location of the stop.

Handcuffing suspects should not be done as a matter of routine or without regard for the totality of the circumstances.

Officers must remember that pointing a weapon, handcuffing a suspect or placing the suspect on the ground or in a vehicle can be considered a more extraordinary use of force and restraint than normally required for an investigative stop. Such use of force and/or restraint will require justification. Officers must be careful not to inadvertently turn a stop into an arrest by using too much force. Officers must be able to articulate the facts upon which they based their decision to use force or restraints. Specifically, officers should consider the seriousness of the suspected crime, the suspect's demeanor, the number of officers present, the number of suspects present, the known presence of weapons and the location of the stop.

Generally during an investigative stop, Miranda warnings are not needed to question the subject. If the suspect is handcuffed, then Miranda warnings are required before interrogation.

Transportation of a subject being detained is by consent only since transporting without consent may be considered an arrest.

Officers may frisk a subject, when facts can be articulated, that leads the officer to believe that the subject is armed and a threat to the officer's safety.

If the subject is in a vehicle and the officer can articulate facts leading the officer to believe that the suspect is armed and is a threat to the officer's safety, then both the subject and the area of the vehicle in the subject's immediate control can be frisked for weapons. The "car frisk" is not an exhaustive search but is a very limited look just for weapons within the wingspan of the subject.

If during a frisk of a person for weapons, the officer feels an object that might be a weapon, then the officer may retrieve the item and secure it. If the officer feels an object that is apparently seizable evidence, then the officer has probable cause to seize the item.

### **RAPID FINGERPRINT IDENTIFICATION DEVICE**

Rapid Fingerprint Identification Devices (RFID) are portable devices designed to be used in the field. These devices will digitally capture one or more fingerprints from an individual and then will electronically search for them in the arrest fingerprint card files of the Wake County Bureau of Forensic Services (WCBFS), the SBI/State of NC statewide arrest database, and the FBI's Repository for Individuals of Special Concern (RISC) database. If the search results in an identification of an arrest record, a photograph (if available), and demographic information of the identified individual is automatically transmitted to the officer's mobile data computer. Use of a RFID will not create a permanent record of the captured fingerprint image(s).

#### **Purpose**

RFIDs are designed to quickly and accurately determine the identity of an individual, in the field, in order to assist with official law enforcement purposes. It is important to understand that RFIDs are intended to be used as an investigative tool only and officers should not take enforcement action based solely on the results of an RFID inquiry. Any identification provided by an RFID should be further corroborated by other investigative means, not solely by the RFID identification received.

## Usage

RFIDs are to be used only for law enforcement purposes and in compliance with State and Federal laws. RFIDs are not designed to take the place of fingerprinting that occurs, during the intake process, when a physical arrest is made.

RFIDs shall only be issued to supervisors. All uses of an RFID shall be documented in an incident report. RFIDs are only authorized in the following circumstances:

- When the individual is in custody, pursuant to a full custody arrest, and there is a genuine question about his or her identity.
- When the individual has given his or her consent. Officers shall not threaten or coerce the individual into submitting to the RFID. Prohibited coercion includes, but is not limited to, telling the individual that he/she will be arrested if he/she fails to give consent.
- When an individual is unconscious or deceased and use of the RFID is reasonably necessary to determine the identity of the subject. In the case of a deceased person, other than a traffic collision, RFIDs shall only be used on the deceased by WCBFS or a Violent Crimes Unit detective.
- When authorized by a court order, search warrant or Non-Testimonial Identification Order.

RFIDs shall not be knowingly used on an individual who is determined to be less than 18 years of age. RFIDs shall not be used on a minor, except to the extent that the minor could be fingerprinted in compliance with N.C.G.S. § 7B-2102 and Raleigh Police Department Departmental Operation Instruction 1109-13 "RESPONSE TO JUVENILE INCIDENTS."

## **UNDER NO CIRCUMSTANCE SHALL AN OFFICER FORCE AN INDIVIDUAL TO SUBMIT TO USE OF A RFID AGAINST HIS OR HER WILL.**

## **COMPUTERS AND DIGITAL MEDIA**

Computers, personal digital assistants (PDAs) and other electronic devices are turning up increasingly in crime scenes, both as a tool as well as containers holding evidence of the offense. Officers will follow the instructions in 1110-05 "Searches of Computers and Electronic Devices" when dealing with computers and digital media.

Under no circumstances should an officer turn on, boot up or attempt to conduct his/her own search of the contents of a suspect computer. This includes consent searches as well as during the execution of search warrants.

Computers are to be considered evidence and treated the same as any other crime scene items such as fingerprints, blood or weapons.

**DOI 1110-08**  
**Attachment A**



**RALEIGH POLICE DEPARTMENT**  
**SEIZED VEHICLE INSPECTION AND INVENTORY FORM**

Officer \_\_\_\_\_ Code# \_\_\_\_\_ Case Number \_\_\_\_\_ District \_\_\_\_\_

Registered Owner \_\_\_\_\_

Address \_\_\_\_\_ Phone# \_\_\_\_\_

Location of Seizure \_\_\_\_\_ Date: \_\_\_\_\_

Vehicle Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Color \_\_\_\_\_

Odometer \_\_\_\_\_ VIN \_\_\_\_\_ Tag# \_\_\_\_\_

State \_\_\_\_\_ Keys to Vehicle \_\_\_ Yes \_\_\_ No Running Condition \_\_\_ Yes \_\_\_ No

Suspect 1: \_\_\_\_\_ Suspect 2: \_\_\_\_\_

**Vehicle Equipment:**

CD Player \_\_\_ Yes \_\_\_ No \_\_\_ Unk

Spare Tire \_\_\_ Yes \_\_\_ No \_\_\_ Unk

Tape Player \_\_\_ Yes \_\_\_ No \_\_\_ Unk

Hubcaps \_\_\_ Yes \_\_\_ No \_\_\_ Unk

Radio \_\_\_ Yes \_\_\_ No \_\_\_ Unk

Tools in Trunk \_\_\_ Yes \_\_\_ No \_\_\_ Unk

Other: \_\_\_\_\_

**Trunk/Cabin Contents:**

**Vehicle Condition:**

Paint: \_\_\_ Poor \_\_\_ Fair \_\_\_ Good \_\_\_ Exc

Tires: \_\_\_ Poor \_\_\_ Fair \_\_\_ Good \_\_\_ Exc

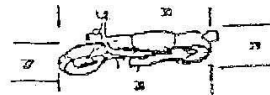
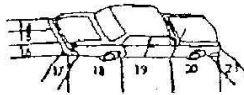
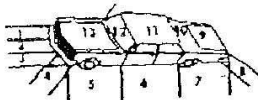
Body: \_\_\_ Poor \_\_\_ Fair \_\_\_ Good \_\_\_ Exc

Interior \_\_\_ Poor \_\_\_ Fair \_\_\_ Good \_\_\_ Exc

Items damaged/missing/dents etc:

Broken Windows –Describe below

**Indicate Damage**



**DOI 1110-08**  
**Attachment B**

RALEIGH POLICE DEPARTMENT

CONSENT SEARCH

I, \_\_\_\_\_ do knowingly and voluntarily consent to the search of  
(Print Full Name)

\_\_\_\_\_ by a law enforcement officer.  
(Describe person/property to be searched)

By signing below, I acknowledge the following:

- That I am giving my consent to search knowingly and voluntarily. No threats or promises have been made to me.
- That I have been advised and understand I have the right to refuse to give consent to search the above described location.
- That I have been advised and understand I have the right to limit the scope of the search. I can determine what specific areas of the above described location can and cannot be searched by law enforcement at this time.
- That I have been advised and understand I can change my mind, and revoke my consent to search at any time, even after the search has begun.

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_

Case Number: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

SERVE-PROTECT





**DOI 1110-08**  
**Attachment C**

CIUDAD DE RALEIGH

DEPARTAMENTO DE POLICIA

CONSENTIMIENTO DE REVISO

Yo, \_\_\_\_\_ se y voluntariamente le doy consentimiento al reviso de  
(Nombre completo en letra imprenta)

\_\_\_\_\_ por un official o agente de la ley.  
(Describe la persona/propiedad de ser revisado)

Firmando abajo yo reconozgo lo siguiente :

- Que yo les doy mi consentimiento al reviso, sabiendo que es voluntario . No se me han hecho amenazas o promesas.
- Que yo he sido aconsejado y entiendo que tengo el derecho de negar el consentimiento del reviso, en la ubicacion que se describe, en este documento.
- Que yo he sido aconsejado y entiendo que yo tengo el derecho de limitar el alcance del reviso. Yo puedo determinar las areas especificas que han sido descrito y en la ubicacion de este documento para ser revisado. Yo determino que areas, en lo cual el official o el agente de la ley puede revisar y tambien no ser revisadas.
- Que yo he sido aconsejado y entiendo que yo puedo cambiar de opinion y revocar el consentimiento del reviso en cualquier momento, no importando que el reviso ha comenzado.

Firma: \_\_\_\_\_

Testigo: \_\_\_\_\_

\_\_\_\_\_

Numero de Caso: \_\_\_\_\_

Fecha: \_\_\_\_\_

Hora: \_\_\_\_\_

**DOI 1110-08**  
**Attachment D**

## Consent Search

Original consent search form to be placed in this envelope

Case Number: \_\_\_\_\_ Date: \_\_\_\_\_

Officer: \_\_\_\_\_ Code No: \_\_\_\_\_

Consent search conducted of:

☐ Person

☐ Business

☐ Vehicle

☐ Other Building

☐ Residence



Page \_\_\_\_ of \_\_\_\_

Code #

Property Owner Phone Number

Description (Make/Model/Serial #)

[illegible]