

SEMD-SD-EO-305-Consent Searches

1. Purpose

This policy was developed to provide guidance in conducting searches at Fermilab. It is intended to establish Fermilab policy and guidelines under which the Security Department may conduct searches of packages, briefcases, other containers, vehicle and persons site wide.

2. Scope

This procedure applies to all Security Department personnel who, within their assigned duties, may be called upon to conduct searches in order to maintain the security and safety of Fermilab property, personnel and visitors.

3. Applicability

This policy applies to all uniformed members of the Fermilab Security Department, full-time and part-time by Fermi Research Alliance (FRA) for Security Services.

4. Effective Date and Date Reviewed/Updated

This policy went into effect on June 3, 1997 and its update was effective on February 1, 2024.

5. Policy

The entrances to Fermilab are prominently posted with signs, which state that, as a condition of access, individuals shall consent to the search of packages, briefcases, other containers, vehicles, and their persons upon entering or leaving the posted area. It is not envisioned that there shall be frequent need for searches. It is conceivable that circumstances might arise which call for selected or random searches to prevent the introduction of harmful or controlled substances or the unauthorized removal of government owned property.

Except in instances where searches are carried out by Law Enforcement Officers in connection with their official duties or exigent circumstances indicating a crime has been committed or is being committed, searches will only be conducted with express written authorization of the Directorate.

a. Consent Searches

Persons, hand carried items, packages, briefcases and vehicles entering an area posted with the required signs are, as a condition of such access, subject to search. The person being searched **must** consent to the search prior to the conducting of the search. A refusal to submit to a search may result in denial of access to the area in question and administrative review for other actions may be warranted.

1. In all search operations, written records shall be kept. In cases where permission to check or search is denied, a full Case Report of the incident must be filed explaining all the circumstances involved.
2. After receiving the permission of the Directorate, the Security Department shall use the following general procedures in carrying out searches.
 - a. Entry Searches shall normally take place at the perimeter of a posted General Access Area and Property Protection Area. The search is conducted to prevent the introduction of prohibited articles into the area.
 1. The Security Officer should:
 - a. Choose a location, which considers the safety of both the Security Officer and the person/vehicle being searched.
 - b. Request identification of a person being approached for a search.
 - c. Note a full description, including the license number, if a vehicle is involved.
 2. The Security Officer Shall explain to the person that:
 - a. Searches are permitted by Laboratory policy.
 - b. Access to a posted General Access Area and Property Protection Area, “implies” the person’s consent to a search.
 - c. The person may withdraw consent at any time.

If the person withdraws consent or refuses to allow a search, it shall be noted, and the person shall normally be denied access and allowed to leave.

b. Area Searches

Searches within the Fermilab site shall usually be conducted in connection with some exigent circumstance where there is probable cause to believe a crime has been or is about to be committed, or the subject of the search is in possession of prohibited articles.

1. Choose a location, which considers the safety of both the Security Officer and the person being searched.
 2. Request identification of a person being approached for a search.
 3. Note a full description, including the license number, if a vehicle is involved.
 4. The Security Officer shall explain to the person that:
 - a. Searches are permitted by Laboratory policy.
 - b. Access to the site “implies” the person’s consent to a search.
 5. The person may withdraw consent at any time.
 6. If the person withdraws consent or refuses to allow a search, it shall be noted and the person may normally be denied continued access and requested to leave.
 7. When there are reasonable grounds to believe that prohibited articles or Government property are involved, the Security Officer should:
 - a. Request the person to remain until a Fermilab Security Department Supervisor can be summoned.
 - b. Use tactful judgment in dealing with the situation. Notify the Security Supervisor to immediately respond to the scene in the event of a confrontation. It is preferable for a Security Officer to remove his or herself from a confrontation rather than have it escalate through continued involvement.
- c. Exit Searches shall normally take place at the perimeter of the site. The search is conducted to prevent the removal of Government property from the area.
1. The Security Officer should:

- a. Choose a location, which considers the safety of both the Security Officer and the person being searched.
 - b. Request identification of a person being approached for a search.
 - c. Note a full description, including the license number, if a vehicle is involved.
 2. The Security Officer shall explain to the person that:
 - a. Searches are permitted by Laboratory policy.
 - b. Access to posted Property Protection Areas “implies” the person’s consent to a search.
 3. The person may withdraw consent at any time.
 4. If the person withdraws consent or refuses to allow a search, it shall be noted and the person may normally be allowed to leave.
 5. When there are reasonable grounds to believe that prohibited articles or Government property are involved, the Security Officer should:
 - a. Request the identity and origin of suspicious looking material or material that is obviously Fermilab or Government property.
 - b. Request a Fermilab Property Pass or other form of authorization for its possession.
 - c. Request the person to remain until a Fermilab Security Supervisor can be summoned.
 - d. Use tactful judgment in dealing with the situation. Notify the Security Supervisor to immediately respond to the scene in the event of a confrontation. It is preferable for a Security Officer to remove his or herself from a confrontation rather than have it escalate through continued involvement.
3. Searches incidental to Law Enforcement Activities
- a. Incidental to Arrest with Warrant
 1. Law Enforcement Officers acting in the capacity of their official office and incidental to the service of an arrest or search warrant may conduct searches in accordance with local, state or federal statutes.

2. The conditions and circumstances of the search are at the discretion of the Law Enforcement Officer. The Fermilab Security Department shall attempt to arrange with the Law Enforcement Officer or his/her department to have the search conducted in a place and manner that is least disruptive to Fermilab's operation and the embarrassment of the individual.
3. All arrests resulting from the execution of arrest or search warrants should be coordinated through the Security Department. The Security Department shall assure information describing actions planned and/or taken under this Section are immediately transmitted in accordance with Fermilab's Site Security Plan.
4. A Case Report documenting all incidents of the above shall be made.

b. Incidental to On-View Arrest

1. Law Enforcement Officers acting in the capacity of their official office and incidental to the arrest of a person involved in a crime in the presence of the officer or upon the complaint of a citizen or a representative of Fermilab, may conduct searches in accordance with local, state or federal statutes.
2. The conditions and circumstances of the search are at the discretion of the Law Enforcement Officer. The Fermilab Security Department shall attempt to arrange with the Law Enforcement Officer or his/her department to have the search conducted in a place and manner that is least disruptive to Fermilab's operation and the embarrassment of the individual.
3. The Security Department shall assure information describing actions planned and/or taken under this Section are immediately transmitted in accordance with Fermilab's Site Security Plan.
4. A Case Report documenting all incidents of the above shall be made.

6. Definitions

May - The use of the word “may” indicate an optional action.

Shall - The use of the word “shall” indicate a required action.

Should - The use of the word “should” indicate a recommended action.

7. Responsibilities

Security & Emergency Management Division Deputy Director is responsible for the overall security program at Fermilab and for approving Department procedures prior to implementation. He/she is responsible for advising Directorate personnel of any circumstances where searches may be deemed necessary and obtains approval for the commencement of such searches.

Physical Security Manager is responsible for advising the Security & Emergency Management Division Deputy Director of any circumstance where searches may be necessary and be responsible for coordinating search activities, establish the parameters and method of the search.

Fermilab Security Supervisor is responsible for the scene of any search and shall direct on-scene Security personnel in the conducting of searches.

Security Officers are responsible for following instructions contained herein for proper procedures for conducting searches.

8. Authorities

DOE O 470.4B Safeguards and Security Program

DOE O 473.2A Protective Force Operations

DOE O 473.3A Protection Program Operations

Fermilab Security Department Post Orders

Fermilab Security Department Policies & Procedures

Fermilab Site Security Plan

Title 41 CFR, Part 102-74 Rules and Regulations Governing Conduct on Federal Property

9. Owner

The Physical Security Manager is the owner of this policy.

10. Review Cycle

This policy shall be reviewed annually or more frequently, as needed.

11. Communication Plan

The requirements of this policy shall be communicated by the Physical Security Manager to all Security Department personnel, and periodic training shall be provided. This policy shall be available in the Fermilab Security Department policy database.