



## **Policy Summaries**

The Search and Seizure policies represent a detailed area of policing practices including technical procedures followed by law enforcement officers. Please refer to the specific General Police Orders (GPOs) to gain a better understanding of the policies in place. There are 5 separate policies contributing to Search and Seizure. These policies can be found on the city website.

### **The 5 policies include:**

Search and Seizure  
Investigative Stops  
Probable Cause Arrest  
Miranda Rights  
Detainee Searches

## **Search and Seizure**

### **Purpose**

The Cleveland Division of Police searches and seizures policies in accordance with the rights secured and protected by Constitution and federal and state law.

The Division will conduct searches and seizures fairly and respectfully consistent with the Division's commitment to procedural justice, community and problem-oriented policing, and community values.

### **Officer's Conduct**

Explain to the person being searched and/or seized the reason for the search/seizure and how the search/seizure will be conducted. Treat searched and/or seized persons with courtesy, professionalism, respect, dignity, and equality.

### **Requirements for a Search and Seizure**

Searches generally must be made pursuant to a warrant.

There are exceptions when searches may be made without a warrant.

### **Types of Searches that can be made Without a Warrant**

- Open View Doctrine
- Plain View Doctrine
- Consent Searches-Arrest
- Exigent Circumstances Searches
- Pat Down/Frisks During Investigatory Stop
- Custodial Searches and Other Searches Incident to Arrest
- Vehicle Inventory Search
- Open Fields and Curtilage

### **Special Circumstances**

#### **Religion**

- Removal of significant garment required, will be done respectfully and if known and possible, in accordance with the person's religious beliefs.

#### **Gender**

- When possible, conducted by officers of the same gender as the arrestee.
- Custodial searches shall be conducted respectfully and, when possible, be conducted by officers of the same gender as the arrestee.



- If an officer is uncertain regarding an arrestee's gender/gender identity, officers shall respectfully request the arrestee's gender/gender identity.
- If an officer is alone and needs to conduct a custodial search, the officer will request an officer of the same gender/gender identity to conduct the search or an officer of any gender to witness the search.
- An officer may conduct a custodial search of an individual, of any gender/ gender identity, if the delay in getting a second officer on scene may result in the loss of evidence, escape of the suspect, or harm to officers or the public.