



DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Motor Vehicle Searches	Effective Date: June 29, 2016	Policy Number: 6.03
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Attachments:	L. Shane Nelson, Sheriff	

I. PURPOSE

The purpose of this policy is to provide Deschutes County Sheriff's Office personnel with guidelines for the search of motor vehicles.

II. POLICY

It is the policy of the Sheriff's Office to conduct motor vehicle searches that are both legal and thorough. Such searches are to be conducted in strict observance of the constitutional rights of the owner and occupants of the motor vehicle being searched, and with due regard for the safety of all deputies, other persons and property involved.

III. DEFINITIONS

Motor Vehicle means any vehicle operating or capable of being operated on public streets or highways to include automobiles, trucks, trailers, recreational vehicles, mobile homes, motor homes, and any other type of vehicle, whether self-propelled or towed. This policy does not apply to vehicles of any type that have been immobilized in one location for use as a temporary or permanent residence or storage facility, or which are otherwise classified by the law as residences or buildings.

Search is an examination of all or a portion of the vehicle with an investigatory motive (i.e., for the purpose of discovering fruits, instrumentalities or evidence of a crime or contraband, to enter the vehicle to examine the vehicle identification number or to determine the ownership of the vehicle). Inventories of personal property conducted pursuant to impoundment of the vehicle are not covered by this policy.

IV. PROCEDURES

A. When Vehicle Searches May Be Conducted

Warrantless searches are to be conducted only when lack of time or other exigencies make it impractical for deputies to obtain a warrant. When a vehicle has broken down, there is otherwise no significant chance the vehicle will be driven away or that evidence contained within it will be removed or destroyed, the vehicle should be searched only after a warrant has been obtained. In other cases, vehicles may be searched:

1. When probable cause exists to search a mobile vehicle for contraband or crime evidence. The vehicle must have been mobile before the initial contact and the vehicle must be attended and operable at the time of the search;
2. With consent of the operator;

3. Incident to an arrest of the occupant(s) of the vehicle;
4. When necessary to examine the vehicle identification number or to determine the ownership of the vehicle; or
5. Under emergency circumstances not otherwise enumerated above.

B. Scope of Vehicle Searches

1. *Searches with a Warrant.* When searching under a warrant, deputies may search all areas of the vehicle unless the warrant states otherwise.
2. *Probable Cause Searches.* Probable cause searches may extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area of the vehicle.
3. *Consent Searches.* The extent of a consent search depends upon the terms of the consent itself. If the consent is limited to specific areas of the vehicle, deputies may search only portions of the vehicle covered by the consent. Written consent should be obtained whenever possible before conducting these searches.
4. *Searches Incident to Arrest.* Searches of vehicles incident to the arrest of an occupant shall be limited to areas within reach of the arrestee (normally, the passenger area of the vehicle). The trunk, the engine compartment, and locked compartments within the passenger area normally may not be searched.
5. *Searches for Weapons.* Searches for weapons normally must be confined to the passenger area of the vehicle. Areas not immediately accessible to the vehicle's occupants, such as a locked glove compartment, may not be searched.
6. *Entries to Examine a Vehicle Identification Number or to Determine Ownership of the Vehicle.* Entries made to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonably necessary to accomplish these goals.
7. *Emergencies.* Search of a motor vehicle under emergency circumstances not otherwise enumerated above must be co-extensive with the nature of the emergency. The proper extent of the search must therefore be determined by search personnel in each specific situation, but in no event will the extent of the search exceed that necessary to respond properly to the emergency. *Note:* Where the initial search discloses probable cause to believe that other portions of the vehicle may contain fruits, instrumentalities or evidence of a crime or contraband, any additional portions of the vehicle may be searched that could reasonably contain the items being sought.
8. *Seized Vehicle.* "Seized vehicle" means a vehicle that has been impounded, forfeited, or taken as evidence. See Deschutes County Code Chapter 10.24 Personal Property and Impounded Vehicle Inventories, for specific procedures.

C. Search of Containers Found in Vehicle

In no instance shall a container in a motor vehicle be searched unless it could contain the item(s) being sought. In addition:

1. Unlocked containers found in motor vehicles are governed by the nature of the search, as follows:
 - a. In a probable cause search, containers, such as paper bags, cardboard boxes, wrapped packages, etc., wherever found in the vehicle, may be opened.
 - b. When the passenger compartment of a vehicle is being searched incident to an arrest, such containers found within the passenger compartment may be opened.
 - c. Containers discovered during a consent search of the vehicle may be opened provided that the terms of the consent expressly permit or reasonably imply that the particular container may be opened.

- d. Containers found in or discarded from a vehicle under circumstances that do not justify their search under probable cause rules or in connection with a search incident to arrest should be secured but not searched until a warrant is obtained to search them.
2. Locked containers, such as attaché cases, suitcases, and footlockers found during a vehicle search should be opened only if:
 - a. The search is being conducted under a warrant;
 - b. A valid consent to open the locked container is first obtained. Where these conditions are not met, locked containers should be secured by search personnel and opened only after a warrant has been obtained.

D. Location and Time of Search

Whenever possible, search of a motor vehicle and of containers found therein should be conducted at the location where the vehicle was discovered or detained. Under exigent circumstances, search of the vehicle or container may be delayed and/or conducted after the vehicle or container has been moved to another location. However, in all instances, searches shall be conducted as soon as is reasonably possible; that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all deputies, citizens and property concerned.

E. Conduct of the Search

Motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants and other persons involved. When possible, damage to the vehicle or to other property in the course of the search should be avoided. When unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search.

F. Abandoned Vehicles

Examination of a vehicle that has been abandoned on a public thoroughfare is technically not a search. If a deputy cannot determine in advance that the vehicle has been abandoned, examination of the interior of the vehicle shall be conducted only in accordance with the provisions of this policy and the law.

G. Seizure of Evidence

Any evidentiary items discovered in the course of a motor vehicle search shall be collected, handled, packaged, marked, transported, and stored, in accordance with applicable policies and procedures of the Sheriff's Office. When appropriate and feasible, itemized receipts for seized property shall be given to the owner and/or occupants or left in the vehicle.

H. Compliance with Health and Safety Requirements

Searches of motor vehicles are to be conducted in strict compliance with all applicable laws, governmental regulations, and Sheriff's Office policies and procedures pertaining to the protection of agency personnel from communicable diseases and hazardous substances. Any exposure of search personnel or others to such substances shall be reported in accordance with regulations, policies, and procedures of the Sheriff's Office.

I. Security of Vehicles and Property Contained Therein

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

J. Responsibility of Supervisor

A deputy supervising a vehicle search shall be responsible for ensuring that it is conducted in accordance with this policy. In the event that the vehicle search is conducted under a warrant, the deputy shall ensure that the execution of the warrant is properly reported to the issuing court or other authority. The deputy shall also be responsible for making any other reports regarding the search that may be required by law, policy or procedure.