



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATION REGULATIONS AND OPERATING PROCEDURES

Subject: *Search & Seizure*

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Search & Seizure 239-F
Search & Seizure 239-E
Search & Seizure 239-D
Search & Seizure 239-C
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Search & Seizure 239

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I. PURPOSE

This regulation establishes procedures to ensure compliance with Constitutional requirements and sets forth guidelines for searches.

II. DISCUSSION

The Fourth Amendment to the United States Constitution recognizes the right of persons to be free from unreasonable searches and seizures of their homes, persons and effects. Violations of such constitutional requirements are technically and ethically incorrect and are not in keeping with the mission of the Myrtle Beach Police Department. As such, officers shall adhere to all requirements stringently.

III. DEFINITIONS

- A. Body-cavity search - A search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity.

- B. Custody - Status of suspect after arrest or in circumstances wherein a reasonable person would believe that his or her freedom of action has been restricted to the same degree as a formal arrest.
- C. Field Search - A non-intrusive search of a prisoner's clothing and person conducted incident to an arrest and for the purpose of finding either a weapon or contraband.
- D. Facility Search - A non-intrusive search of a prisoner's clothing and person conducted immediately upon entering any building for the purpose of finding a weapon or contraband.
- E. Inventory Search - An administrative action to protect and account for property located on a detained or arrested person. An inventory search is necessary to isolate dangerous items from police and jail facilities.
- F. Interrogation - Direct questioning (or its functional equivalent) about a crime or suspected crime as well as any words or conduct on behalf of Myrtle Beach Police Department which may elicit an incriminating response from a suspect in custody.
- G. Interview - Any conversation with a suspect, witness, victim or citizen designated to gather information.
- H. Prisoner - A person who has been deprived of their liberty and freedom of movement; and kept under involuntary restraint, confinement, or custody, including all persons under arrest but not yet incarcerated and those incarcerated, including mentally ill persons being transported.
- I. Probable Cause - Exists where the facts and circumstances within an officer's knowledge (and of which the officer has reasonably trustworthy information) are sufficient in themselves to warrant a reasonable person to believe that an offense has been committed or is being committed.
- J. Reasonable Suspicion - A standard less than probable cause, generally defined by the courts as a circumstance that would lead a trained, experienced officer to believe that criminal activity is afoot.
- K. Search - Prying into hidden places, by a police officer, wherein the person whose premises or person is being searched has a reasonable expectation of privacy.
- L. Strip Search - A search of a person requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces and the undergarments.

- M. Transfer Search - A non-intrusive search of a prisoner's outer person and clothing completed before the prisoner is transferred to another officer and conducted for the purpose of finding a weapon or contraband.

IV. REGULATION

A. CONSENT SEARCHES

1. No search warrant is required whenever a person with authority or control over the thing or place searched consents to the search. This consent must be voluntary. If the circumstances surrounding the consent would lead a reasonable person to believe coercion took place, officers must seek a warrant. This freely given, knowing and intelligent consent is the sole Constitutional justification for consent to search.
2. Officers must be aware of the intrusion a search represents to law-abiding citizens. Because of this, they shall limit requests for consent to those situations where other, articulable facts have aroused the officer's suspicion, with the exception of departmentally sanctioned enforcement operations where the use of random consent request has been pre-approved by the Chief of Police (e.g. highway interdiction operations, etc.) Regardless, all Myrtle Beach Police Department consent searches will adhere to the following:
 - a. Generally, the person granting consent must use, access or control the property. A person having exclusive possession of some part of jointly owned property can only give consent for a search of that part.
 - b. If two people have joint ownership of property, either can give consent. If possible, have the consenting party sign the Myrtle Beach Police Department Consent to Search Form. Officers, when seeking consent to search for evidence or contraband, may not conduct a search based on consent when a party with equal authority over the premises or effect is present and objects to the search.
 - c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises unless the tenant has been evicted or has abandoned the property.
 - d. A husband or wife, or one member of a co-habiting unmarried couple, may consent to a search of areas in common ownership or use.
 - e. A parent may consent to a search of premises occupied by a dependent child if the parent also has access to the premises.
 - f. An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises. An employer may generally consent to a search of

premises used by employees, except premises used solely by an employee (e.g., a locker).

- g. Consent cannot be presumed from silence.
- h. Consent is to be specifically and intelligently given in clear concise language. A nod or slang phrase is not acceptable as it may be subject to alternate meanings.
- i. Consent is to be obtained without misrepresentation of fraud. A consent obtained by trick, duress or misrepresentation voids the consent and makes the evidence inadmissible.
- j. A person who initially gives consent may withdraw it at any time. If probable cause has been developed, officers will secure the premises and obtain a warrant.
- k. The scope of a consent search is limited to the area for which consent has been given. Within that area, the search will be limited to locations where the objects sought could reasonably be concealed.
- l. Refusal to give consent, in itself, cannot justify further law enforcement action. Such refusals may be combined with other behaviors, facts and circumstances in an effort to articulate reasonable suspicion or probable cause.
- m. Consent must be in writing on the approved departmental form. Exigent or unusual circumstances will exempt the written requirement; however, that information must be clearly articulated in a written report of action.
- n. If written consent is sought/given, the officers will ask for written consent and this will be recorded with either the in-car camera or body worn camera (BWC).
- o. A search warrant is preferred over written consent and should be sought unless circumstances otherwise dictate.

B. STOP AND FRISK (Terry Pat Downs)

1. Officers may, in certain instances, perform a limited pat down of an individual in accordance with the United States Supreme Court's *Terry v. Ohio* ruling. An officer may conduct field interviews or stops when the officer reasonably believes that some investigative inquiry is warranted. The Supreme Court has ruled that an officer "may in appropriate circumstances and in an appropriate manner approach a person for the purposes of investigating possible criminal behavior even though there is not probable cause to make an arrest." During a field contact, officers who develop articulable reasonable suspicion that an individual may be armed or possess some item on or about their person which may be used to injure or assault the officer may perform a "Terry" pat down or stop and frisk.
2. A "Terry" pat down consists of the officer touching or patting areas on the suspected person capable of concealing an accessible weapon (pockets,

waistband, neckline, ankles, etc.) Generally, pat downs may not, absent other justification such as consent or warrant, extend to the interior of the clothing, wallets, shoes, etc. However, if during a lawful pat down an officer detects an object that is or might reasonably be an item that is contraband or other criminal evidence, and then the object may be seized (this is referred to as the "plain feel" doctrine). Threatening items such as weapons may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent.

3. Once the objective of the frisk, the determination of whether or not the suspect is armed, is completed the search must end. If the search continues, any contraband or evidence seized may be considered inadmissible results of a pretense search.
4. Investigative detention, unlike other levels of field interviews, prevents a person from declining to participate in an inquiry supported by reasonable suspicion. If the suspect refuses to stop or attempts to leave, the minimal amount of force necessary to overcome the resistance of the suspect is permissible. It should be noted that the rules of "Terry" still apply.

C. PLAIN VIEW

1. In certain limited circumstances, an officer may make a warrantless seizure of objects in plain view. Three conditions, however, must be met before the plain view doctrine is applicable:
 - a. The initial intrusion that afforded the view must have been lawful
 - b. Discovery of the evidence must have been inadvertent
 - c. The incriminating nature of the evidence must have been immediately apparent.
2. Whenever an officer, in good faith, enters upon private premises in the official performance of his/her duties, he/she is not a trespasser. Therefore, anything that is observed in plain view is subject to seizure without a warrant. In such cases, the usual requirements of search and seizure are not necessary because no "search" is conducted. A search implies looking into hidden places for concealed items. It is not a search to observe articles that are open to plain view. It is also permissible for an officer to use a flashlight to make such observations. Areas such as open fields, streets or roadways may be searched without a warrant. Any object, person or activity that can be detected by the five senses from public property, open fields or from lawful presence on private property is considered to be in plain view.

D. EMERGENCY SEARCHES

1. The Supreme Court refers to emergencies where warrants are not required due to the relationship between specific public safety concerns and expediency as "exigent circumstances." This language indicates that circumstances are such that officers have no time to obtain a warrant. The following factors will be considered when determining if exigent circumstances are present:
 - a. The degree of urgency involved and the time required to get a warrant;
 - b. Officer's reasonable belief that contraband is about to be removed or destroyed. (Note not all crimes are serious enough to create exigent circumstances);
 - c. The possibility of danger to others including officer left to guard the site;
 - d. Information that the possessors of contraband are aware that the police are on their trail;
 - e. Whether the offense is serious, or involves violence;
 - f. Whether officers reasonably believe that suspects are armed;
 - g. Whether the officers have probable cause at the time of entry;
 - h. Whether the officers have strong reason to believe the suspects are present on the premises;
 - i. The likelihood that the suspects will escape;
 - j. The suspects' entry onto premises after hot pursuit. To justify warrantless entry following hot pursuit, the arrest process must have begun away from the premises, and the offender knows that he or she is under arrest, and the offender tries to avoid arrest ;
 - k. A reasonable belief that someone on the premises is in distress and in need of emergency assistance.

E. WARRANTLESS VEHICLE SEARCHES

1. The United States Supreme Court has modified and expanded the conditions under which officers may search vehicles. Warrantless searches of vehicles may take place under many conditions and circumstances. It is imperative that officers understand the different types of vehicle searches and their limitations.
2. When possible searches of vehicles will be conducted contemporaneous with the stopping, discovery or impoundment of the vehicle. Generally, vehicle searches will be conducted as soon as reasonably possible. Officers will avoid damaging a vehicle or its contents and will minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.
3. If the vehicle subject to search has been totally immobilized or disabled, officers will secure it and obtain a warrant. Searches executed with a warrant may extend to anywhere within the vehicle unless limited by the

warrant. Vehicles may be searched absent a warrant in the following instances and subject to the following guidelines:

- a. When probable cause exists, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle
- b. When consent has been obtained from the driver, officer may search the vehicle subject to any limitations specified by the consenting person
- c. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment and any locked compartments shall not be searched unless immediately accessible to the suspect. Unless the arresting officer obtains a warrant or shows that another exception to the warrant requirement applies, a search incident to arrest of a vehicle may not, however, be conducted when the arrestee has been secured in handcuffs, removed from the scene or is otherwise incapacitated, such as by unconsciousness, under circumstances in which the arrestee poses no immediate threat to the arresting officer.
- d. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. If the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons. Note that an officer can order the suspect from the vehicle and frisk both the suspect and the vehicle. As is the case in all "Terry" stops, officers shall be prepared to articulate their reasonable suspicion or probable cause.
- e. An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes
- f. An emergency search of the vehicle may be conducted, but the extent of the search must not exceed whatever is necessary to respond to the emergency
- g. Unlocked containers located during probable cause searches or searches incident to arrest (limited to passenger area) may be opened wherever found. Containers located during consent searches may be opened if the terms of the consent permit or reasonably imply permission. Unless the arresting officer obtains a warrant or shows that another exception to the warrant requirement applies, a search incident to arrest of unlocked containers of a vehicle may not, however, be conducted when the arrestee has been secured in handcuffs, removed from the scene or is otherwise incapacitated, such as by unconsciousness, under circumstances in which the arrestee poses no immediate threat to the arresting officer.

- h. Locked containers should generally be searched with a warrant but may be opened if consent has been given or probable cause exists to search the vehicle and the object of the search might be located in the container. Locked containers may also be opened for inventory purposes.

F. VEHICLE INVENTORIES

1. Myrtle Beach Police Department officers will inventory any lawfully impounded vehicle or a vehicle removed from the street and placed in police custody per Operating Procedure #214, Guidelines for Inventory of all Towed Vehicles. Any evidence or contraband found during the inventory may be used to formulate probable cause for a subsequent search or arrest. Officers will document an inventory of the entire content, including closed containers (provided they can be opened without breakage) using the Myrtle Beach Police Department Tow Sheet
2. Closed containers that cannot be opened will be logged onto the report as such. The scope of the inventory shall be limited to those parts of the vehicle likely to conceal important, hazardous or valuable items. The inventory is designed to endure safekeeping of private property and to protect the department from liability.
3. Other property impounded by the Police Department will be inventoried in a like manner if required by the type of property (commercial equipment, large containers, trailers, etc.)
4. It must be remembered that a vehicle inventory and vehicle search are two different actions. A vehicle inventory cannot be used as a ruse to search a vehicle.

G. OTHER WARRANTLESS SEARCHES

1. Officers' duties upon arrival at crime scenes include the timely security of the entire scene as well as a cursory examination of the area to determine if any victim may need assistance or if a dangerous situation exists that would require further investigation or action. These initial actions, while sometimes probative in nature, are considered by the courts to be emergency searches. If officers doubt the legality or propriety of their entry into a crime scene, they shall contact a supervisor before proceeding.
2. Officers may seize contraband and evidence found in plain view if they observe the items from a lawful vantage point and it is immediately apparent to the officer that the items may be contraband, evidence of a crime or otherwise subject to seizure (plain view doctrine).

3. Abandoned property does not require a search warrant. The courts state that property becomes abandoned when voluntarily abandoned outside an area in which someone has a reasonable expectation of privacy.
4. The Fourth Amendment does not protect open fields, but officers must distinguish them from curtilage, which requires a search warrant. Curtilage is the area of a dwelling that is necessary, convenient and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area is enclosed, the nature and use of the area, the proximity of the area to the home and any measures taken by the owner to protect the area from observation.
5. An officer with an arrest warrant may search for the defendant in his or her own home provided that the warrant is valid, the officer searches the defendant's home, and probable cause exists that the defendant is home at the time of the search. The search for the defendant must be limited to places where he or she might be found.
6. Following the execution of an arrest warrant or arrest without warrant, officers may undertake a "protective sweep" of the premises where the arrest takes place without a warrant. Certain limitations must be observed:
 - a. The purpose of the protective sweep is to discover persons on the premises who might present a danger to officers.
 - b. Incident to arrest, officers may, without probable cause or reasonable suspicion, look into closets or other spaces immediately adjoining the place of arrest where threatening persons might be located.
 - c. In order to extend the protective sweep beyond closets and adjoining spaces, officers must have reasonable suspicion for fearing that persons may be on the premises who pose a threat. In such cases, the sweep is limited to examining places where a person might hide.
 - d. During a protective sweep, evidence discovered in plain view may be seized.
 - e. The sweep must cease when officers have dispelled a reasonable suspicion of danger.
7. Officers may search detainees subsequent to arrest. Officers possess the authority to make a search, which may extend to articles carried by the suspect and to the suspect's immediate surroundings. Although an arrestee who is handcuffed at the time of search cannot reasonably reach into the area being searched, the search of the area is still legally

justified. Officers conducting searches will adhere to the following guidelines:

- a. Searches incident to arrest will be executed as soon as practicable after the arrest and at or near the place of the arrest.
 - b. Officers conducting such searches are authorized to use only the degree of force reasonable and necessary at the time of arrest.
 - c. Searches incident to arrest will include the entirety of the arrestee, the areas within the arrestee's immediate control and accessories carried by the arrestee.
8. Under the South Carolina Reduction of Recidivism Act of 2010, some Probation and Parole Offenders may be searched without a search warrant or signed consent to search form provided certain guidelines are met. This act only affects those offenders placed on supervision on or after April 29, 2010. In conjunction with the statute, the warrantless searches are not authorized until the offender has agreed in writing to be subject to the search. All offenders placed on supervision on or after April 29, 2010, will sign search/seizure forms (NORAA). Effective July 1, 2010, search/seizure agreement language will be a standard condition of all supervision programs. The following steps must be completed prior to a search/seizure pursuant to this act:
- a. The law enforcement officer seeking to conduct the search must contact and verify with the SCDPPPS that the individual is actively under community supervision
 - b. The officer will call the SCDPPPS contact number **1-800-263-7191** which is available 24/7 to verify that the individual can be searched pursuant to this act. The officer will need the individual's full name and DOB, other identifiers may be needed such as SSN, address, etc.
 - c. SCDPPPS will respond with one of the following messages:
 - i. Search without cause
 - ii. Search with Reasonable Suspicion
 - iii. No Search-Exempted Offense
 - iv. No Search-Not Under Supervision
 - v. No Search-Prior to Law
 - vi. No Search-NORRA Unsigned.
 - d. For those individuals under "Probation" supervision only, the search/seizure must be based on reasonable suspicion
 - e. An officer conducting a search or seizure without a warrant pursuant to this act will report the date of search, offender name, address, DOB, gender, race, etc. to the Warrant Section of the police department prior to the end of that shift. The Warrant Section will use the SCDPPPS Offender Search Law form, and will report all searches done during the month to the SCDPPPS by the 5th of the following month. A copy of the information will be retained by the Warrant Section per normal retention policies.

H. PRISONER SEARCHES

1. Field and Transfer Searches

- a. In all instances, officers will conduct a field search of a prisoner incident to an arrest and before the prisoner is transported. In addition, any officer who is accepting responsibility for a prisoner will conduct a transfer search of the prisoner.
- b. The scope of a field and transfer search is limited to the prisoner's clothing and outer person and is conducted for the purpose of locating weapons or contraband.
- c. Searches of prisoners of the opposite sex are to be made with all possible regard for decency. Whenever possible a witness, other than the searching officer, should be present whenever a prisoner is searched by officers of the opposite sex. Searches will be conducted in view of an in-car camera, if equipped, and all involved personnel will engage their Body-Worn Cameras.

2. Contraband Concealed and/or Ingested in the Mouth

- a. Officers will not use any type of force, including the use of less-lethal equipment and techniques, to prevent a subject or prisoner from attempting to swallow or ingest any type of substance or evidence.
- b. Officers will not attempt to forcibly remove items from a subject's mouth.
- c. Officers will immediately notify EMS and a supervisor if the person is believed to have swallowed a harmful substance. A medical professional will evaluate a person who has ingested harmful substances before they are transported to jail.
- d. Officers may choose to seek a search warrant to retrieve the concealed or ingested substances for evidentiary purposes.
- e. All actions taken in response to the possible ingestion of harmful substances will be documented in a narrative supplement.

3. The searching officer at the Detention Facility shall, at a minimum, wear protective eyewear and latex or safety gloves and remain cautious of the danger of contact with needles, weapons, or sharp objects contained on the person that may be concealed in or under the clothing. The Detention Facility will implement four (4) classes of body searches:

- a. Class I – Facility Search – These searches are conducted on all inmates entering or exiting the facility. The inmate should be informed of the search and permitted to voluntarily identify contraband on their person. A Facility Search is accomplished

by a thorough but rapid passing of the palm and fingers over the area of the body covered by clothing, in order to detect contraband. An officer of the same sex as the inmate shall conduct a Facility Search of the inmate when possible.

- b. Class II – Inventory Search – An administrative action to protect and account for property located on a detained or arrested person. An inventory search is necessary to isolate dangerous items from police and jail facilities. These searches are conducted on all inmates, as part of the booking process. An Inventory Search, as distinguished from the more rapid Facility Search, is accomplished by the methodical and deliberate pressing, touching and compression of clothing against the body to detect any contraband that may be hidden on the inmate and their clothing or property. For officer safety, the inmate should be informed of the nature of the search and permitted to voluntarily identify contraband on their person. To facilitate the inventory search, the officer shall ask the inmate to remove all items from pockets and other areas. The inmate will be asked to remove any secondary outer-clothing (e.g., coats, sweaters worn over shirts or blouses, shoes, head coverings, etc.) worn over the primary clothing. The officer will thoroughly search the prisoner and remove any remaining items. The officer shall search all property brought in with the prisoner, including clothing, wallets, backpacks, purses, and other items. All items removed from the prisoner will be inventoried in JMS and stored in the property room.
- c. Class III – Strip Search - Strip searches will not be conducted of persons arrested for traffic offenses or violations of city ordinances unless the officer has an articulable, reasonable suspicion to believe that the person is concealing a weapon or contraband. Strip searches shall be conducted in accordance with these guidelines:
 - i. Officers of the same sex as the prisoner shall perform strip searches. They will be performed at the Myrtle Beach Police Department Jail in a private area outside the view of persons not physically conducting the search.
 - ii. The on-duty supervisor of the officer requesting the search must expressly authorize the strip search. The on-duty Detention Supervisor must be advised of the strip search request, the supervisor who authorized it, and reason for said search.
 - iii. When authorized, the strip search will be conducted by at least two officers but no more than the number of personnel present as necessary, in conformance with approved hygienic practices, and under circumstances

that provide privacy for all but those authorized to conduct the search.

- iv. A strip search in the field will only be conducted under exigent circumstances where the life of the officer or others is at risk and the on-duty supervisor has expressly authorized it.
 - v. All strip searches will be documented in JMS. The documentation will include who authorized the search, the probable cause, a list of personnel who were present, and an inventory of the property found.
 - vi. Should a prisoner resist a strip search and an insufficient number of same sex officers are available to restrain the prisoner, officers of the opposite sex may assist in subduing the prisoner before the prisoner is stripped.
 - vii. Only sufficient force necessary under the circumstances will be applied to complete the search.
- d. Class IV – Body Cavity Search - Body cavity searches (other than those of the mouth) will be conducted only when there is probable cause to believe the arrestee may be concealing contraband within a body cavity or otherwise about the person. Body cavity searches will only be conducted under the express direction of the Chief of Police. If approved, officers shall seek a search warrant and prepare the necessary affidavit. Body cavity searches shall be conducted without a warrant only in extreme emergencies to protect the lives of prisoners or to prevent serious breaches of security.
- i. The body cavity search may only be performed by a physician or other medically trained person as directed by a physician at a medical facility and will involve the same safeguards for privacy and hygiene as for strip searches. Myrtle Beach Police Department body cavity search procedures are as follows:
 - 1. The officer shall inform the prisoner of his/her intention to conduct a body cavity search, thus giving the prisoner the opportunity to voluntarily surrender the suspected contraband.
 - 2. The prisoner will remove every article of clothing including wigs and dentures and will give them to the officer present for inspection.
 - 3. Only sufficient force necessary under the circumstances will be applied to complete the search.
 - 4. Should the prisoner resist the cavity search and become violent, additional officers of the same sex

as the prisoner will restrain the prisoner and assist in stripping. Only sufficient force necessary under the circumstances will be applied to complete the search.

5. Should a prisoner resist a cavity search and an insufficient number of same sex officers are available to restrain the prisoner, officers of the opposite sex may assist in subduing the prisoner before the prisoner is stripped. Officers shall subdue the prisoner, apply the necessary restraints, and leave the room as soon as is practicable.

I. SEARCH WARRANTS

1. Obtaining a Search Warrant

- a. An officer requesting a search warrant must provide sufficient information from which a judge may find probable cause to believe that the objects sought are currently in the location to be searched.
- b. The search warrant affidavit should particularly describe the things for which the search is to be conducted.
- c. The search warrant affidavit should particularly describe, to the best of the officers' knowledge, what law has been violated and evidence indicating that the person or premises to be searched is involved.
- d. The search warrant affidavit should particularly describe the house or place to be searched, including address and physical description of the exterior. A photo of the location is often an invaluable aid.
- e. The affidavit should, particularly describe and name any person to be seized or searched.
- f. Prior to it being presented to any judicial official for consideration, a supervisor or detective will review all search warrants. If there is probable cause and sufficient evidence to obtain a search warrant, the supervisor will approve the request.
- g. If an officer has reasonable information that the occupants of any premises may pose imminent danger to officers executing a search warrant, the officer may request from the judicial officer a No Knock Warrant.

J. EXECUTION OF SEARCH WARRANTS

1. Section 17-13-140 South Carolina Code of Laws requires that a search warrant be executed and returned within 10 days of the date of issuance.

2. The search warrant must be directed to the law enforcement agency of the jurisdiction in which it is to be served. The search must be conducted in concert with the police personnel from that jurisdiction.
3. Search warrants are good for only one search and once control of the premises has been relinquished, then a separate search warrant is required.
4. Search warrants not executed within 10 days of issuance shall be considered void and returned to the issuing judge/clerk of courts.
5. After a supervisor or detective has reviewed and approved the request and a search warrant has been approved, a Sergeant or above must approve the service or execution of the search warrant.
6. The approving supervisor, or their designee shall act as the Search Supervisor to be in charge of the on-scene execution of the search warrant.
7. The Search Supervisor will be responsible for:
 - a. Reviewing the affidavit and search warrant for accuracy and validity.
 - b. Identifying any hazards that exist.
 - c. Determining the type and number of personnel needed.
 - d. Selecting appropriate equipment.
 - e. Assigning each officer a role to perform during the execution;
 - f. Confirming that all non-uniformed personnel are wearing raid jackets with visible police shields and all members are wearing department approved body armor.
 - g. Positively identifying the location to be searched prior to the execution of the warrant.
 - h. Reviewing a sketch of the premises to be searched. Verifying building description and the address if available. The Search Supervisor will make every effort to ensure that the correct premises and only the correct premises are being entered.
8. The Search Supervisor will designate an Entry Team Leader who has the sole responsibility of confirming and directing the Entry Team to the actual entry area. The Entry Team Leader will have the absolute authority to stop the entry at any time if there are any doubts about whether or not a correct entry is about to be made. No other duties will be assigned to the Entry Team Leader until after entry is made and the premises are secured. The Entry Team Leader's name must be documented in the Search Supervisor's action plan along with any instructions given to the leader by the Search Supervisor.

9. Determine if any support units will be needed and coordinate necessary information.
10. Identify the tenant of record for the premises if at all possible.
11. Insure that a search file is started and completed containing an incident report documenting the search, copies of photographs, search warrant, booking cards, property sheets and any other pertinent information. The file shall be submitted to the approving supervisor who approved the execution of the warrant for review and then filed in the Records Section. The incident report should include the names of officers announcing entry, what was said and the length of time elapsed from verbal demand for entry until the time entry was permitted or forcible entry had to be made and why.
12. If an officer executing a search warrant discovers that an incorrect person, vehicle, or place has been searched, explain clearly that the Police Department made an error and, if possible, why the error was made. Apologize for any inconvenience. Notify the Chief of Police through the Chain of Command; starting with the approving supervisor and secure the residence if any damage occurred during entry.
13. After the search warrant is executed, insure the warrant is returned to the court designated with a written inventory of the property seized within the required time of ten days from the date the warrant was issued and place a copy in the search file.
14. Insure that all departmental procedures are followed and that all proper reports are completed including all reports of Use of Force as outlined in Procedure 206-B.
15. Supervisors will fill out the Warrant Service Risk Assessment Matrix and correspond with their Unit Lieutenant and SWAT Commander (if appropriate).
16. Unless a judicial official has issued a No Knock Warrant or exigent circumstances exist, officers shall knock and give notice of their intent to execute a search warrant before attempting forcible entry. Officers shall wait a reasonable time before making forcible entry.
17. Only sworn officers will execute search warrants.
18. Before searching the premises or seizing evidence, an officer must read the warrant and give a copy to the person in charge of the premises. If unoccupied, a copy of the warrant must be attached to the premises in a conspicuous place.

19. Before searching the premises, any person present may be frisked if the officer reasonably suspects that the person is armed. Persons present at a search may be detained for a reasonable time while the search party is actively investigating their activity at the scene.
20. If the search fails to produce the items named in the warrant, those persons present at a search of non-public premises at the time of the officers' entry may then be searched for the property particularly described in the warrant, which may be concealed upon their person.
21. The search will be conducted as quickly, thoroughly, and with as little damage as possible.
22. Photographs will be taken of any damage.
23. The officer who swears to the affidavit will be the primary search officer, and will collect the evidence to limit the number of officers required to testify in court, unless the department's Crime Scene Unit is used to collect the evidence.
24. Every legal effort will be made to associate evidence with one of the occupants of the premises.
25. All evidence will be handled in accordance with departmental procedures as outlined in Procedure 501.
26. The primary search officer will note the location of evidence and occupants.
27. Photographs will be taken of evidence before it is moved or removed when possible.

K. FORCED ENTRY TO EXECUTE SEARCH WARRANTS

1. When the Search Supervisor anticipates forcible entry into a structure, or the use of force against the occupants, they will:
 - a. Coordinate communications and equipment.
 - b. Coordinate assistance from specialized support units.
 - c. Consider availability of medical resources.
 - d. Develop strategies for approaching; entering; securing and leaving the structure that will minimize risk of injury.
 - e. Discuss the threat potential and anticipated force with all members of the entry and search team.
 - f. When the potential for violence is imminent or significant, the Search Supervisor will review the situation with their immediate supervisor and consider the need to activate SWAT as outlined in Procedure 235.

- g. If SWAT is activated, then the SWAT Commander will be the responsible party for all actions on site while entry is being made, until the target location is secure. Once the target is secure, control will be turned over to the Search Supervisor.

L. SEARCHING PREMISES TO SERVE AN ARREST WARRANT

1. Forcible entry of private premises to serve an arrest warrant may be made under the following conditions without the issuance of a search warrant.
 - a. The officers have a valid arrest warrant for a person, and they have reasonable information that leads them to believe that the place they are entering is that person's primary residence.
2. Officers may forcibly enter a third party's premises to arrest the subject of an arrest warrant only if a search warrant has been obtained for the premises, unless exigent circumstances exist justifying an entry without a search warrant or consent has been obtained from an occupant or resident with apparent authority to consent.

M. EXIGENT CIRCUMSTANCES

1. Nothing contained in this procedure shall prevent any officer from entering any premises or taking action under exigent circumstance.
2. All officers taking action under exigent circumstances shall take full responsibility for their actions and shall submit a special report documenting their actions through their Chain of Command to their Division Commander.

N. WARRANT SERVICE RISK ASSESSMENT MATRIX

1. The Warrant Risk Assessment Matrix is designed to be a guide for officers and supervisors who are in the planning stages of a search warrant. The Matrix is based on facts to include information gained by case officer(s) intelligence and circumstances stated in the affidavit for the arrest or search warrant as well as the criminal history of the suspect(s). The Matrix will be filled out, signed, and filed with the case file on all search warrants regardless of type of search warrant.

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
CITY OF MYRTLE BEACH)

CONSENT TO SEARCH

I, _____, have been informed by police officer(s) _____ and _____, who have made proper identification as authorized law enforcement officers of the Myrtle Beach Police Department, of my constitutional rights not to have a search made of my person, the premises and property owned by me and/or in my care, custody and control without a search warrant properly issued.

Knowing my lawful right to refuse to consent to such a search, I willingly give my permission to the above-named officers to conduct a complete search of my person, the premises and property, including all buildings and vehicles, both inside and outside of the property located at the address:

_____.

The above-named officers further have my permission to take from my person and/or my premises and property any letters, papers, materials or any other property or things that they desire as evidence for criminal prosecution in the case or cases under investigation.

I give this written permission to search without a warrant to the above officers voluntarily and without any threats or promises of any kind at _____ a.m./p.m. on this _____ day of _____, 20____ at Myrtle Beach, South Carolina.

Witness:

I have received a copy of this signed Consent to Search.

_____ Date: _____



Warrant Service Risk Assessment Matrix

The Risk Assessment is based on facts to include information gained by case officer(s) intelligence and circumstances stated in the affidavit for the arrest or search warrant as well as the criminal history of the suspect(s). Check the block(s) that apply with the highest point value applicable to the suspect(s) and/or location. If multiple suspects are known to be at a location, and a category applies to more than one suspect the number will be multiplied by the number of suspects.

Points	Facts	Check	Score
0	Search Warrant for evidence of a property crime	☐	
1	Search Warrant for drugs	☐	
2	Search Warrant for evidence in crime against person	☐	
15	Search Warrant for Meth Lab/House		
2	Arrest Warrant for Property Crime	☐	
3	Arrest Warrant for crime against person	☐	
5	Arrest Warrant for drug possession/distribution	☐	
15	Drug buy/reverse where large quantities of money/drug will exchange hands	☐	
0	Subject of warrant has property crime history only	☐	
8	Does property have exterior surveillance cameras	☐	
2	Subject has history of crimes against person	☐	
3	Subject has threatened to resist arrest/search	☐	
5	Subject has history of resisting arrest/search	☐	
5	Subject has history of violent crimes	☐	
15	Subject has used firearms in previous crimes	☐	
15	Subject is in vehicle or has access to vehicle where High Risk Felony Car Stop is likely/possible	☐	
1	Warrant service will require minimal forced entry	☐	
5	Entry will require use of ram/sledgehammer	☐	
3/6	Will entry be made during Daylight or Dark?	☐	
15	Location is fortified, requires special breaching tools and/or guard dogs will be present	☐	
25	Search Warrant/Arrest Warrant for Murder Suspect(s)		
25	Firearms will be readily available to suspect(s) @ location	☐	
15	Subject known to carry firearms on person or has been arrested for unlawful carry of a firearm	☐	
25	Subject of warrant reportedly is always armed	☐	
12	Subject has history of assaults on police or resisting arrest	☐	
	Total Points		

01-14 Points- Warrant may be handled without SWAT consultation.

15-24 Points- Consultation with SWAT Commander required.

25+ Points- SWAT is required to execute the warrant.

* If subject of warrant has access to multiple weapons and/or a fully automatic weapon, SWAT must serve the warrant.

Signature/Date