

**IN THE SUPERIOR COURTS OF THE APPALACHIAN JUDICIAL CIRCUIT
STATE OF GEORGIA**

INTERNAL OPERATING PROCEDURE 2000-29

IN RE: Fourth Amendment Waiver Searches

In order to establish a procedure for Fourth Amendment Waiver searches of defendants sentenced to probation under probation condition #10 and IPS condition #5, the following Internal Operating Procedure is hereby established:

When a probationer is sentenced to serve a term on probation with the special condition that **“The probationer will submit to a search of his or her business, person, houses, papers and/or effects as these terms of the Fourth Amendment to the United States Constitution and Article I, Section I, Paragraph XIII of the Georgia Constitution is defined by the Courts, upon reasonable suspicion, any time of the day or night with or without a search warrant whenever requested to do so by a Probation Officer, Surveillance Officer, or any law enforcement officer and specifically consents to the use of anything seized as evidence in any proceeding against him or her”** the following restrictions will be in place:

1. The search will be conducted as a routine incident to probation supervision and at such other times as may be deemed necessary upon reasonable suspicion of probation violations.
2. Searches will be conducted to effect rehabilitation of the probationer by insuring compliance with all conditions of probation, thus assisting the probationer in becoming a productive, responsible and law abiding citizen.
3. Further, searches will be conducted upon a reasonable suspicion of criminal activity to insure protection of the public by managing the probationer in a safe and secure environment.
4. Searches will be conducted by law enforcement under the auspices of the probation office. Searches will be conducted only with prior knowledge of the Chief Probation Officer or her designee and with a POST certified member of the probation staff present.
5. Only in an emergency or crisis situation, upon notification and approval of the Chief Probation Officer or her designee, shall the search proceed without a POST certified probation staff member present.

SO ORDERED, this _____ day of March, 2000.

Brenda S. Weaver, Chief Judge
Superior Courts
Appalachian Judicial Circuit

Ronald J. Armstrong, Judge
Superior Courts
Appalachian Judicial Circuit