

DEPARTMENTAL GENERAL ORDER 24-053

ST. LOUIS COUNTY POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE

December 18, 2024

Index as:

Body Cavity Search
Documenting Warrantless Searches
Execution of Search Warrants
Prisoner Searches
Search and Seizure Procedures
Searches, Prisoner
Search Warrant
Strip Search
Warrantless Search

Cancels:

General Order 17-053
Special Order 19-388

SEARCH AND SEIZURE PROCEDURES

I. PURPOSE

The Fourth Amendment to the U.S. Constitution protects the right of people to be free from unreasonable searches and seizures. Therefore, officers must obtain a warrant based on probable cause prior to making any search or seizure, with a few exceptions. The purpose of this Order is to outline the Department procedures for officers conducting searches and seizures with or without the authority of a warrant.

This Order will also establish procedures for the strip and body cavity searches of **individuals** arrested for either felony or misdemeanor charges following guidelines set forth by RSMo. **sections** 544.193, 544.195, and 544.197.

For additional information regarding search and seizure with or without the authority of a warrant, officers should consult the LAW OFFICER'S POCKET MANUAL.

II. DEFINITIONS

A. **Abandoned/Abandonment** – An item may be considered abandoned when it is reasonable to believe that the owner has left the item with no intention of or ability to reclaim it. Abandoned items include, but are not limited to:

1. Items left in public for an extended period of time;
2. Items dropped or thrown away in the view of the officer;
3. Items believed by the officer to belong to a suspect that the suspect maintains are not his/hers;
4. Vehicles where the occupants "bail out" upon the approach of an officer.

B. **Curtilage** - The area around the home to which the activity of home life extends.

1. Courts use four factors to determine whether an area is within the curtilage:
 - a. **The proximity of the area claimed to be curtilage to the home;**
 - b. **Whether the area is included within an enclosure surrounding the home;**
 - c. The nature of the uses to which the area is put;

Departmental General Order 24-053, "Search and Seizure Procedures"

- d. **The steps taken by the resident to protect the area from observation by people passing by.**
2. Generally, the whole front and backyard of an urban or suburban residence is considered curtilage. The factors above are used when there are larger areas of private property that do not seem to serve the function of a "yard," such as in more rural settings and when dealing with larger estates.
3. Officers must consider whether the area they wish to search or seize from is within curtilage when investigating crimes on property near homes. A warrant is usually required to search or make a seizure from within curtilage. A warrantless intrusion onto curtilage is only permissible if the resident gives consent, **or the officer is conducting a search incident to a lawful arrest**, or exigent (emergency) circumstances exist, **unconnected with a search directed against the accused**, such as:
 - a. The officer reasonably believes that evidence in the protected area may be destroyed if **they** do not enter to prevent it;
 - b. Officers are in continuous ("hot") pursuit of a suspect and officers reasonably believe the suspect has entered the area to be searched;
 - c. When there is an immediate need to enter in order to protect or preserve life;
 - d. When officers are already legally in a part of a protected area and a protective sweep of other parts of the premises is justified by a reasonable suspicion that there is a threat to their safety.
- C. **Employee – All commissioned and professional staff members, chaplains, and any other individual operationally attached to the Department, to include contractors and task force members. This definition is solely used for convenience of reading this policy and is not meant to establish an employment relationship with any individual(s) where such a relationship does not otherwise exist.**
- D. **Inventory** - A limited search of a seized vehicle or a seized subject's personal property conducted to identify and document items of value they contain. Inventories must be justified by Department policy and must be done every time required. There is no officer discretion.
- E. **Officer – A generic term for a commissioned officer of the Department of any rank, to include Task Force Officers and intermittent commissioned employees.**
- F. **Open field** - That area that lies outside curtilage and any area within the curtilage that is implicitly open to the public, such as driveways, **open front porches**, and sidewalks.
 1. If there is no residence on the property, then the property will be considered an open field.
 2. Trash that is left at the curb for collection is not protected by being on curtilage.
 3. The property surrounding a business is not curtilage. However, if the business takes affirmative steps to bar the public from those premises it should not be considered an open field.
 4. There is no expectation of privacy for open fields that are public property, and therefore no need of a warrant to conduct a search.

Departmental General Order 24-053, "Search and Seizure Procedures"

5. **Street level observation into a residence or business through an unobstructed window by an officer who has the right to be there, where they equate to an open field observation, but an officer's use of a drug-sniffing dog at the front door of a residence without a warrant is prohibited.**
- G. Protected Area – Any area that is protected by the Fourth Amendment restrictions on searches and seizures, such as a residence (house or apartment), **the contents of a personal computer or cellular telephone**, and private areas of a business.
- H. Search - The examination of an **individual** or area in order to discover evidence, contraband or weapons. A search may be a systematic combing of a premise or something as simple as the turning over of a piece of stereo equipment to check the serial number. **It can also consist of the acquisition of automatically created digital records (such as cell-site location information) from a third party when those records reveal the whole of a person's location over an extended period of time (seven days or more).**
 1. Strip Search - The removal or rearrangement of some or all of the clothing of an **individual** so as to permit an inspection of the genitals, buttocks, anus, breasts or undergarments of such **individual**, including but not limited to inspections conducted visually, manually or by means of any physical instrument.
 2. Body Cavity Search - The inspection of an **individual's** anus or genitalia, **including but not limited to inspections** conducted **visually**, manually or by means of any physical instrument.
- I. Seizure - The act of taking **or attempting to take** possession of a person or property **through the application of even slight force with the intent to restrain or exercise control over the person or property.**

III. GENERAL

- A. A judge of the Circuit Court of St. Louis County **or a Missouri appellate judge** has the authority to issue a warrant for searches or seizures that involve violations of State law **in St. Louis County.**
- B. A judge of the St. Louis County Municipal Court has the authority to issue warrants for:
 1. Searches or inspections to determine the existence of violations of any St. Louis County ordinance whose violation is punishable by fine or jail or both;
 2. Seizure of items of personal property, materials or substances that constitute evidence of violation of any St. Louis County ordinance; and
 3. Entry onto private property in St. Louis County for the purpose of abating a public nuisance pursuant to any St. Louis County ordinance, including but not limited to the provisions of Chapters 1120 and 1216 SLCRO 1974 as amended.

IV. PROCEDURE FOR CIRCUIT COURT WARRANTS

- A. During normal business hours, a case officer, if not assigned to the Division of Criminal Investigation, needing a search warrant will contact **a detective in the Division** of the Bureau of Drug Enforcement, Bureau of Crimes Against Persons, Bureau of Crimes Against Property or **the Criminal Intelligence Unit** for the information and technical assistance needed to obtain the warrant and ensure the following:
 1. That the information comes from a proven, reliable source (the **individual** should have provided reliable information in the past) and the case officer corroborated the information to the extent possible.

Departmental General Order 24-053, "Search and Seizure Procedures"

2. That the information is fresh, preferably obtained within the last 24 hours.
 3. That there is a clear and accurate description of the item(s) or **individual(s)**, which are being sought as evidence (to include serial numbers and/or other unique, identifiable markings), and an accurate location where the item(s) **or individual(s)** are stored, hidden **or located**.
 - a. The location should include the precise address, type of building and its construction, number of rooms and how the building is situated (example: a single-family residence of brick and frame construction, sitting on the south side of Oak Street, facing north and known and numbered as 404 Oak Street, same consisting of six rooms with a full basement and single car attached garage, yellow in color, with a red brick front).
 - b. A location within the residence where items are being kept can be more general (example; northeast bedroom, closet area).
 4. The item(s) or **individual(s)** being searched for must have been personally observed on the premises by the informant or other **individual** giving information **and** must show compelling reason why **they are** certain that the item(s) or **individual(s)** are there.
- B. During non-business hours, the case officer will contact a supervisor of: the Bureau of Drug Enforcement, Bureau of Crimes Against Persons, or Bureau of Crimes Against Property. A determination will then be made as to whether it is imperative that the warrant be obtained at that time or **if waiting** until normal business hours **or waiting until it is more** tactically advantageous. If it is determined that the warrant must be obtained and executed with expediency, a Supervisor of: the Bureau of Drug Enforcement, Bureau of Crimes Against Persons, or Bureau of Crimes Against Property, will notify a Supervisor of the Tactical Operations Unit and also ensure that a member of the Bureau of Drug Enforcement, Bureau of Crimes Against Persons, or Bureau of Crimes Against Property, contacts the case officer to facilitate processing of the affidavits, obtaining of the search warrant, and completion of Operations Plan.
- C. Upon being notified by the Bureau of Drug Enforcement, Bureau of Crimes Against Persons, or Bureau of Crimes Against Property, that a search warrant is being prepared, a Supervisor of the Tactical Operations Unit or a designee will ensure that notification is made to the Bureau of Criminal Identification to coordinate assistance in the processing of the search warrant scene and the seizing of evidence. Notification should also be made to the watch supervisor, Bureau of Communications, **before** execution of the search warrant.
- D. **For those search warrants that are not for a premise (i.e., DNA, blood, vehicle, container, computers, etc.), a notification to the Bureau of Tactical Support will not be necessary. However, extenuating circumstances, as noted in the section below regarding County Municipal Court Warrants, shall be considered in the decision for tactical support when carrying out all search warrants.**
- E. **Upon receipt of a completed Tactical Operations Unit Search Warrant Operations Plan and issued search warrant, the Tactical Operations Unit will be responsible for the execution of the warrant, securing of the premises, and documenting search warrant events. The Tactical Operations Unit will assist with a systematic search of the premises or area described in the warrant, if requested by the case officer/detective.**
- F. **The Bureau of Criminal Identification will be responsible for photographing and seizing evidence at the scene as located by the Tactical Operations search team, or case officer/detective.**

Departmental General Order 24-053, "Search and Seizure Procedures"

- G. If the search is to be conducted in a municipality, the Tactical Operations Unit will advise the local jurisdiction **of** the search.
- H. On any warrant, the precinct watch commander nearest the location of the warrant may be asked to **assist** in conducting vehicle stops or outer perimeter control.
- I. The case officer/detective and one additional detective approved by the commander of the bureau or unit affected, **may** assist the Tactical Operations Unit in the execution of the search warrant, primarily to observe and document the search for purposes of returning the warrant to the court. The case officer and the Tactical Operations Unit should share all information that could affect the results of the search.
- J. **While the Division of the Bureau of Drug Enforcement, Bureau of Crimes Against Persons, Bureau of Crimes Against Property, the Criminal Intelligence Unit or the Bureau of Drug Enforcement will be used in the acquisition and execution of the search warrant, the primary responsibility for the complete investigation and returning the search warrant to the Prosecuting Attorney's Office on the next workday remains with the case officer/detective.**
- K. Absent emergency circumstances, or consent, a search warrant shall be obtained prior to entering the residence of a third party to effect the arrest of the **individual** against whom a felony warrant has been issued. The Circuit Court cannot issue a search warrant for a third-party premise when the **individual** to be seized is wanted for a misdemeanor.
- L. **For search warrants requesting real-time data and/or geolocation tracking of electronic devices or integrated vehicle data (phones, connected vehicles, IP pen register/trap and trace, GPS, infotainment/telematics modules), the case officer/detective will contact the Criminal Intelligence Unit for assistance in the preparation and execution of the search warrant.**
- M. **While the above units will be utilized in the acquisition and execution of the search warrant, the primary responsibility for the complete investigation and returning the search warrant to the Prosecuting Attorney's Office on the next workday remains with the case officer/detective.**

V. COUNTY MUNICIPAL COURT WARRANTS

- A. Officers needing a County Municipal Court warrant should contact **the Community Outreach Unit** for assistance in the preparation and presentation of the affidavits necessary for warrant application. Due to the non-emergency nature of County Municipal Court warrants, affidavits and applications will only be processed during normal business hours. **Due to the part-time nature of municipal court judges, officers should schedule a date and time to return to court to have the judge sign the return when they are in front of the judge to present the search warrant.**
- B. **Upon issuance of the warrant, the case officer of their immediate supervisor shall contact the Tactical Operations Unit as soon as possible, but in no case should notification of the Tactical Unit take more than 24 hours advising of the issuance of the subpoena. The execution of County Municipal Court warrants shall be conducted by the Tactical Operations Unit. However, if a detective with the Division of Criminal Investigations obtains a search warrant on a structure other than a dwelling (e.g. shed, overhang, safe, automobile, or garage) they may make contact by phone or radio to a supervisor from the Tactical Operations Unit and request permission to execute the search warrant themselves. The supervisor will contact the Commander, Bureau of Tactical Support, or designee, and request permission for the unit to execute the warrant without the use of the Tactical Operations Unit. The supervisor will then notify the detective with the Division of Criminal Investigations whether permission to execute the warrant was granted or denied.**

Departmental General Order 24-053, "Search and Seizure Procedures"

- C. After execution of the warrant, the case officer/detective will be responsible for returning the warrant to the judge who issued it. The returned warrant shall show the date and manner of execution, what was seized or abated and the name of the possessor and of the owner of the property or places searched, seized or abated, when **they are** not the same **individual**, if known.

VI. WARRANTLESS SEARCHES

- A. Examples of when a search warrant is not needed are:

1. A valid custodial arrest, **when the area to be searched consists of the arrestee, containers then in their possession, and the area then within their leaping or lunging distance**;
2. The need to seize evidence or contraband in plain view;
3. Probable cause that there is evidence or contraband in a mobile vehicle;
4. The need to inventory a seized vehicle before it is towed;
5. Some strip and body cavity searches as described in Section VIII;
6. Exigent/Emergency conditions as described in Section II.B.3;
7. Voluntary consent obtained from a party with the right to allow access;
8. Reasonable suspicion that a subject is armed and should be frisked;
9. Probable cause **to believe** that an item has been abandoned and that the owner no longer claims rights of ownership;
10. The area to be searched is an open field or public place with no expectation of privacy;
11. **Non-persistent** aerial surveillance.

- B. Police officers must be able to show that their search was based on probable cause or their protective frisk was based on reasonable suspicion and both were conducted in accordance with the U.S. Constitution.

C. Reporting Procedures

1. The facts and circumstances to support reasonable suspicion or probable cause for a warrantless search must be properly documented. Such information shall be stated in the narrative section of the police report, including the arrest notification summons. Emphasis shall be given to all details surrounding the circumstances preceding the search. Details would include any observations by the officers, statements, physical evidence, or any additional information that the officer used to develop reasonable suspicion or probable cause to conduct the search. The police report shall include a description of the area searched, as well as the results of the search.

Note: When the search is in conjunction with an arrest and the Arrest Report (F-287R) is the only form of documentation, the justification for the search shall be noted in the Remarks Section (i.e., incident to arrest, plain view, emergency, etc.).

2. If a Consent to Search form is **used**, the officer shall properly complete the Consent to Search form (F-176). This form shall be packaged as evidence.

Departmental General Order 24-053, "Search and Seizure Procedures"

3. In the event that an owner/suspect gives consent to search a residence or business, no more than two officers will conduct the search unless approved by a supervisor. The supervisor must assess the risk of this search to evaluate **if there is a need** to call the Bureau of Tactical Support for assistance.

VII. EXECUTION OF SEARCH WARRANTS FOR OTHER AGENCIES

- A. **Before executing any warrants for any other agency, the Tactical Operations Unit supervisor will verify the validity and accuracy of the warrant.**
- B. The Tactical Operations Unit will be solely responsible for the execution of the warrant, to include planning and carrying out the entry, clearing of the premises and securing it in order that the area to be searched is rendered safe. To facilitate that process, a case detective from the originating agency **shall contact a supervisor with the Tactical Operations Unit to serve the warrant.**
- C. The Tactical Operations Unit has complete control of the scene until the building is cleared, including use of deadly force situations. Tactical Operations will have control over all personnel while the warrant is being executed.
- D. Once determined by the Tactical Operations Unit to be safe, the scene will be photographed by Tactical Operations to illustrate any damage done and to document the condition of the premise prior to the search. The photographs will be maintained in the Tactical Operations Unit's search warrant file for one year. Tactical Operations will then turn the scene over to the municipal department requesting assistance.

VIII. STRIP AND BODY CAVITY SEARCHES

A. General

1. **The Department recognizes the intrusiveness of strip and body cavity searches on individual privacy. Such searches shall be conducted with due recognition and deference for the human dignity of those being searched and only with proper authority and justification in accordance with Department policy.**
2. **A search or frisk should not be conducted for the sole purpose of viewing the person's anatomy or genitalia, assigning gender, or for any demeaning or harassing purpose.**
3. **Less-intrusive means, such as pat-downs, metal detectors, imaging, (where available), and clothing searches shall be performed before a request to perform the strip or body cavity search is made.**
4. Before a request to perform a strip or body cavity search, the officer shall explain to the individual why they are being strip or body cavity searched and give the individual the opportunity to voluntarily produce the suspected item(s). The individual shall be allowed to voluntarily produce the item only if the officer and supervisor believe the item can be produced without compromising the safety of the officer or individual and without risking destruction of evidence.

Note: Individuals arrested for crimes of violence and/or narcotics may have a higher probability of being subject to a strip search if the arresting officer has reasonable articulable suspicion or probable cause to believe the individual is concealing contraband, evidence of the commission of a crime, or a weapon(s).

Departmental General Order 24-053, "Search and Seizure Procedures"

5. An officer **needing** to conduct a strip or body cavity search shall submit the request for such a search in writing to the Precinct/Bureau/Watch Commander, **using** the Prisoner Search Form F-299 attached **to this Order**. Form F-299 shall be properly **completed** and signed by the commander **before** conducting the search and signed by the person conducting the search.
6. The individual under arrest shall be under constant visual surveillance by an employee until the strip or body cavity search is conducted.

B. Body Cavity Search

1. **A body cavity search may be conducted on any individual arrested for a felony crime, without a search warrant, if the officer has probable cause to believe the individual is concealing a weapon or evidence of the commission of a crime or contraband on or in their person.**
2. A body cavity search of any person detained or arrested for a traffic offense or an offense which does not constitute a felony, may only be conducted pursuant to a duly executed search warrant.

Search warrants for non-felony body cavity searches may be obtained through the Prosecuting Attorney's Office when there is sufficient probable cause to issue a warrant.

3. Body cavity searches shall **only** be conducted by a physician or a registered/practical nurse at a medical facility **that** is currently authorized to perform "fit for confinements" and which is nearest to the precinct station, or at a sanitary location of the Department of Justice Services.
4. **Following a body cavity search the officer shall submit a CARE report relating to the incident detailing at a minimum, the following:**
 - a. **Date, time, duration, and location of the search; and**
 - b. **The name and gender of the licensed medical professional conducting the search; and**
 - c. **The name and gender on the individual's government issued identification who was searched. If the individual identifies as a gender different than what is listed on the individual's government issued identification, the officer shall note that gender and different name if appropriate; and**
 - d. **The name and gender of the witness(es) present during the search; and**
 - e. **The name of the facility where the search was conducted; and**
 - f. **Reference to the search warrant, if applicable; and**
 - g. **Documentation of the item(s) seized as a result of the search and the location on or in the body where the item(s) were found.**

C. Strip Searches

1. No **individual** arrested or detained for a traffic offense or an offense which does not constitute a felony, may be subject to a strip search unless there is probable cause

Departmental General Order 24-053, "Search and Seizure Procedures"

to believe that the **individual** is concealing a weapon, evidence of **the commission of a crime**, or contraband.

2. If the individual receiving the strip search is in need of medical attention:

Strip searches shall only be conducted by a physician or a registered/practical nurse at a medical facility that is currently authorized to perform "fit for confinements" and which is nearest to the precinct station, or at the Department of Justice Services.

3. If exigent circumstances exist in which the detective or officer has a reasonable belief that there exists an immediate threat to the safety of the officer, the individual to be searched, or another member of the public, a strip search may be conducted without guidance from the Prosecuting Attorney.

4. If the individual receiving the strip search is not in need of medical attention and exigent circumstances do not exist:

a. The detective/officer requesting the strip search shall contact the Prosecuting Attorney for further guidance if a search warrant needs to be obtained.

b. Pending guidance from the Prosecuting Attorney, the Prosecuting Attorney may permit the detective/officer to perform the strip search at a St. Louis County Police facility based on the totality of the circumstances. Such circumstances include, but are not limited to: the photography of a piercing/tattoo in a place otherwise covered by clothing, etc.

c. The detective/officer shall collect the name of the Prosecuting Attorney and their conclusion. This information is to be documented in the CARE report.

5. Following a strip search, the officer requesting the search shall submit a CARE report relating to the incident detailing at a minimum the following:

a. Date, time, duration, and location of the search; and

b. The name, title and gender of the individual conducting the search; whether it be a licensed medical professional, employee at the Department of Justice Services, officer/detective, Crime Scene Detective, or DCI Supervisor.

c. The name and gender on the individual's government issued identification who was searched. If the individual identifies as a gender different than what is listed on the individual's government issued identification, the officer shall note that gender and different name if appropriate;

d. The name and gender of the witness(es) present during the search; and

e. A detailed description of the nature and extent of the search; and

f. List of item(s) seized as a result of the search and the location where the item(s) was found.

Departmental General Order 24-053, "Search and Seizure Procedures"

D. Juveniles

If the arresting officer reasonably believes a strip or body cavity search is needed for a juvenile arrestee, the officer shall transport the juvenile to Family Court. The officer shall consult with the Family Court to determine if probable cause exists in accordance with their procedures and current state law.

Attachments:

[Consent to Search Form \(F-176A\)](#)

[Consent to Search Form-Spanish \(F-176S\)](#)

[Prisoner Search Form \(F-299\)](#)

[Tactical Operations Unit Search Warrant Operations Plan](#)

Adopted by Command Staff

By order of:

COLONEL KENNETH GREGORY
Chief of Police

KG:rs

Approved at the regular meeting of the Board of Police Commissioners dated December 18, 2024

COMMISSIONER
Chair

COMMISSIONER
Chair

Distribution

All Department Personnel

CALEA Reference

1.2.4; 1.2.8; 46.2.1; 84.1.1