

**REED COLLEGE
COMMUNITY SAFETY
DEPARTMENTAL DIRECTIVE**

ROOM INSPECTIONS & SEARCHES BY COMMUNITY SAFETY

Source(s): Guidebook to Reed Drug and Alcohol policy, Guidebook to Reed Implementation Plan, Reed College Housing Contract, Guidebook to Reed the Honor Principle, Partnership Agreement (Memorandum of Understanding - MOU) between Reed College and the Portland Police Bureau, Departmental Directive by the Community Safety Director

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Purpose & Goals

The purpose of enforcement inspections & searches is to support the academic mission and goals of the college. Illegal or prohibited substances, items and/or activities in college residences which harm the community undermine the academic goals of the college. Maintaining residential environments that are safe and welcoming for all residents and guests promotes success, wellbeing, and inclusivity.

In order to fulfill these goals, Community Safety officials may inspect and/or search college-owned, student-occupied residences in accordance with this Directive, the Housing Contract in effect at the time of the inspection or search, and any applicable laws.

Scope

This directive covers Community Safety inspections & searches of college residences conducted for the purpose of enforcing college policies and applicable local, state, and federal laws related to alcohol and other drugs, weapons, sexual assault, and other circumstances that may represent substantial violations of college policy, the law, or which may pose a substantial risk to the safety of any member of the community. This directive does not govern non-enforcement entry into residences by Community Safety Officers (CSOs) for other purposes, such as fire system activation, facility emergencies, medical assists, etc., nor does it cover inspections/searches of residences while unoccupied or occupied exclusively by non-student guests.

Principles & Context

Reed College student residences are the property of the college and subject to applicable college policies, including the current Housing Contract (http://www.reed.edu/res_life/)¹, in addition to various laws, codes, and ordinances. Reed College owned housing is not governed by the Oregon Revised Statute (ORS) Chapter 90². Additionally, the college has a Partnership Agreement (aka: Memorandum

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Of Understanding or MOU) with the Portland Police Bureau (PPB) regarding investigation and response to certain types of criminal offenses, including illegal drugs and weapons³.

Within these guidelines, the Office of Community Safety balances respect for students' privacy with the responsibility to maintain a safe and secure campus environment that is inclusive as well as conducive to Reed College's academic mission. When a residence inspection/search is conducted, Community Safety Officers (CSOs) will take reasonable steps to minimize the potential disruption and discomfort of the action, while not compromising the effectiveness of the inspection or search. These actions will generally be taken only when less intrusive options have proven ineffective or are impractical under the circumstances.

Prior notice will typically be given before an inspection or search. However, no-notice inspections/searches may be conducted under some circumstances. For example, inspections/searches may be done in response to a single incident or issue, as a result of a pattern of incidents, or in response to information that leads to a reasonable suspicion that significant violations warrant an inspection/search.

Definitions

Residences: For purposes of this directive, "residences" refers to all residential spaces (rooms, apartments, houses, or similar spaces) owned by the college and occupied by college students.

Inspection: A visual inspection of all living areas, including kitchens, living rooms, bedrooms, bathrooms, balconies, lofts, etc. An inspection may include turning on lights or using a flashlight, opening doors to living areas, and looking in any area that is visible without physically moving objects. An Inspection will NOT include opening closets, cabinets, dressers, drawers, or otherwise examining areas not otherwise visible. Closets, cabinets, etc. that are open during an Inspection, or that are constructed in a manner that allows visual access to the contents (i.e., glass doors) may be examined visually.

Search: A visual and physical examination of all spaces within the residence capable of containing evidence relevant to the reason for the search. A Search may include opening any closed areas (e.g., closets, cabinets, drawers, etc.), examining personal

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containers and items within the residence, and using non-destructive means to access spaces such as ventilation ducts, attics, crawl spaces, service panels, etc.

Scheduled Inspection/Search: This is an inspection or search scheduled in advance for a specific date and time. Unless circumstances require a shorter notice, the standard minimum notice will be 24 hours.

Notice of Immediate Inspection or Search: This is an inspection or search that is initiated immediately based on specific contingencies (i.e., evidence of drug use), after notice has been given to the student that a search will most likely occur in response to such evidence.

No-Notice Inspection & Search: This is an inspection or search that is initiated without prior notice due to exigent circumstances.

Exigent Circumstances: The totality of circumstances that indicate probable cause of a substantial violation or risk exists, and that postponing an inspection/search will, more likely than not, prevent an effective response and/or increase the risk of harm to individuals and/or the college, or that evidence related to a serious violation of policy or law may be irretrievably lost.

Reasonable Belief: Where the totality of the circumstances, based on specific and articulable facts, combined with rational inferences, would or could lead a reasonable CSO to come to a specific conclusion.

Probable Cause: Sufficient reason, based on known facts or reliable information, to believe that it is *likely* that a specific conclusion is true.

Plain View

An object or other evidence that can be plainly viewed by a CSO who is in an area within the legitimate scope of the CSO's job duties, and where the incriminating character of the object or evidence is immediately apparent to the CSO.

Grounds for Inspection or Search

The following guidelines are general in nature and not intended to be all-inclusive or inflexible rules. Rather, the following guidelines are a starting point for considering whether or not an inspection or search is the most reasonable action based on the specific circumstances at the time.

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Grounds for an **inspection** include, but are not necessarily limited to, the following:

- Probable cause to believe that the residence contains evidence of a serious violation of the Alcohol and Other Drug Policy,⁴ including evidence of a felony drug crime
- Probable cause to believe that the residence contains evidence of other objectively serious violations of policy and/or the law regarding weapons, sexual assault, and/or other felony crimes
- Repeated minor violations of policy, including the Residence Contract, regarding Alcohol or Other Drugs (AOD), weapons, sexual assault, and/or other objectively hazardous activities; and, after the resident(s) has/have been notified of the violations and given a reasonable opportunity to correct the violations or behaviors

Grounds for a **search** include, but are not necessarily limited to, the following:

- Direct observation of a serious violation (as described above)
- Direct observation of a minor violation pursuant to an inspection or as the result of being in the residence with consent
- Direct observation of evidence of any violation (as described above) that is in plain view, unattended, and unsecured

Procedures

Authorization for Inspection or Search

While the college reserves the right to enter all student residences at any time,⁵ without prior notice, Community Safety inspections/searches will routinely be reviewed, in advance, by the Director of Community Safety or designee, and the Vice President for Student Services or the Dean of Student Services. When exigent circumstances exist (see definitions), CSOs may enter a residence to conduct an inspection/search without prior approval by the Director and/or VP or Dean, but will contact the Director and/or VP or Dean for review and approval as soon as circumstances allow.

Consent Inspection or Search

A CSO may enter a residence with the consent of a resident or an individual exercising control over the residence at the time. If a CSO has a reasonable belief that the residence contains evidence of a violation of policy or the law consistent with this guideline, the CSO may request to enter the residence and may also request to inspect or search some or all of the residence appropriate to the CSO's observations at the

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time. If a resident or person in control of the area or item to be inspected or searched grants permission, the CSO may conduct an inspection or search. The person who granted permission may withdraw permission at any time. If a consent inspection or search reveals evidence of a policy violation, and consent is withdrawn after the fact, the CSO shall suspend the action and contact the On-Call CS Manager for direction.

Plain View

Regardless of permission to enter or the authorization to inspect or search, a CSO may investigate items or evidence of policy violations that are in plain view, including items or evidence visible from outside of a residence, and that can be viewed during the normal course of a CSO's routine duties. Investigation may include attempting to contact an occupant of a residence, asking permission to enter, inspect, or search, or initiating an inspection or search without notice.

Examples of "plain view" situations where a No-Notice Inspection or search may be appropriate include, but are not necessarily limited to, the following:

- Observation of illegal drugs, drug paraphernalia, weapons, or other illegal or hazardous items or substances that are in plain view, unattended, and unsecured (e.g., on a ground floor patio, in a residence hall common area, in a residence where the door is open and there are no individuals inside, etc.)
- Observations as described above where no one in the immediate area acknowledges ownership or control over the items and failing to investigate and take control of the items would permit a hazardous condition to persist

Notice

Under most circumstances, students will be given advance notice of a residence inspection or search appropriate to the specific basis for the action. Types of notice include, but are not necessarily limited to, the following:

- Advance Notice: This type of notice is given to inform a student that an inspection/search will be conducted at a specific time and date.
- Pre-emptive notice: This type of notice is given to put a student resident on notice that their residence is subject to inspection/search based on specific circumstances. Pre-emptive notice may be given as an interim step before a scheduled inspection/search, or to alert a student of the potential for an immediate inspection/search without further notice.
- Post Notice: This type of notice is given as soon as possible after an inspection/search has been begun or been completed.

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General Inspection and Search Procedures

The following procedures will be followed unless specific circumstances dictate necessary deviations. Any deviation from these procedures should be approved in advance, when possible, and documented as part of the associated incident report:

- ❑ A CS Manager generally conducts enforcement inspections or searches. Exceptions include exigent circumstances, consent searches, or under plain view circumstances described in this guideline. The CS Director, the VP, or the Dean may grant other exceptions.
- ❑ All inspections or searches shall be witnessed by a second college staff member (e.g., CSO, Residence Life staff, Student Services staff, etc.). To the maximum extent possible, the witness should observe all the actions of the CS official conducting the inspection or search.
- ❑ If a Residence Director (RD) will be a witness to an inspection/search, use of the RD supervising the space to be searched should be avoided.
- ❑ House Advisors (HAs) or other student employees should not participate in residence inspections/searches.
- ❑ Unless specific circumstances require otherwise, the student resident(s) of the area(s) to be inspected or searched may be present during the action and encouraged to observe the process.
- ❑ Whenever possible, the condition of the residence before and after the inspection or search should be documented, ideally through photographs and/or video of the area(s).

Inspection Procedures

Unless specific circumstances dictate otherwise, the following procedures will be followed:

- ❑ Ensure that any required notice has been given and that other generally applicable procedures have been followed.
- ❑ Initiate a Community Safety incident report at the start of the action and inform CS Dispatch that the action has begun.
- ❑ Enter the residence, either by making contact with the resident, or with a master key if the resident is not present. If the CS staff has reason to believe the resident is inside, they should make a clear announcement alerting the resident that they are about to enter, and the resident should be given a reasonable amount of time to respond before entry.
- ❑ Document the condition of the residence before the inspection begins, ideally by digital photographs and/or video. If photo/video is unavailable or impractical, the CS staff should take written notes and include these notes in the incident report.

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- Inspect the residence, per these guidelines, and document any findings relevant to the purpose of the action.
- If the inspection does not transition to a search, when the inspection is complete, document the condition of the residence, notify CS Dispatch that the inspection is complete, and leave the residence.
- If the inspection reveals evidence or information that justifies a search of the residence, use the Search Procedures in this guideline.

Inspections Transitioning to Searches

If inspection of a residence does not result in discovery of any evidence of a policy violation or other prohibited or unsafe activity, the CS staff should terminate the inspection and vacate the residence. However, if the inspection reveals such evidence, CS staff may initiate a search immediately. Examples of evidence discovered during an inspection that may result in a search include, but are not necessarily limited to, the following:

- Evidence of illegal drug use or possession: cannabis cigarette butts, cannabis residue, pills, powders, or other substances that reasonably appear to be illegal drugs or prescription drugs not legally possessed, paraphernalia with drug residue, scales with drug residue, nitrous oxide containers, etc.
- Firearms or other dangerous or deadly weapons
- Alcohol or alcohol containers where the resident(s) is/are not of legal drinking age
- Other evidence associated with the purpose for the inspection

Search Procedures

- Ensure that any required notice has been given and that other generally applicable procedures have been followed.
- Initiate a Community Safety incident report at the start of the action and inform CS Dispatch that the action has begun. If the search is the result of an inspection, a separate incident report is not required, but Dispatch should be notified that the inspection has become a search, and a note made in the Automated Report Management System (ARMS).
- Enter the residence as per the inspection procedures unless already inside.
- Document the condition as per the inspection procedures unless already done.
- Search the residence appropriate to the purpose of the action and consistent with these guidelines.
- Search the residence systematically.

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- ❑ If the search reveals evidence or information that will be documented and/or confiscated, ensure that at least one witness observes the evidence/information as it is found, and that the evidence/information is documented (ideally with a digital photographs or video).
- ❑ Collect any evidence according to applicable best practices and guidelines, including the use of gloves, evidence containers, etc.
- ❑ Enter any evidence taken during the search into the CS evidence system per normal practices and guidelines.
- ❑ Take reasonable steps to minimize disruption of the residence and its contents.
- ❑ Notify the Portland Police Bureau, as appropriate; to examine or take possession of confiscated items such as weapons, controlled substances, etc.

Documentation

All CS inspections/searches of college residences shall be documented in an incident report. The report shall include applicable supporting documentation, photographs, and other relevant information.

Reports shall include a written statement from any staff witnesses and the statement shall be attached as a supplement to the report.

¹Reed College Residence Contract: http://www.reed.edu/res_life/.

²ORS Chapter 90, Residential Landlord and Tenant Act. See 90.110 Exclusions from application of this chapter (1).

³Partnership Agreement (Memorandum Of Understanding (MOU)) between Reed College and the Portland Police Bureau.

⁴Drug and Alcohol Policy, VI. Any manufacture or distribution of drugs or the illegal or prohibited manufacture or distribution of alcohol, especially that which endangers the health or safety of the user, other members of the community, or the institution as a whole will generally be viewed as a serious violation . . .

⁵Reed College Residence Contract: http://www.reed.edu/res_life/