

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Search Warrant Execution	
EFFECTIVE DATE: August 17, 2015	NUMBER: GENERAL ORDER # 39		
REFERENCE:			
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POLICY: It is the purpose of this policy to provide general guidelines for handling execution of search warrants at homes, buildings, offices or other places where persons are likely to be present. This policy does not address all types of search warrants such as warrants for items or vehicles seized, electronic communication warrants or blood evidence. All applications and execution of search warrants shall be handled consistent with current case law, the VT Rules of Criminal Procedure and the VT Criminal Law Manual.

It is the policy of CPD to conduct search warrants in a manner that allows for a thorough and legal search while maximizing the safety of all persons involved. It is also CPD's policy to respect the constitutional rights of the person(s) the warrant is served upon, as well as to minimize the level of intrusion experienced by those whose premises are searched and to establish a complete record of the warrant execution process.

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I. WARRANT SERVICE PLANNING

- A. Whenever an officer obtains a search warrant for a home, building, office or other premises where persons are likely to be present, he/she shall meet with a supervisor and properly plan for the execution of said warrant. The officer obtaining the warrant shall be the lead officer unless otherwise directed by a supervisor.
- B. The lead officer and supervisor shall determine the appropriate number of officers required to safely execute the warrant based on the type of warrant, area to be searched, number of persons on site, type of evidence being sought, etc. Officers may be selected based on prior experience, training, special skill set or other factors consistent with the demands of the warrant service.

- C. While planning, the lead officer and supervisor shall consider the safety and security of all personnel as the top priority. Other considerations for planning are included on the Pre-Search Planning Checklist [Appendix A], which shall be reviewed prior to creating an operational plan.
- D. The extent and complexity of pre-search planning will vary case to case. Available resources such as the VT Intelligence Center should be utilized as appropriate. It is the responsibility of the officer who obtained the warrant to ensure adequate planning is done, to include:
 - 1. Gather intelligence on the target site to include the structure, surrounding environment and neighborhood.
 - 2. Assess the capabilities and backgrounds of suspects or persons likely to be present to include criminal records, history of weapons use and potential for violence. Other important considerations are listed on the Pre-Search Planning Checklist
 - 3. Determine the best date and time for warrant execution.
 - 4. Determine equipment, personnel and any special teams requirements.
 - 5. Ensure that the warrant clearly specifies the target location and double check for accuracy.
 - 6. If a warrant is being executed in an area under the jurisdiction of an agency other than CPD, that agency must be notified of the search warrant unless doing so would jeopardize the warrant or safety.

II. PREPARATION FOR EXECUTING THE WARRANT

- A. The lead officer shall prepare a pre-warrant briefing and an operational plan. A supervisor must approve the operational plan prior to commencing the briefing. The names and agency affiliation of all persons participating in the warrant execution shall be documented and remain with the search warrant paperwork. A sergeant or lieutenant from CPD shall be present for the briefing and execution of the warrant and shall be referred to as the search supervisor.
- B. All personnel participating in the execution of the warrant, regardless of agency affiliation, should be present for the briefing, unless their only role is surveillance of the site. The briefing shall include, but not be limited to, the following:
 - a. The specific items subject to the search as defined in the warrant and any available information on their location.
 - b. Information concerning the structure to be searched and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern.
 - c. Suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence

- of pets or children, the elderly or others who may not be involved with suspects.
- d. A complete review of the tactical plan to include the staging area, route of approach; individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects.
 - e. Personnel, resources, or armament necessary for gaining entry, safety and security of officers, or for conducting the search.
 - f. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.
 - g. Procedures for exiting or retreating from the location under emergency conditions. This should include designation of a team member as safety officer.
 - h. Determination of a common radio frequency available to all or most of the entry team members.
- C. The entry team shall at all times include uniformed officers who shall be conspicuously present where the warrant is served. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive jacket or other easily identifiable insignia.
- D. All members participating in the warrant execution shall wear the proper level of protective gear as designated by the search supervisor, but in all cases body armor shall be worn by members of the entry team. Safety gear may be removed as appropriate once the scene is secure and the actual search has begun.
- E. Prior to execution of the warrant, the lead officer shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.
- F. The search supervisor shall ensure that the entire search warrant execution process is documented until the search team leaves the premises. A written record shall be supported by photographs and, if practical, videotaping of the entire search process.

III. ENTRY PROCEDURES

- A. If an advance surveillance team is at the target site, radio or phone contact shall be made to ensure that the warrant can be served according to plan.
- B. The search personnel shall position themselves in accordance with the execution plan.

- C. Notification – Unless a “no-knock” warrant has been granted by the Court, an easily identifiable police officer shall knock and 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. Following the knock and announce, officers shall delay entry for an appropriate period of time based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond. If there is reasonable suspicion to believe that the delay would create unreasonable risks to the officers or others, inhibit the effectiveness of the investigation, or would permit the destruction of evidence, entry may be made as soon as practicable.

IV. ON PREMISE ACTIVITIES & DOCUMENTATION

- A. Once entry has been made and the scene is secured, the occupant shall be given a copy of the search warrant.
- B. Once secured, the scene should be photographed or video recorded prior to conducting the search. Search personnel shall then proceed with their assigned area of responsibility.
- C. Items specified in the warrant may be searched for in places where they may reasonably be expected to be located and seized, as well as other items that are reasonably recognized as evidence or contraband.
- D. An officer, designated in the plan, shall be responsible for collecting, preserving, and documenting all items seized until possession is transferred to the evidence custodian, laboratory, or other authority. All evidence seized shall be photographed and documented with the following prior to removal from the scene: location found, date/time, incident number, and the name of person who found the item.
- E. Department General Order #45 describes how items of critical evidence should be handled.
- F. Officers should exercise reasonable care in executing the warrant to minimize damage to property. If damage occurs during entry or search, it shall be documented in the involved officer(s)' report and photographs taken when able. Further, if entry or search creates damage to a property that will be left vacant rendering a property unsecured or vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
- G. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or left in a conspicuous location at the site.
- H. The lead officer shall prepare a search warrant return (which includes the itemized list of items seized as well as a copy of the warrant as served)

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and cause a copy of same to be returned to the Court as promptly as possible, and in no event later than 5 days after the execution of the warrant.

- I. The search supervisor shall determine if there is need for an after action debriefing; except that a debriefing shall occur anytime the execution of a search warrant results in significant injury or death to any person.

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G.O. #39 Appendix A: Pre-Search Planning Checklist

A. Target Location Considerations

1. Does the target site pose a fire hazard?
2. Are there underground parking facilities, attached garages, or additional buildings on the curtilage?
3. Where are the access points, on upper and lower levels, approach issues related to access points, and points of cover at approach point(s)?
4. Which way do doors and windows open?
5. Does the site have an alarm system, cameras or warning device?
6. Is there evidence of reinforced entrances or fortifications?
7. Appearance of double locks on doors?
8. Are there any lookouts, and if so, where, how many, warning devices used, signals?
9. Evidence of children, such as bicycles or swings?
10. Evidence of elderly, disabled, handicapped or other uninvolved persons?
11. Unusual obstacles to entrance?
12. Can a reasonably accurate floor plan be obtained or constructed?
13. Attitude of neighbors: hostile or friendly?
14. Evidence of dogs? If so, how can they best be controlled?
15. Where is the electrical box and is it accessible?

B. Target Suspect Considerations

1. How many suspects and other persons are involved at the site at particular hours?
2. Are they involved in narcotics?
3. Is there gang involvement?
4. What is the background of the principal suspect(s)?
5. Are there recent photographs or sketches of the suspects?
6. What are the capabilities and backgrounds of suspects?
 - a. Criminal record
 - b. Previous method of operation
 - c. Likelihood of resistance
 - d. Physical and mental conditions of suspects
 - e. Experience in martial arts
 - f. Other abilities/capacities to resist arrest
7. What is the weapons background of suspects?
 - a. Previous record of weapons use;
 - b. Pattern of being armed (e.g., when and how)
 - c. Military background or specialized training such as martial arts
 - d. Access to weapons
 - e. Weapons registered to suspect(s)
 - f. Knowledge of use of explosives
8. Access to transportation
 - a. Registration and description of vehicles;
 - b. Locations of involved vehicles for purpose of securing them during warrant service

C. Preparation Considerations

1. Establish date and best time of warrant execution.
2. Establish staging area.
3. Establish briefing time and location.
4. Additional tactical considerations:
 - a. Prevention of escape
 - b. Number of personnel needed and assignments
 - c. Individual and team areas of responsibility
 - d. Route to location and deployment route
 - e. Security and communications at staging area
 - f. Equipment requirements
5. Can the location be secured upon completion of warrant service or will officers be needed to safeguard the location following service?
6. Should a surveillance team be left behind following service to identify other persons who might enter the location?
7. What is the best method of entry and order in which personnel should enter?
8. Will diversionary tactics be needed? ****"flash bangs or other incendiary devices shall only be used with the expressed permission of a LT or the Chief of Police"*

D. Tools, Equipment, and Specialized Personnel Considerations

1. Based on the target location, suspects involved, and armament, should Tactical Teams be used to perform the warrant service or assist?
Does the scope, complexity, and danger of service exceed the training and experience of officers available?
2. Raid jackets or other identification.
3. Flashlights (even in daylight for darkened interiors).
4. Protective equipment to consider:
 - a. Soft body armor (mandatory)
 - b. Ballistic vests or shields
 - c. Visors or goggles
 - d. Gloves
5. First aid kits.
6. Sledge hammer/pry bar/ram.
7. Radios – frequency & fresh batteries
8. Additional handcuffs, flexcuffs, or other restraints?
9. CO2 fire extinguishers (for animal control and fires)?
10. Evidence bags, boxes, and related containers consistent with the evidentiary items that need to be collected?
11. Cameras and video recording equipment?
12. High-intensity lighting, as necessary.
13. Canine teams?
14. Rescue or Fire Department standby?
15. Air support?