



Greensboro Criminal Justice Advisory Commission

Monitor. Review. Analyze. Educate. Advise. Report.

The Greensboro Criminal Justice Advisory Commission was tasked by the Greensboro City Council to review GPD's current consent to search policy. After reviewing the policy and information from comparative police departments around the state of North Carolina the commission would like to make the following recommendations:

Greensboro police officers who search persons based on their consent should obtain voluntary consent from those persons (1) by verbally informing them of their right to refuse a search and (2) by securing written consent through the GPD Consent To Search form. Our rationale and some suggested changes follow.

Rationale. A signed consent form provides persons being searched with the opportunity to provide documented and informed consent to a search. This measure will increase transparency and accountability among GPD as well as allow persons to exercise their constitutional rights.

1. Suggested Change #1: Modify the ordering of the Consent to Search Form to prioritize the voluntariness of the consent. Specifically, the paragraph on the Consent Search Form that states, "I am giving this written permission to the officers freely and voluntarily, without threats or promises having been made, and after having been informed by said officer that I have the right to refuse this search...." should appear at the top of the consent form and in bold lettering. This way people know that they are consenting to the search as well as the fact that they have a right to refuse a search.
2. Suggested Change #2: Add withdrawal of consent language to the Consent to Search Form. The consent form should contain language taken directly from the current GPD search policy, 12.5.1 *Consent Searches*: "The person who consents to the search may at any time during the course of the search withdraw that consent. If the consent is withdrawn, the search must cease immediately unless probable cause to search has been established and exigent circumstances exist, in which case, consent is not necessary to continue the search."
3. Suggested Change #3: Officers should read the Consent to Search Form to the person being searched. Persons in Greensboro should be informed verbally of their constitutional right to refuse to search without any consequences, much like *Miranda v. Arizona*. The coerciveness of custodial interrogation often extends to traffic stops and other investigative situations. We want residents to trust the police. The oral and written declaration of rights would be a step in the right direction.

Overall, we found that the GPD's current policy on consent searches was very comprehensive. In looking at this policy compared to others across the state (High Point, Winston-Salem, Raleigh, Charlotte, Durham, Asheville and Fayetteville), the policy allows for a great level of transparency. With the recommended changes to the form, we feel that Greensboro Police Department will be providing more transparency and giving residents the ability to fully understand the consent to search agreement.