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17-213
11/1/17

**eStop – Contact Data Collection Program
Clarification of “SEARCH” Values
(Supplements DB 16-208)**

In order to comply with the Racial and Identity Profiling Act of 2015, also known as Assembly Bill 953 (AB953), as well as legislation set forth by the San Francisco Board of Supervisors, (San Francisco Administrative Code, Chapter 96A), the Department implemented the Contact Data Collection Program, eStop, to collect data on all stops.

A stop means any interaction (bicycle, vehicle, passenger, and pedestrian) between an officer and an individual in which the officer arrests, detains, or searches the individual under any circumstances, including consensual searches. The interaction may be based on the officer’s own observations, the direction of another officer, information reported by a member of the public, and/or provided by dispatch.

To clarify the types of initial searches members conduct during a stop, effective January 1, 2018, the values in eStop under “SEARCH” will change to the following selections:

Current Selections	Change Effective (January 1, 2018)
Cursory/Pat Search	Reasonable Suspicion to Search
No Search	No Search
Search Incident to Arrest	Search Incident to Arrest
Probation/Parole/PRCS Search Condition	Probation/Parole/PRCS Search Condition
Search w/consent	Search with consent
Search w/o consent	Probable Cause Search
Vehicle Inventory	Vehicle Inventory
	Search Warrant

Members shall refer to the following definitions when considering the most appropriate reason for performing a search.

Reasonable Suspicion Search:

Authority: A cursory search of a person’s outer clothing may be conducted for weapons where: (1) the person is stopped based on reasonable suspicion they are involved in a crime and (2) the officer reasonably believes the person is armed and/or dangerous.

Scope: A cursory/pat search may be used only to search for weapons.

No Search:

No search performed on subject, vehicle or property.

Search Incident to Arrest:

Authority: A search incident to arrest may be used to search an arrestee’s person or area within their immediate control if (1) there is probable cause to arrest, (2) the person is taken into custody, and (3) the search is conducted contemporaneously with the arrest.

Scope: A search incident to arrest may be used to search an arrestee for evidence of the crime, contraband, or weapons.

Probation/Parole/PRCS Search:

Authority: A person on parole, post-release community supervision, or probation with a warrantless search may be searched.

Scope: Probation or Parole search may be used to search for weapons or any evidence relating to a crime.

Consent Search:

Authority: A consent search may be conducted where a person gives it (1) voluntarily, and has (2) authority to give consent.

Scope: A consent search may be conducted based on limitations agreed to by the consentor. For example, the person states only a particular area can be searched or only certain items can be sought during the search. These limitations will govern the scope of the officer's ability to search.

Probable Cause Search:

Authority: Probable cause to search exists where there is enough information to show a *fair probability* or *substantial chance* that the item sought is located in the place to be searched. An officer satisfies the fair probability standard if they believe: (1) a crime has occurred or is about to occur, (2) evidence pertaining to the crime exists, and (3) the evidence is at the location they wish to search.

Scope: Probable cause may be used to search for any evidence relating to a crime

Vehicle Inventory:

Authority: The vehicle must be in lawful custody and searched pursuant to DGO 9.06.

Scope: DGO 9.06.B. requires an officer to search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk, and inside any containers for valuable property or dangerous items such as firearms.

Search Warrant:

Authority: A search warrant is a court order signed by a judge commanding an officer to search persons, places, or property for particular items listed in the warrant.

Scope: An officer serving a search warrant may search for the listed items in any location where the item could be found within the area described by the warrant.

Reference:

DGO 9.06 Vehicle Tows

DB 17-083 Consent Searches of Private Residences


WILLIAM SCOTT
Chief of Police

Per DB 17-080, sworn members are required to electronically acknowledge receipt and review of Department issued documents in HRMS.