

# EXECUTIVE ORDER



DISTRICT OF COLUMBIA

<b>Subject:</b> <b>Limitations on Consent Searches</b>
<b>Number</b> <b>EO-20-045</b>
<b>Effective Date</b> <b>August 15, 2020</b>
<b>Related to:</b> EO-17-008 (Body-Worn Cameras: Consent Searches and the Execution of Search Warrants, Arrest Warrants, Custody Orders, and Warrantless Searches) GO-OPS-304.14 (Interaction with Deaf and Hard of Hearing Persons) GO-PCA-702.03 (Search Warrants) GO-SPT-304.18 (Language Access Program)
<b>Rescinds:</b> PD Form 781 (Consent to Search), Revision Date 09/68

The purpose of this executive order is to inform members of the enactment of the consent search updates provided in the *Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020*. The consent search provisions go into effect August 15, 2020. The emergency legislation will be replaced by temporary legislation and then permanent legislation. To the extent that the provisions in this executive order conflict with existing directives, the provisions set forth in this executive order shall prevail.

## A. Obtaining Consent

1. Prior to conducting a consent search of a person, vehicle, home, or property, members shall:
  - a. Explain, using plain and simple language delivered in a calm demeanor, that the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to a search;
  - b. Advise the subject that:
    - (1) A search will not be conducted if the subject refuses to provide consent to the search; and
    - (2) The subject has a legal right to decline to consent to the search.
  - c. Obtain consent to search without threats or promises of any kind being made to the subject;
  - d. Confirm that the subject understands the information communicated by the officer; and
  - e. Use interpretation services when seeking consent to conduct a search of a person:
    - (1) Who cannot adequately understand or express themselves in spoken or written English; or

(2) Who is deaf or hard of hearing.

2. Members who are unable to obtain consent from the subject shall not conduct a consent search.

B. Documenting Consent Searches

1. When practicable, there shall be at least one body worn camera (BWC)-equipped member present with his or her BWC activated prior to a consent search being conducted of a person, place, or object. Members not equipped with a BWC shall request that a BWC-equipped member respond to the scene.
2. When it is not practicable to have a BWC-equipped member present, members shall document the subject's consent using a PD Form 781 (Consent to Search). No consent searches shall be conducted without documented consent on BWC or a signed PD Form 781.
3. Members shall capture their explanation of the consent search including their notification that the subject may decline, and the subject's voluntary consent, on their BWC or in writing.
4. Members shall ensure copies of completed PD Forms 781 are emailed to the Records Division at [Records.adminbox@dc.gov](mailto:Records.adminbox@dc.gov).
5. There shall be a presumption that the subject did not voluntarily consent if the evidence of consent, including warnings required in this order, is not captured on BWC or in writing.

C. Attachments

Attachment A: PD Form 781 (Consent to Search)



Peter Newsham  
Chief of Police

PN:KDO:MOC:SMM

**CONSENT TO SEARCH**  
METROPOLITAN POLICE DEPARTMENT

UNIT

DATE

TIME

TO BE COMPLETED PRIOR TO SEARCH

I, \_\_\_\_\_, hereby authorize  
(Print Full Name)

and give my consent to \_\_\_\_\_ and \_\_\_\_\_,  
(Member) (Member)

who have identified themselves as police officers of the Metropolitan Police Department,

to conduct a search at this time of the person/item/vehicle/premises under my lawful control,

described as \_\_\_\_\_.  
(Description of Search)

By my signature on this document, I hereby state and certify that this consent to search is being given knowingly, voluntarily, and with the understanding that I may withdraw my consent at any time.

\_\_\_\_\_  
(Signature)

REPORTING MEMBER(S)			
REPORTING MEMBER'S NAME	CAD ID NO.	BADGE NO.	SIGNATURE
REPORTING MEMBER'S NAME	CAD ID NO.	BADGE NO.	SIGNATURE
INCIDENT INFORMATION			
CCN			

PD FORM 781 (REV. 8/12/2020)