

Homes, Jobs & Justice Now – Not Death in the Streets

Sample Policy: Written Consent

The **Fourth Amendment of the U.S. Constitution** gives all Americans protections from unreasonable or unjustified searches. People stopped by the police have a constitutional right to deny requests to be searched if the officer lacks legal cause. However, many people stopped by law enforcement do not know that they have the right to refuse a search and are rarely asked for consent, even when consent is required. Unjustified searches by law enforcement result in unnecessary arrests¹ for low-level, non-violent offenses (e.g., possession of marijuana). Arrests for such low-level offenses do not make our communities safer.

Additionally, there **are significant racial disparities** in who is exposed to these searches. In Greensboro, data from the GPD data show that African Americans are stopped at a rate of 2.08 to 1 compared to white drivers, even though police found illegal drugs and weapons on white drivers more often. Police are also much more likely to use force against African Americans than Whites.

Often, **people are misled into “consenting”** to consent searches. Officers will order (or “ask”) people to empty their pockets or open up their bags without telling them that they have the right to refuse. These searches lead to negative interactions with police and unnecessarily funnel community members through the criminal justice system. Arrests resulting from unlawful or coercive stop-and-frisk practices, and the convictions or pleas that often follow, can have devastating consequences, including the loss of jobs and hiring prospects, inability to get student loans, housing evictions, lengthy and costly court procedures, and debt. These trends only worsen racial disparities.

Consent-to-search policies can mitigate the harms of these searches and reduce people’s exposure to incarceration by ensuring that those stopped by police are made aware that they have the right to refuse a search. Durham, Fayetteville, and Asheville, NC, all have written consent-to-search policies which have reduced racial disparities in police stops and searches.

It is time for Greensboro to adopt a similar policy.



Durham Police Department
505 W. Chapel Hill St. Durham, NC 27701
919-560-4427



Consent to Search Form

Person to be Searched IR#:

Person

I, _____, agree to allow law enforcement to perform a complete search of my person, including all property on my person.

Property to be Searched

Vehicle Plate: _____ VIN: _____
Make: _____ Model: _____

Premises Address: _____
Description: _____

Electronic Device Type of Device: _____
Make: _____ Model: _____
Serial Number: _____

Passwords/log-ins/specific directions for entry: _____

Other (Describe property): _____

I, _____, own, possess, or have authority over the property described above and do hereby agree to allow law enforcement to perform a complete search of the property listed above, to include all property located on or within the vehicle, premise, electronic device, or other property listed above.

I have been advised of my right to refuse to consent to this search. I give this consent voluntarily, without any promises made to me, or threats of any kind made against me. I understand any evidence of a crime may be seized as a result of this search.

Signature: _____ Date/Time: _____
 Check if consent denied

Person Authorizing

Name: _____
Date of Birth: _____ Age: _____ Phone Number: _____
Address: _____

Officer Name: _____ Employee ID#: _____
Division/District/Unit: _____ Contact #: _____
Officer Signature: _____ Date/Time: _____

General Order 4004 A-1 R-1
REV 8/14

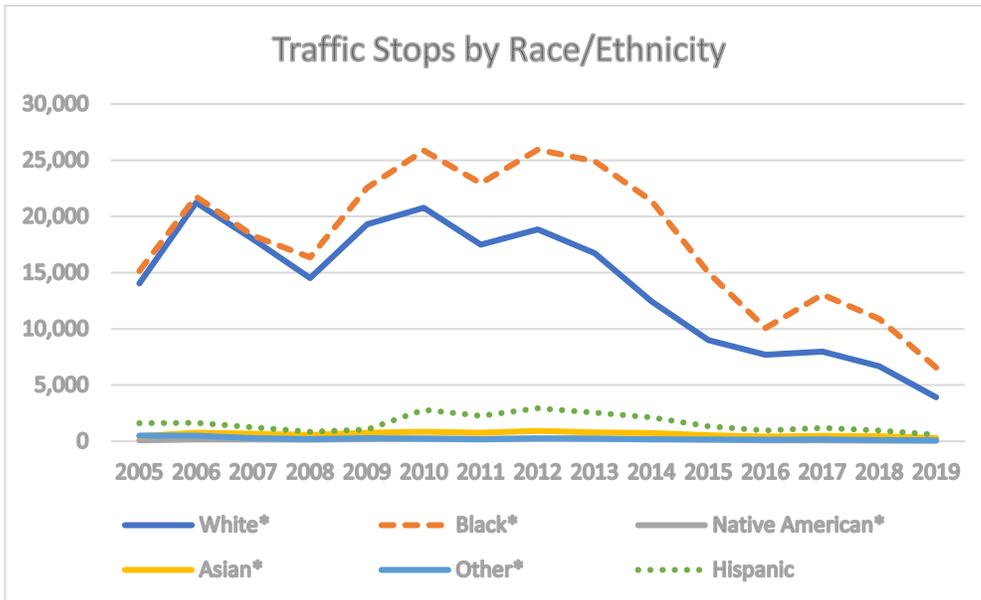
Submit original to records.
Copies may be kept with case file.

*Written Consent form from the Durham
Police Department*



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Racial Disparities in Greensboro Stops & Searches



African Americans in Greensboro are more than 100% more likely to be stopped and searched by the police than white drivers, even though police find drugs and weapons on White Drivers more often.

African Americans make up 43% of Greensboro's Population, but 68% of those searched by the police.

& Nearly all use of force incidents involve African American Victims

