

King County Prosecutor's Office Checklist Tips

The following questions were designed by the King County Prosecutor's Office to guide officers in determining whether or not an individual has "joint access and/or control" over a place or item such that the individual has authority to consent to a search:

Residence

1. Does the address on the person's driver's license (or other ID) match the residence?
2. Do records from DOL match the residence?
3. Does the person have a key or other access device (alarm code, access code, garage door opener...)?
4. Does the person have mail with the listed address on it?
5. Is the person's name on the mailbox? Do the person know the layout of the inside?
6. Is the person already in the home? Does the person have his or her own room?
7. Do the neighbors (or landlord) of the residence know the person?
8. Can the person give a coherent description of his or her present connection to the residence?

Car:

1. Is the person driving the car?
2. Do DOL records match up?
3. If there are other occupants in the car, when separated, do they support the information that the person has given you?

In general:

1. Are you certain that you do not have probable cause to obtain a search warrant (obtaining a search warrant would, of course, avoid the need to wrestle with these difficult questions concerning "consent" authority)?
2. What is the person's motive for giving you consent?
3. Has the person lied to you in some other respect?
4. Has the person signed the consent form listing the person as the owner?
5. Does the person's criminal history have any prior crimes of dishonesty?
6. If any of the above factors are not established, does the person's explanation for it make sense? (example: different name on mailbox because "just moved 2 days ago"... signs of a recent move)
7. Focus should be on the person's current connection with the residence or car.

Important: If the situation is ambiguous, you must continue to make inquiries until you are convinced the person has authority to consent.