

## **11.4 Search of a Vehicle**

### 11.4.1 Search of Vehicle under the Movable Vehicle Exception

Deputies may make a warrantless search of a vehicle which was in motion, or at least mobile when stopped, and which deputies have probable cause to believe contains contraband or evidence of a crime. The entire vehicle may be searched if there is probable cause to believe the vehicle contains contraband or instrumentalities of a crime even though there is no danger that the vehicle or the evidence may be lost. A search based on probable cause may extend to any part of the vehicle, including closed containers found inside in which the object of the search can be concealed.

Deputies are obliged to apply for a search warrant in certain circumstances. This includes instances where deputies are uncertain they have sufficient probable cause to search a vehicle, but are sufficiently certain they will be able to retain custody of the vehicle until a warrant is issued. A search warrant is needed if deputies do not have probable cause to search a vehicle after it is no longer mobile or has been impounded. Similarly, if a deputy's suspicions are focused on a particular container rather than the vehicle as a whole, deputies may only seize the container and, absent exigent circumstances, must obtain a search warrant prior to conducting a complete vehicle search.

### 11.4.2 Exigent Circumstances and Emergencies

Deputies may make a warrantless search of a vehicle when they have good reason to believe it is necessary to protect life or prevent injury. This includes the limited authority granted under *CR, § 4-206, of the Annotated Code of Maryland*, to determine if a motorist is illegally transporting a handgun. Such a search may include the vehicle of a motorist and is limited to areas where a weapon might be placed or hidden.

### 11.4.3 Consent Search

A deputy may conduct a search of a vehicle if consent has been obtained from the owner or driver, or from someone who possesses the authority to act for the owner or driver. Prior to searching, the deputy must ask the person for consent

and must reasonably believe that the person has consented clearly, voluntarily, and of his/her own free will.

#### 11.4.4 Inventory Searches of Seized Vehicles

Deputies will conduct a non-investigatory *inventory search* of all seized vehicles in an effort to safeguard property contained therein. Deputies are only permitted to search open areas and unsecured compartments within the vehicle. Locked compartments may not be forcibly opened to effect an inventory search. All vehicles and other property seized will be handled in accordance with the direction given in Chapter 9.2, *Recovered Property and Evidence*, in this General Orders Manual.