

# Burleson Police Department

## Administrative Policy and Procedures

Number: 04-007

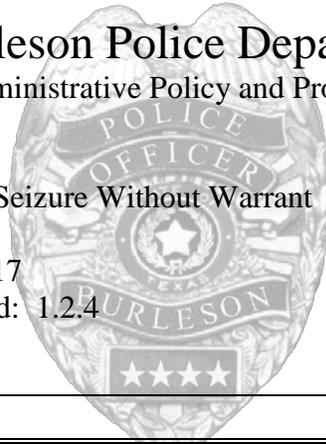
Document Title: Search and Seizure Without Warrant

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CALEA Standards Referenced: 1.2.4

ISSUING AUTHORITY: \_\_\_\_\_



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When circumstances permit, persons and property may be searched, and property removed without a search warrant.

- I. An officer may perform a warrantless search in the following situations:
  - A. If reasonable suspicion and articulate facts exist, searches by consent may be conducted of a person's vehicle or property when that person freely or voluntarily consents to such a search. Consent searches must be stopped at the time the individual changes their mind and exercises their fourth amendments rights. Verbal consent will be captured on the patrol vehicle video and audio recording device. Whenever possible, officers will obtain a signed "Consent to Search" before conducting the search. When the signed "Consent to Search" form is not obtained, the officer will establish articulate facts that the consent for the search was freely given. [\[1.2.4\]](#)
  - B. Officers may "stop and frisk" an individual whenever the officer has a reasonable suspicion that the subject is committing, has committed, or is about to commit a crime and the officer has real, articulate reasons to fear for their safety. Such a search may not be intrusive and the scope of the search will be limited to weapons. However, any contraband discovered in such searches is subject to seizure and may be admissible as evidence. [\[1.2.4\]](#)
  - C. Officers may search a motor vehicle under the "movable vehicle exception", when a vehicle cannot adequately be secured and there is probable cause to believe that it contains contraband or evidence. [\[1.2.4\]](#)
  - D. Searches at the scene of a crime may be conducted to secure the scene and search for evidence if the victim is the owner or possessor of the property to be searched. In cases where the property is owned by the suspect, either consent to search or a search warrant should be obtained, unless other exceptions to a warrantless search apply. [\[1.2.4\]](#)

- E. When exigent circumstances exist, and there is a compelling need for official action and there is no time to secure a warrant an officer may make an emergency entry of a premises without a search warrant. The officers will secure the premises and any suspects and proceed with the procurement of a search warrant. The deciding factor in each case should be “the totality of the circumstances”. [1.2.4]
- F. Warrantless pursuits into the offender’s home or “hot pursuit” justifies forcible entry into the offender’s home, provided that three elements are satisfied: [1.2.4]
1. the arrest process has begun;
  2. the offender knows they are being placed under arrest; and
  3. the offender takes action to avoid the arrest.
- G. Vehicles towed as the result of an arrest shall be inventoried with all property listed. In the event the vehicle contains money, jewelry or other valuable items, the officer shall secure these items and transport them with the arrested person. These items may be released to a third party with the permission of the owner, placed with the owner’s property in the Holding Facility or logged into the Property Room for safekeeping. Illegal items located during the inventory shall be handled as any other contraband. The appropriate offense reports and case reports will be prepared. [1.2.4]