WEST NORRITON TOWNSHIP POLICE DEPARTMENT

Subject: Searches and Seizures With and Without a Warrant		Policy # 1.2.3
Accreditation 1.2.3		
Effective Date: June 10, 2008	Revised Date: April 9, 2024	
By Authority Of: Chief Michael A. Kelly	Signature: Michael A. Kelly	

1.2.3 WARRANTLESS SEARCHES AND SEIZURES

A. When an officer is in a situation where he believes that there may be evidence of a crime concealed from the officer's plain view the officer may request that the property owner or person in control of the property consent to a search of their property. If this request is made and the owner grants the request the investigating officer shall fill out and have the owner sign a "Consent to Search" form before making the search. The investigating officer shall fill out the form fully and answer any questions that the property owner may have.

B. Crime Scene Exception

1. Immediate and warrantless search of the premises for may be conducted for

   a. Victims who may be in need of medical help
   b. Other victims who may be in danger
   c. The perpetrator
   d. Persons who may launch an attack against police
   e. Evidence in plain view would be seizable

2. Further search may require a search warrant

C. The United States Supreme Court, in Terry vs Ohio, has ruled that a police officer has the right to conduct a "pat down" search of an individual if the officer has reason to believe that the person may be armed and dangerous and there may be criminal activity afoot. Based on this Supreme Court Ruling and others, officers of West Norriton Township Police Department may stop a person and conduct a "pat down" search of the person if they have an articulable reason to believe that the person is armed and that there may be criminal activity afoot. This search is to be done for the officer's safety. A "pat down" search is defined as running the officer's hands over the person's body on the outside of the persons clothing for the sole purpose of discovering any hidden weapons on the person's body. The officer may not go inside the person's pockets or clothing unless they can feel something that feels as though it may be used as a weapon. If something is found then the officer may go into that area of the persons clothing to determine what the article is and if it is a weapon or threat.

D. Warrantless Vehicle Searches – Current Pennsylvania Supreme Court rulings have held that officers must obtain a search warrant for a suspect's vehicle unless;

1. Probable cause exists that the car contains evidence of criminal activity, **AND**

2. Unless the police search or impound the vehicle, occupants of the vehicle are likely to drive away and the contents of the car may never again be located by the police, **AND**

3. Exigent Circumstances exist.

4. Whenever a vehicle search is completed with the consent of the owner/operator the following documents shall be completed;

   a. A Consent to Search Form
   b. An Incident Report

5. Without a search warrant, exigent circumstances, or a consent search, vehicle searches shall be limited to plain view searches. A plain view search is, technically, not a search. To make a plain view seizure of property (contraband, fruits or instrumentalities of a crime) two requirements must be met:

   a. The seizure must take place where the officer has legally observed the property; and
   b. It must be immediately apparent to the officer that the items he/she observes may be evidence of a crime, contraband, or otherwise subject to seizure.
   c. The officer may not move items, look inside or underneath or behind them to find any contraband. If such movement is necessary, officers shall obtain a search warrant or consent to search from the owner/operator.

E. Officers are permitted to enter, with force if necessary, premises without a warrant under exigent circumstances in order to conduct protective searches when they have reasonable grounds to believe that a person within is in immediate need of assistance or a perpetrator is present. If in the course of such a search, evidence is discovered in plain view, it may be seized without a warrant or noted for later removal. Any searches beyond these require a search warrant.

F. Where articulable exigent circumstances exist at a scene, officers may enter and search an area without a warrant if the officers believe that there is a danger to the public or a person.

G. Any vehicle towed and impounded at the direction of a West Norriton Township Police Officer from public or private property, within or outside of the Township is to be Inventory Searched for valuables. Whenever a vehicle is taken into custody for the purpose of storage or safekeeping until the owner is identified, located, or released from custody, it is to be searched. Custody of the vehicle must be lawful and necessary.

Items of personal property that are of greater than ordinary value and items of a potentially dangerous nature will be removed from the vehicle and secured pending transmittal to the property room for safekeeping and return to the owner.

A locked vehicle may be opened with the use of a door opening device provided that there is no apparent danger of damaging the lock or the vehicle in attempting to open the doors. Locked trunks are not to be forced open but may be Inventory Searched if a key is available. An exception to physically forcing a door or a trunk open may be when it is known or exigent circumstances exist to believe that valuables are being stored in these areas.

Articles of personal luggage which are closed but UNLOCKED must be Inventory Searched for valuables and removed from the vehicle and taken to Police Headquarters. They are to be turned over to the West Norriton Township Police Department Property/Evidence personnel for the purpose of safekeeping and storage.

Vehicles are not to be unnecessarily searched, that is to say, seats removed, headliners ripped open or the vehicle damaged to any extent unless it is known or exigent circumstances exist to believe valuables are being stored in these areas. Containers may be examined during an Inventory Search of the vehicle or its trunk. Containers that are sealed should not be opened unless it is known or exigent circumstances exist to believe that valuables are being stored in them. Items of contraband and/or potential evidentiary value are to be removed from the vehicle and secured if found while conducting the Inventory Search. They are to be taken to the West Norriton Township Police Department Property/Evidence custodian for safekeeping and storage.

The items taken from a motor vehicle are to be listed on West Norriton Township Police Department Property Record form. The items seized for safekeeping should be taken West Norriton Township Police Department Property/Evidence personnel for safekeeping and storage.

Items found in the vehicle that are not contraband or needed as evidence shall be listed on the Auto Inventory and Tow Log. These items may be listed by the number of items, such as 5 CDs, 2 jackets, etc., as opposed to listing each individual item.

The Inventory Search Procedure should be conducted immediately before the vehicle is towed. If this is impractical, the search can be conducted at a later time but as soon as possible. This should be noted in the Incident Report as to the reason for the delay if any. All items of known or suspected value are to be taken and placed in protective custody by the officer conducting the search. All seized items are to be inventoried and listed on the property record. All seized items are then to be taken to the West Norriton Township Police Department Property/Evidence room and turned over to the proper personnel. Once received by the Property/Evidence personnel a copy shall be made of the property record and placed inside of the vehicle searched.

H. Other situations in which warrantless searches and seizures of persons and/or property may be justified include, but are not limited to:

1. Plain view

2. Abandonment

3. Open Fields

4. Articulable exigent circumstances

I. Search warrants

1. For searches of occupied structures via a search warrant, officers will knock and announce their presence and say " police - search warrant" and similar verbiage. Officers will continue to knock and announce until let into the structure or thirty seconds have passed. Officers may then make entry to the structure, using force to do so if needed.

2. Officers may make entry after the initial knock and announce and prior to the end of thirty seconds if evidence of flight, attack on police or others, imminent hazard, or destruction of contraband is seen or heard.

3. "No knock" search warrants are permitted only if approved by the Montgomery County District Attorney's Office and the issuing authority for situations where knocking and announcing would present an immediate threat to police.

4. Search warrants and the manner in which they were served will be documented.