

JACKSONVILLE POLICE DEPARTMENT

Policy: 10-11
Effective: 01-01-09
Revised: 01-18-21

SEARCH: MOTOR VEHICLES

PURPOSE: To establish policy regarding searching motor vehicles.

POLICY: The policy of this Department is to protect and serve the constitutional rights of all citizens when conducting vehicle searches while balancing the needs of law enforcement in solving crime for the protection of the community.

DEFINITIONS:

- I. **MOTOR VEHICLE:** Any motorized vehicle that is capable of movement to include motor homes.
- II. **PROBABLE CAUSE/REASONABLE CAUSE: (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- III. **PROBABLE CAUSE: (arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.
- IV. **REASONABLE SUSPICION (temporarily detain):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.
- V. **REASONABLE SUSPICION (frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.
- VI. **FRISK (weapon):** A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.
- VII. **MOTOR VEHICLE STOP:** Motor vehicle stop means any stop of a motor vehicle, except for a stop of a motor truck, truck-tractor, semi-trailer, trailer, or towed vehicle at a state weighing station.

PROCEDURES:

- I. **VEHICLE STOPS**
Vehicles may be lawfully stopped under the following circumstances:
 - A. **Reasonable Suspicion Based Stop:** where an officer has articulated facts that support a belief that criminal activity is occurring and that a vehicle is involved, the officer may stop the vehicle to investigate further. The stop may continue as long as the officer diligently investigates to confirm or dispel his or her suspicion that criminal activity is occurring and the occupant(s) of the vehicle are involved.

- B. Probable Cause Based Stop - Traffic Violation: where an officer has probable cause to believe that a violation of the motor vehicle code has occurred, the officer may stop the vehicle and detain the vehicle for a reasonable amount of time while the citation is completed.
- C. Probable Cause Based Stop-Arrest/Search: where an officer has probable cause to believe that a person in a vehicle has committed a crime or probable cause to believe that a vehicle contains evidence of a crime or contraband, the officer may stop the vehicle to arrest the occupant (in the arrest situation) or stop the motor vehicle to search the vehicle in the search scenario.
- D. Consensual Contact: an officer may approach any stopped vehicle (a vehicle which is stopped by the operator's own volition prior to police contact) and attempt to speak to person(s) in the vehicle. The officer has no power to force compliance with his or her attempt to contact in the consent situation.

II. ORDERING PERSONS FROM A VEHICLE

An officer may order any occupant of a lawfully stopped vehicle to exit the vehicle during a lawful stop.

III. SEARCH WARRANT REQUIRED

- A. Whenever feasible, a warrant will be obtained for the search of a motor vehicle.
- B. When a vehicle has broken down, or 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.
- C. When searching under a warrant, officers may search all areas of the vehicle unless the warrant states otherwise.
- D. Warrantless searches are to be conducted only when lack of time or other exigencies make it impractical for officers to obtain a warrant.

IV. WARRANTLESS SEARCHES (7.09)

Vehicles may be searched without a warrant:

- A. When probable cause to search the vehicle exists;
- B. With a written consent form signed by the operator;
- C. Incidental to an arrest of the occupants of the vehicle;
- D. When necessary to examine the vehicle identification number or to determine the ownership of the vehicle; or
- E. Under emergency circumstances not specifically stated above.

V. FRISK OF A VEHICLE

An officer who has reasonable suspicion to believe that a lawfully stopped vehicle contains a weapon may search the vehicle subject to the following limitations:

- A. The search is limited to subject's immediate area of control (i.e. the passenger compartment of the vehicle).
- B. The search is limited to those areas in the passenger compartment capable of holding a weapon.

VI. SEARCH INCIDENT TO ARREST - VEHICLE (7.09)

Following the lawful arrest of a subject from a vehicle or who had exited the vehicle just prior to arrest, officers may search the vehicle incident to arrest subject to the following limitations: