

Germantown Police Department

Policies and Procedures

Number: 5-3
Effective Date: July 18, 2006
Subject: Search Warrant Execution
Previous Revisions: January 1, 2003

I. PURPOSE

The purpose of this policy is to provide members of the Department with guidelines for execution of a search warrant.

II. POLICY

It is the policy of the Germantown Police Department to (1) provide techniques to accomplish a thorough and legal search; (2) observe the Constitutional rights of the person(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. PROCEDURE

A. Uniform and Equipment Requirements:

1. The search team should normally include at least one uniformed officer. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive armband, jacket or some other indicator of office.

2. All members of the search team should be equipped with body armor and a safety holster.

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. Generally, this includes the period of up to five (5) days after probable cause has been established to obtain a warrant and until expiration of five days after the warrant has been signed by a judge or judicial official. Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to the following:
 - a. The need to have many searches occur at the same time, which requires coordinator 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 court approval, necessity or authorization by law, a search should be conducted during daylight hours.

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 makes 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 and, if practical, a videotaping of the entire search site from start to finish.

4. The supervisory officer shall ensure entry and search team members are familiar with emergency evacuation procedures in the event of an injury to a team member or citizen.
5. If a search warrant is executed inside another agency's jurisdiction, the supervisory officer shall ensure notification is made to the appropriate agency prior to execution of the warrant.

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 supervisory officer shall ensure that the entry is tape-recorded or otherwise documented.
4. The search personnel shall position themselves in the following manner:
 - a. Exits from the premises shall be covered.
 - b. Uniformed officers, or officers clearly identified as law enforcement officers, shall be the most visible members of the search team, and shall conduct the entry.
 - c. Non-uniformed officers shall be the last members to enter the search site.
5. Notification:
 - a. The supervisory officer or entry team leader 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.
 - b. A no knock and announce entry may be utilized if the supervisory officer has a reasonable suspicion under the then and there existing

circumstances that a threat of physical violence exists or if there is reason to believe that evidence would likely be destroyed if advance notice were given.

E. On Premises Activities:

1. The supervisory officer shall ensure that a member of the search team conducts a security sweep of the search site.
2. After the search site has been secured, search personnel shall develop a prioritized 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, it will be secured as best practical under the circumstances.
5. If damage occurs, it shall be documented in the report prepared as part of the overall investigation detailing the description and nature of the damage.

V. **REVIEW PROCESS**

An annual review of this policy will be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.