

**METROPOLITAN POLICE DEPARTMENT – CITY OF ST. LOUIS  
OFFICE OF THE POLICE COMMISSIONER  
SPECIAL ORDER**

**Date Issued:** Order No.: Section III of SO 8-02

**Effective Date:** Expiration: Indefinite

**Reference:** Ordinance 71718

**CALEA Standards:** 1.2.4

**Canceled Publications:**

**Subject:** CONSENT SEARCHES AND MANDATORY DOCUMENTATION

**To:** ALL BUREAUS, DISTRICTS, AND DIVISIONS

PURPOSE: To establish procedure for obtaining consent for a voluntary search and to provide guidelines for mandatory documentation and reporting.

A. DEFINITIONS

1. Consent Search – A warrantless search where no other exception to the warrant requirement applies. Voluntary consent must be granted by the individual with authority over the property being searched. These requirements encompass all search locations, including places, dwellings, vehicles, persons, and personal property.
2. Voluntary Consent – A person must be capable of making an informed decision without impairment.

B. INTRODUCTION

Without a search warrant, a law enforcement officer’s consensual search of a person, personal property, or any dwelling/vehicle over which the individual has authority is considered a consent search if no other exception to the warrant requirement applies. Ordinance 71718 regulates aspects of consent searches, including: 1) officers’ duty to identify and inform the person of the consent search and the person’s right to decline any request for a consent search and revoke their consent, 2) exceptions, and 3) additional policies and procedures.

C. PROCEDURES WHEN CONDUCTING A CONSENT SEARCH

1. Duty to identify – Officers must identify themselves by position, name, and badge number or DSN when requesting voluntary consent to search a person or property.
2. Duty to inform – After identifying themselves, the officer will inform the person of their intention to search them or their property and explain the reason for the consent search, unless the explanation would impair a criminal investigation.
3. Duty to obtain consent – Officers shall provide the person the “Consent to Search” form (MPD Form GEN-201).

## SO 8-02

- a. Regardless of whether the person agrees or disagrees to the search, the investigating officer will complete all appropriate sections of this form, and the person will be asked to sign the form and indicate their consent or refusal to the search.
  - b. If the person is capable of providing informed consent but is physically incapable of signing the form, officers may record the person's informed consent on their body worn camera and note this on the form.
  - c. The officer will confirm that the person clearly understands they are being asked to voluntarily consent to the search and that they may refuse to consent to the search and may revoke their consent at any time during the search without consequence.
4. When the intended search involves a building, the address will be deconflicted through Safe-T-Net prior to the search. The deconfliction number will be included in the body of the report.
  5. Should a person initially consent to a search but revoke this consent during the search, the investigating officer will have the person to document this decision on the "Consent to Search" form (MPD Form GEN-201).
  6. For non-English speaking persons requested to search, officers should first attempt to obtain an on-duty, approved foreign language speaking officer of the same language to clearly explain the person's rights. If no such officer is available, officers will contact the Language Line for assistance.
  7. Should a consent search result in evidence of a crime, officers will notify a Supervisor and take the appropriate action to effect an arrest, if necessary, and complete evidentiary procedures. The "Consent to Search" form (MPD Form GEN-201) will be seized as evidence and attached to the incident report.
  8. Should a consent search not result in evidence of a crime, officers must document the search by writing a "non-criminal" incident report to include a brief narrative detailing the circumstances of the contact. The "Consent to Search" form (MPD Form GEN-201) will be seized as evidence and attached to the report.
  9. Following every request for a consent search, the investigating officer will provide the person with a business card containing the officer's name, rank, and badge number or DSN. If the officer does not have a business card, they will provide this information in another written format or orally. If the person is a minor, the card or information will be given to the parent or legal guardian.

### D. EXEMPTIONS

The above procedures will not apply to:

1. Officers operating in an undercover capacity (non-uniformed personnel).
2. Searches conducted pursuant to a search warrant.
3. Any legally recognized exception to the warrant requirement, including any other situation as defined in SO 8-02, Section II.

### E. REPORTING PROCEDURES

1. Anytime a consent search is requested, whether agreed to, denied, or revoked, the investigating officer must document the contact in an incident report according to the procedures above and

## SO 8-02

by moving the toggle to “YES” on the “Consent Search Applies” field in the Involved Parties segment of the report.

2. The “Consent to Search” form (MPD Form GEN-201) will be seized and scanned into the incident report. The original form will be saved in the District/Division/Unit file.

### F. MAINTENANCE AND REPORTING OF DATA

As designated by the Police Commissioner, personnel will be assigned to compile and analyze the data stored within the incident reporting system concerning consent searches. These data will be posted on the Department’s website for quarterly public consumption.

### G. PUBLIC RECORD REQUESTS

Public record requests may be made by following the instructions published on the Sunshine Law Information section of the Department’s website. The Department provides public access to all open records in accordance with Chapter 610 of the Missouri Sunshine Law, SO 9-13, and other governing Department policies. Each request will be acted on in a timely manner, as required by RSMo section 610.023.3.

### H. BUSINESS CARDS

1. The Department will provide business cards to all commissioned employees, meeting the requirements outlined in this Order concerning the necessary identifying information provided on the card. This business card also will contain the contact information of the Civilian Oversight Board, should a person wish to commend an officer or make a complaint.
2. Business cards will be requested from the Print Shop.