



A T T O R N E Y S

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Jail Inmate Property Searches Without Search Warrants

By **Tara G. Harper**
Ralph B. Strickland, Jr.

Ralph Asks Tara Two Questions

(1) Can a law enforcement officer search the personal property of a jail or detention facility inmate, and (2) do so without the benefit of a search warrant?

Tara Answers Ralph Twice

Yes. Yes.

Ralph Follows with Question 3

Where is the answer found?

Tara Answers Question 3

The answer to Question 3 is found, among other cases as well, in *State v. Steen*, 352 NC 227, 536 S.E.2d 1 (2000).

Ralph Posits Still Another Question

What were the facts of that case?

Tara Posits Still Another Answer

There, the defendant was arrested for possession of drug paraphernalia and stolen credit cards, and taken to jail on February 29, 1996. His clothing was taken from him and he was issued the special orange jumpsuit so well known among felons throughout the State of North Carolina.

Further Facts From Tara

On March 6, 1996, an officer who was investigating defendant for a murder went to the jail and, without a search warrant, obtained defendant's clothing and had them analyzed for blood and glass particles.

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Ralph's Final Question

How did the North Carolina Supreme Court rule when the murder case was appealed to that Court?

Tara's Final Answer

Our North Carolina Supreme Court ruled, based on a United States Supreme Court decision, *US v. Edwards*, 415 US 800, 94 S.Ct. 1234, 39 L. Ed.2d 771 (1974), that the warrantless search and seizure of defendant's clothes (and the analysis thereof) did not violate the Fourth Amendment. The defendant was in custody pursuant to a valid arrest, and his clothing had already been administratively taken from his possession.

Greg Provides One More Very Cool Thing You and Kevin Should Know

The defendant, Steen, was released from custody on March 14, 1996. He was then arrested on March 16, 1996 for the murder based on the analysis of the clothes seized while he was originally in custody. During this arrest a law enforcement officer seized, without a warrant, hair and saliva samples from Steen. The NC Supreme Court then ruled that neither a court order nor a search warrant was necessary to take those samples.

The Court relied on *State v. Thomas*, 329 N.C. 423, 407 S.E.2d 141 (1991).

See Who?

See Bob Farb, and especially his book, *Arrest Search and Investigation in North Carolina*, Third Edition, 2003, School of Government, University of North Carolina, page 361. Bob says the same things as we do, but then Reece always appreciated repetition from another Harvard alumnus.

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