

STANDARDS FOR ORGANIZATION AND MANAGEMENT ROLE

Narrative: *The issue of search and seizure without a warrant by law enforcement officers requires the law enforcement agency to address those legal requirements within the context of constitutional decisions at the Pennsylvania and Federal court levels and applicable case law findings. Exigent circumstances under statute and/or case law could include certain vehicle, officer safety, and public safety exceptions. (07/11)*

The courts are constantly modifying the law and legal procedures and it is the responsibility of the agency to ensure that updated information is available to agency personnel.

1.2.4 - A written directive specifying the legal requirements and procedures for any physical arrest, completed with or without an authorized warrant.

Narrative: *The authority of a law enforcement officer to arrest an individual, with or without a warrant, is governed by Title 234 (Pennsylvania Rules of Criminal Procedure); Pennsylvania statutes; and Pennsylvania and Federal court decisions.*

This area of the law is constantly changing. It is the responsibility of the agency and its personnel to stay informed by having current information available for review.

1.2.5 - A written directive that governs procedures for strip and body cavity searches that include: (07/11)

- a. authority for conducting such searches with and without a search warrant;
- b. privacy provisions with search by same gender; and,
- c. any required reporting procedures when such searches are conducted.

Narrative: *Strip searches and body cavity searches by law enforcement personnel, even when legally permissible, are controversial. They should be done out of public view, with appropriate regard for the dignity of the suspect, and shall be considered legally necessary and reasonable. When possible all such searches should be witnessed. Body cavity searches should be conducted in a hygienic setting and by qualified medical personnel.*