

Subject: <b>Kinston Police Department</b>	Document #:		Effective Date:	Page:
<b>High Risk Search Warrant Execution</b>	<b>700-10</b>		<b>01-01-2020</b>	<b>1 of 5</b>
Approval: <b>Chief of Police</b>	Manual: <b>Policy and Procedure</b>			

## I. PURPOSE

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

## II. DEFINITIONS

- A. Search Site: The premises to be searched, as explicitly stated in the search warrant.
- B. Search Personnel: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.
- C. Evidence Collector: Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.
- D. Case Officer/Investigator: The officer primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.
- E. Tactical Coordinator: The officer responsible for planning and supervising tactical operations to include dynamic entry and other tasks requiring special weapons and tactically trained officers.
- F. Protective Sweep: Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or other dangers to officers or others. Officers must be able to articulate a reasonable basis for conducting a protective sweep.

## III. POLICY

- A. It is the policy of the Kinston Police Department to provide techniques to accomplish a thorough and legal search; respect the constitutional rights of the person(s) the warrant is being served upon; minimize the level of intrusion experienced by those who are having their premises searched; provide for the safety for all persons concerned; and establish a record of the warrant execution process.
- B. Warrant Service Planning
  - 1. The case officer shall advise and receive approval from his or her supervisor before serving the warrant.
  - 2. Selection of officers to serve the warrant shall be based on the officers' prior training and experience in conducting warrant service consistent with the demands of the warrant service in question. A checklist of possible issues that may be considered in the planning process should be considered. These tasks include but are not limited to the following:

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- a. Gather intelligence on the target site to include the structure, immediate area surrounding the structure, surrounding neighborhood and past history of location.
- b. Assess the capabilities and backgrounds of suspects to include criminal records, and history of weapons usage and potential for violence.
- c. Determine the best date and time for warrant execution. The warrant shall be executed as soon as practicable as defined by state law.
- d. Determine equipment, team personnel, and any specialized team requirements.
- e. Secure a warrant and ensure that it is thoroughly reviewed for accuracy, legal integrity, and completeness.
  - (1) No-knock entries, where legally permitted and specified in the warrant, shall be conducted in accordance with state law.
  - (2) The need for a no-knock warrant shall be clearly specified in the application and affidavit for a warrant.
  - (3) Should nighttime service be anticipated or desired, justification shall be included in the affidavit and must be authorized in the search warrant.
  - (4) The on-call Administrator shall be consulted whenever a warrant calls for no-knock entry, nighttime entry, or service involving drugs or subjects deemed particularly dangerous.

**C. Preparation for Executing the Warrant**

1. The case officer and tactical coordinator, where required, work cooperatively to ensure proper preparation, planning, and service of the warrant. They shall detail procedures for executing the warrant to all team members in a warrant service briefing. The plan briefing shall be conducted by both the case agent and tactical coordinator and will include but not necessarily 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 search 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,

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as well as the presence of 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. If a joint agency task force operation, all officers participating in the warrant service shall be present and identified as members of the warrant service team.
  - g. 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.
  - h. Procedures for exiting the location under emergency conditions.
2. 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 some other conspicuous indicator of office.
  3. All members of the search team shall wear body armor or ballistic vests as designated by the case officer.
  4. Prior to execution of the warrant, the case agent 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.
  5. The case officer shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
  6. The case officer 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.

**D. Entry Procedures**

1. If an advance surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.

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2. The search personnel shall position themselves in accordance with the execution plan.
3. Notification
  - a. 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.
  - b. 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 (normally between 15 and 20 seconds). 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.

E. On-Premises Activities

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.
3. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search. Search personnel shall then follow the plan that details the likely whereabouts of the items to be seized and the order of operation for conducting the search. – body camera footage will suffice for this.
4. 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.
5. 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.
6. Cash and currency taken as evidence shall be verified by a supervisor and be transported to a separate safe as designated by department policy.
7. Officers should exercise reasonable care in executing the warrant to minimize damage to property.
  - a. 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.

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- b. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
  8. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.
  9. In a timely manner upon conclusion of the warrant service, the case officer and tactical coordinator shall conduct a debriefing of all participating officers.
  10. The case officer shall thereafter prepare and submit an after action report on the warrant service, results of actions taken, and recommendations for further investigative actions.
- F. When possible, the operation team should complete a practice “dry-run” of the operation prior to the actual operation.
- G. When conducting a high risk search warrant execution and when practical, officers from the Kinston Police Department shall utilize their body worn camera.