


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 351
	EXECUTING A SEARCH WARRANT	ISSUE DATE 02/19/2008
	CHAPTER: INVESTIGATIONS	EFFECTIVE DATE 02/19/2008
	ISSUED By: Chief of Police John E. Howell	TOTAL PAGES 4

I. PURPOSE

The purpose of this policy is to provide law enforcement officers with guidelines for the execution of a search warrant.

II. POLICY

It is the policy of this department to (1) provide techniques to accomplish a thorough and legal search; (2) observe the constitutional rights of the persons(s) the warrant is being served upon; (3) minimize the level of intrusion experienced by those who are having their premises searched; (4) provide for the highest degree of safety for all persons concerned; and (5) establish a record of the entire execution process.

III. DEFINITIONS

SEARCH SITE: The premises or person to be searched, as explicitly stated in the search warrant.

SEARCH PERSONNEL: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

EVIDENCE COLLECTOR: Member of the search team responsible for the possession, packaging, sealing and marking of all items seized.

SUPERVISING OFFICER: Search team member most knowledgeable about the case and/or responsible for the investigation.

IV. PROCEDURES

A. Uniformed and Equipment Requirements

1. All non-uniformed officers participating in the execution of the warrant shall be clearly identified as law enforcement officers by wearing a badge, raid vest, jacket, shirt or some other distinctive indicator of office with the word police clearly visible on the front and back of the officer's clothing. A uniformed officer should be utilized whenever conditions permit.
2. All members of the search team will be equipped with body armor and a safety holster. There will be not exceptions to this policy. The supervisor in charge of personnel executing the search warrant will be held accountable for failure to follow any part of this policy.
3. The SWAT Team shall be utilized in the execution of all "high risk" operations including, but not limited to:
 - a. Approval of requests for SWAT's assistance shall be at discretion of the Chief of Police.
 - b. SWAT personnel shall be used in all situations where a "preplanned" entry in to a building or dwelling is necessary to arrest a suspect(s) who is believed to be armed and/or dangerous or when entry to the location may be hazardous or impeded because of warning systems, reinforced doors, or other impediments.
 - c. The purpose of the team is to provide trained personnel and special equipment for the safe and expeditious execution of planned searches and arrests. Investigating officers will assist the operation and make all associated arrests.
 - d. Emergency or exigent circumstances can be cause to deviate from this policy. The emergency or exigent circumstances must be documented by the investigator or investigative supervisor in charge.
 - e. If available, suspect photographs should be obtained prior to serving felony warrants or when attempting felony pick-ups.
 - f. The SWAT team supervisor will designate the responding team members and direct them to a prearranged location for a briefing with the investigating officers. Tactical considerations for entering a dwelling and securing occupants is the responsibility of SWAT.

B. Time Limitations on Search Warrant Execution

1. A search warrant shall be executed as soon as practicable within the conditions stated in state law. Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to:
 - a. The need to have many searches occur at the same time, which requires coordination and mobilization of law enforcement resources.
 - b. The seizable items have not arrived at the search site.
 - c. The probability that substantial resistance will be encountered.
 - d. A particular person(s) is absent from the search site, and the supervisory officer feels that the search would best be conducted if that person were present.
 - e. The need to protect an informant's identity.
2. Absent judicial authorization all searches should be conducted during daylight hours, i.e. between the hours of 6:00 a.m. and 8:00 p.m.

C. Preparation for Execution of Warrant

1. Prior to entering the premises, the supervisory officer shall conduct a pre-entry briefing of the execution process with all search team personnel. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow, a simulation of the conditions of the search site (using maps, charts and diagrams, when appropriate) and tactics and equipment to be used in the event of forced entry.
2. The supervisory officer shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.
3. The supervisory officer shall ensure that the entire search warrant execution process is documented, from beginning to end, and continued until the search team leaves the premises. A written record shall be supported by photographs.

D. Entry Procedures

1. The approach to the scene shall be executed without sirens. If a pre-execution surveillance team is on the scene, radio contact shall be made to ensure that it is an appropriate time to serve the search warrant.
2. The supervisory officer shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.

3. The search personnel shall position themselves
 - a. So that all points of exit are covered.
 - b. Officers wearing a badge, raid vest, jacket, shirt or some other distinctive indicator of office with the word "police" clearly visible on the front and back of the officer's clothing may conduct the entry. A uniformed officer should also be utilized whenever conditions permit.

4. **Notification**

- a. Unless the search is based on a "no knock warrant," the supervisory officer, or any entry team member who is in position at the target entrance shall notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once. Officers shall wait a period of time reasonable under the circumstances before forcing entry into the building or residence. If there is reasonable suspicion to believe the delay would create unreasonable risks to the officers or others, inhibit the effective investigation of the crime, such as permitting the destruction of evidence, entry may be made without prior announcement or as soon as practicable after announcement.
- b. No-knock entries shall be made in accordance with state law.

E. **On Premises Activities**

1. The supervisory officer shall ensure that a member or members of the search team conducts a security sweep of the search site.
2. After the search site has been secured, search personnel shall develop an organized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.
3. One person shall be designated as responsible for collecting, preserving and documenting all items seized until possession is transferred to the evidence custodian.
4. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
5. If damage occurs, a special report shall be prepared on the actions that caused the damage and a detailed description of the nature and extent of the damage.