

South Carolina Department of Probation, Parole and Pardon Services

LAW ENFORCEMENT ADVISORY

RE: The South Carolina Reduction of Recidivism Act 2010 (S.191 Search Law)

Effective 8:00 AM, July 1, 2010, the South Carolina Department of Probation, Parole and Pardon Services will begin responding to inquiries from Law Enforcement regarding the search status of offenders under supervision in the community. The following procedures have been established to support the requirements of the Act.

Affected Population

- (1) The Act affects only those offenders placed on supervision on or after April 29, 2010.
- (2) In accordance with the statute, 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 agreement forms (NORRA). Effective July 1, 2010, search/seizure agreement language will be a standard condition of all supervision programs.

Search Inquiry Protocols

- (1) Immediately prior to any such search/seizure pursuant to this Act, the law enforcement officer seeking to conduct the search must verify with SCDPPPS, or other means available to the officer, that the individual is actively under community supervision (parole, probation, etc.). Inquiry protocols are as follows:
 - SCDPPPS Inquiry contact number **1-800-263-7191**. Search inquiries may be made 24 / 7 and should be made to the contact number provided.
 - The requesting agency shall provide the subject's full name and DOB. Additional identifiers may be requested by SCDPPPS if further confirmation is needed (e.g. SSN, address, etc.).
 - SCDPPPS will respond to inquiries with one of the following messages:
 - Search Without Cause
 - Search with Reasonable Suspicion
 - No Search-Exempted Offense
 - No Search-Not Under Supervision
 - No Search-Prior to Law
 - No Search-NORRA Unsigned
 - NOTE: Section 9 of the Act establishes unique requirements for offenders under "Probation" supervision only. For this population the search / seizure must be based on "reasonable suspicion".

Search Reporting Requirements

Per statute, a Law Enforcement Officer conducting a search or seizure without a warrant pursuant to this Act must report to his agency each search or seizure, which shall include date of search, offender name, address, DOB, gender, race, etc. The Law Enforcement Agency shall use the attached SCDPPPS Offender Search Law form to submit this information at the end of each month to the SCDPPPS.

Attached is the **SCDPPPS Offender Search Law Report** form. Law Enforcement agencies shall submit this information on a monthly basis to the email address listed on the form. Questions regarding the report may also be submitted to the email address.

WARRANTLESS SEARCH TRAINING & PLANNING

All of the following variables need to be considered when developing a plan to execute warrantless searches. Planning the warrantless search is critical to the safety of the agents/law enforcement participating.

LEGAL REQUIREMENTS

- Warrantless search authorized (Check OMS)
- For Probationers Only (Reasonable Suspicion)

LOCATION

- Consider the security of the search area
- Probation Office (Best for personal search)
- Offenders Residence (Not most secure location)
- Other (In the street, parking lot...)

OFFENDER

- Secure offender prior to search
- Conduct systematic search of offender and possessions

VEHICLE

- Offender must own vehicle or be the driver
- Secure keys and driver and other occupants prior to search of vehicle

- Ensure vehicle removed from traffic in safe area
- Conduct systematic search of vehicle from front to back, trunk last

INTELLIGENCE INFORMATION

- Offender Identified and eligible for warrantless search
- Prior record and prior demeanor with Agent to include:
 - drugs
 - weapons
 - violence, etc.
- Number of potential adversaries

OTHER CONSIDERATIONS

- Adequate number of Agents/Law Enforcement Officers present
- Ability to secure evidence, contraband and weapons
- Tag evidence, contraband and weapons per Policy 139
- Availability of Law Enforcement to make appropriate criminal charges
- Document search in Scheduler
- The positioning of the search team to secure the search area
- Record the location where the evidence, contraband and weapons are seized and describe the items seized
- Contingency planning