

MOTION AD HOC POLICE


Individuals in the United States are protected from unreasonable search and seizure by the Fourth Amendment of the Constitution, which states that “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” In general, this requirement means that a police officer must seek a warrant to search a person or their property while investigating a crime. However, warrants are not required for all searches. In fact, most searches by police officers are actually done without a warrant, which is allowed when the search is being conducted as part of an arrest, something illegal is in plain view of an officer, if an individual gives consent for a search, or exigent circumstances exist where taking the time to seek a warrant would be a harm to public safety.


While these exemptions to Fourth Amendment requirements for a warrant are important, and it is not feasible for an officer to seek a warrant in many cases, there are concerns that police officers, including those in the Los Angeles Police Department (LAPD) may use these exemptions instead of requesting a court grant them a warrant. In order to protect the rights of the residents of the City, the LAPD should ensure that it is seeking warrants when feasible, even if some other exemption may exist that would allow an officer to avoid obtaining one. Further, individuals are often not aware that they can refuse to give consent for a warrantless search if they are not going to be arrested. This can create distrust in the community for the police, and President Obama’s Task Force on 21st Century Policing recommended that all police departments create a policy on seeking consent for searches in order to build public trust.

I THEREFORE MOVE that the Police Department (LAPD) be directed to report on its internal policies on seeking warrants to conduct searches, and on policies that could be enacted that would encourage officers to seek warrants when feasible, even in cases where there might be a legal workaround.

I FURTHER MOVE that the LAPD be directed to report on the establishment of a policy on seeking consent before conducting warrantless searches, as recommended in final report of President Obama’s Task Force on 21st Century Policing.

PRESENTED BY:


MARQUEECE HARRIS-DAWSON
Councilmember, 8th District


CURREN D. PRICE, JR.
Councilmember, 9th District

SECONDED BY:

