CONCORD POLICE DEPARTMENT
GENERAL ORDER

SEARCH AND SEIZURE

GENERAL ORDER: 07.04	**CREATED:** August 26, 2021	**ISSUE DATE:** July 7, 2026
CALEA STANDARD: 1.2.4, 1.2.8 **NCLEA STANDARD:** 6.03		**EFFECTIVE DATE:** July 21, 2026
ACTION: Amends general order dated October 1, 2022.		**REVIEW DATE:**

07.04.0 PURPOSE

The purpose of this general order is to establish department guidelines for obtaining and executing search warrants, and for conducting operations to serve search warrants.

07.04.1 POLICY

It shall be the policy of the Concord Police Department that all officers have a sound knowledge of the legal requirements associated with conducting a search in order to support the Constitutional rights of citizens, prevent suppression of evidence, protect citizens, and maintain public confidence.

07.04.2 DEFINITIONS

A. BODY CAVITY SEARCH

The intrusive search of a person's anal, vaginal, or other internal body cavity for the purpose of detecting concealed evidence or contraband. This term shall not apply to the searches of a person's mouth, nostrils or outer ears.

B. FRISK

A limited "pat-down" protective search of a person's outer clothing and quickly accessible carried belongings. This type of search is intended to reveal the presence of a weapon and is not a full search of a person.

C. NO KNOCK - ENTRY / NO KNOCK - WARRANT

A search warrant or search warrant entry in which officers are authorized, based on articulable facts and legal authority, to enter a premises or vehicle without first announcing their identity and purpose when giving notice would endanger the life or safety of any person or otherwise meet an exception recognized by law.

D. PROBABLE CAUSE

Facts and circumstances that, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would establish a fair probability that a crime has been committed and that a particular person committed it, and/or evidence of a crime or contraband is in a particular place.

E. REASONABLE SUSPICION

Facts and circumstances that, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would cause an officer to suspect that a person has been, is, or is about to be involved in criminal activity; or a person is armed with a quickly accessible weapon and constitutes a danger to the officer.

F. SEARCH INCIDENT TO ARREST

The search of an arrestee's person and the area within the arrestee's immediate control contemporaneously to the arrest.

G. STRIP SEARCH

The removal of a person's clothing and undergarments for the purpose of searching for concealed evidence or contraband.

H. TOTALITY OF CIRCUMSTANCES

A legal doctrine used by courts to determine whether probable cause or reasonable suspicion exists by considering **all of the facts known to the officer at the time**, rather than evaluating each fact in isolation.

I. TRANSSEXUAL PERSON

One whose personal sense of their gender conflicts with their anatomical sex at birth.

J. TRANSGENDER PERSON

One whose gender identity or expression differs from the one which corresponds to the person's sex at birth.

07.04.3 PROCEDURES

A. SEARCH AND SEIZURE

The procedures for search and seizure are governed by North Carolina General Statute (NCGS) Chapter 15A.

B. CONSENT SEARCH

1. Consent is a statement to an officer giving permission to search. In all cases, consent must be voluntarily given. The person granting the consent can be any one of the following:

   a. The person being searched;

   b. The registered owner or person in apparent control of a vehicle;

   c. The person who owns the premises or is in apparent control of the premises. A person has the right to refuse to give consent to search. A person giving consent may limit the scope or duration of the search. The consent may be withdrawn at any time during

the search and the search must cease if consent is revoked unless the officer has probable cause to continue the search. Officers are not required to notify the consenting person of these rights prior to requesting consent unless the person inquires, and then the officer must answer truthfully.

Note: NCGS 15A-221 through 15A-223 covers consent searches.

C. INVESTIGATIVE STOP AND FRISK

1. An officer may stop and temporarily detain a person on reasonable suspicion that he/she has committed, is committing, or is about to commit a crime and may ask for person's name, address, and an explanation of his/her actions. The length of an investigative stop is determined by the facts and circumstances surrounding each stop. Generally, more time is allowed for more serious crimes.

2. In determining reasonable suspicion, the officer may consider the totality of circumstances such factors as the demeanor of the person, gestures, any attempt to flee, physical appearance, proximity to the scene of the crime, prior knowledge of the officer, time of day, and the location where the stop occurs. In determining reasonable suspicion, the officer must look at the totality of the circumstances in deciding whether reasonable suspicion exists.

3. Once an officer has stopped a person, the officer may frisk a person when facts can be articulated that lead the officer to reasonably suspect that the person is armed and a threat to the officer's safety. If the officer feels an object that might be a weapon, the officer may retrieve the item and secure it.

4. An officer may use a reasonable amount of force to conduct an investigative stop, as dictated by the facts and circumstances surrounding the stop. If it becomes necessary to restrain a subject with handcuffs, the officer shall advise the subject that he/she is not under arrest, but is being temporarily secured to protect the officer.

D. MOTOR VEHICLE EXCEPTION

1. A vehicle frisk is when officers interact with people in or near a vehicle, but do not make an arrest. Officers may search, without a warrant, the passenger compartment of the vehicle for weapons if they have reasonable suspicion that a person is dangerous and a weapon may be in the vehicle.

2. Officers may make a limited warrantless search of a vehicle when they need to determine ownership of the vehicle.

3. The United States Supreme Court has ruled in Carroll vs. US, that a vehicle located in a public place can be searched without a warrant if there is probable cause to believe it contains contraband or evidence. Courts have applied this vehicle exception to uphold warrantless searches of an assortment of vehicles. The vehicle exception is based on the court's conclusion that the expectation of privacy with respect to one's vehicle is lower than that regarding one's home as well as the inherent mobility of vehicles.

E. KNOCK AND TALK

1. Knock and talk searches fall under the category of consent search. Knock and talk searches are to be conducted within the guidelines and constraints of consent searches.

2. The majority of knock and talk searches are conducted at private residences. The courts have consistently ruled that citizens are entitled to a higher expectation of privacy and protection from unreasonable search and seizures. As such, only officers who have training and are familiar with the Constitutional requirements of said searches are allowed to do so.

3. A minimum of two officers shall be present when any knock and talk is conducted. A supervisor shall be briefed before the knock and talk is initiated. When officers arrive at the location of the knock and talk, communications shall be informed of the location.

4. Knock and talk searches shall be completed as thoroughly and expeditiously as possible with minimal disruption to the personal property of the individuals involved.

F. WARRANTLESS OR EMERGENCY SEARCHES

Officers may conduct a warrantless search when there is probable cause to search, and circumstances exist which denies the officer the time and opportunity to obtain a search warrant. In the event that an officer seizes any evidence during a warrantless search, the officer shall prepare a list of the items seized, following the same procedures set forth in NCGS 15A-254 for preparing an inventory pursuant to a seizure with a search warrant.

G. WARRANTLESS SEARCH OF VEHICLES

If an officer has probable cause to search a motor vehicle that is lawfully stopped in a public place, the officer may conduct a full search of the vehicle without a search warrant. The search may be conducted where the vehicle is stopped or moved to another location for searching. The scope of the search is the same as would be authorized by a search warrant, generally only limited by the size of the item being sought.

H. EXIGENT CIRCUMSTANCES SEARCHES

A search may be conducted without a search warrant if the officer has probable cause to believe evidence exists and that undue delay in obtaining a warrant would lead to destruction or removal of the evidence.

I. SEARCH WARRANTS

1. Officers shall obtain and execute a search warrant in accordance with North Carolina General Statutes and applicable constitutional requirements.

2. Prior to obtaining and execution of a search warrant, the officer in charge shall ensure that the warrant identifies the location, person, vehicle, or property to be searched and describes the items, evidence, or persons to be seized.

3. Unless otherwise authorized by law, officers shall announce their identity and purpose before entering a premises or vehicle to execute a search warrant.

J. NO KNOCK - ENTRY / NO KNOCK - WARRANT

1. No knock entries are not routine and shall only be used when legally authorized and supported by specific, articulable facts.

2. An officer requesting authority for a no knock entry shall include in the warrant application or supporting affidavit the facts supporting the request, including why announcing the officers' identity and purpose would create a danger to the life or safety of any person or otherwise meet a legally recognized exception.

3. A no knock entry shall require prior supervisor's approval before execution, unless exigent circumstances arise during the execution of the warrant that require immediate action to protect life or safety.

4. When practical, the officer in charge shall complete Form OP-1 (Operational Plan) and conduct an operational briefing prior to execution of a no knock warrant. The briefing should address the Operational Plan.

5. Officers executing a no knock warrant shall clearly identify themselves as law enforcement as soon as reasonably safe and practical after entry.

6. If circumstances change before or during execution and the reason for the no knock entry no longer exists, officers shall use a knock and announce entry unless another lawful exception applies.

7. After completion of the operational plan, form AAR – 1 (After Action Report) shall be completed.

07.04.4 SEARCHING OF PRISONERS

A. ARREST AND TRANSFER SEARCHES

1. Officers shall conduct a search of a prisoner incident to arrest and prior to being placed in a vehicle for transport.

2. Any officer who takes custody of a prisoner from another officer shall conduct a search of the prisoner at the time the prisoner is transferred to their custody.

3. The scope of searches in the field shall be limited to the prisoner's clothing and the outer person with the purpose of locating weapons or contraband.

4. Searches shall be conducted by officers of the same sex as the prisoner unless exigent circumstances are present.

B. STRIP SEARCHES AND BODY CAVITY SEARCHES

1. Strip and body cavity searches shall be conducted within the limits of legal authority, out of public view, and with due regard for human dignity. All strip searches and body cavity searches shall be authorized in advance by

a watch commander or higher authority, and must be fully documented in the associated arrest report, incident report, or investigative case report, as applicable.

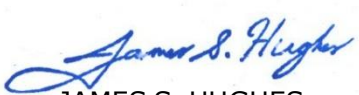
2. Strip and body cavity searches of transgender and transsexual persons may be conducted by officers of the gender requested by the arrestee. Officers shall consider all of the known circumstances, including the arrestee's gender expression and statements, to determine how to proceed with a search.

3. Strip searches may be conducted pursuant to a valid search warrant. Strip searches of both adults and juveniles may also be conducted without a warrant in circumstances involving high levels of probable cause to believe that weapons and/or critical evidence of serious crimes are present and that the only means reasonably available to remove the threat of access by the prisoner is to conduct such a search. In all cases, officers shall make every reasonable effort to ensure the privacy of the prisoner. Officers of the opposite sex shall not be allowed to witness or participate in the strip search.

4. Body cavity searches are prohibited except when conducted by qualified medical personnel pursuant to a valid search warrant. Since body cavity searches require special hygienic procedures, these searches shall be conducted by qualified medical personnel in a hospital or other appropriate medical setting. In all cases, officers shall coordinate with the medical staff to ensure the security and preserve the privacy of the prisoner during the search. Officers of the opposite sex shall not be allowed to witness or participate in the body cavity search.

07.04.5 SEIZED PROPERTY

Upon seizing items pursuant to a search warrant, an officer shall complete and sign an inventory of seized property as required by NCGS 15A-257. The inventory shall include a listing of the items taken and the name of the court by which the warrant was issued. If the items were taken from a person, the inventory shall be given to that person. If items were taken from a place or vehicle, the inventory shall be given to the owner or person in apparent control of the premises or vehicle of the person is present; if the person is not present, the officer shall leave the receipt in the premises or vehicle from which the items were taken. All seized property shall be stored in compliance with General Order 07.05 – Evidence and Property Control.



JAMES S. HUGHES
CHIEF OF POLICE