



SUBJECT

**Execution of Search Warrants**

AMENDS

REFERENCE

P.I. - Detaining and Questioning Persons; Arrest;  
Search and Seizure, Legal Bulletin 99-1

RESCINDS

Procedural Instruction 94-8

**I. PURPOSE**

To establish policies and procedures for the execution of search warrants.

**II. POLICY**

- A. Personnel assigned to the Investigations Bureau and the Vehicular Crimes Section will be responsible for obtaining and coordinating the execution of **all** search warrants.
- \*B. Searches for, and seizures of property will be conducted in a manner which is in compliance with all federal and state legal requirements to ensure the admissibility of evidence in a court of law. Appropriate departmental procedures will also be adhered to.
- \*C. Supervisors or commanders of the elements responsible for obtaining and coordinating executions of search warrants will also be responsible for all matters pertaining to the executions of warrants (i.e., coordinating with other unit commanders for the use of uniformed personnel as entry teams, Crime Scene Investigators, or HazMat personnel).
- D. If, during the execution of a search warrant, and prior to finding the property listed thereon, other evidence or contraband is located, such property may be seized if **one** of the following conditions is present:
  - 1. The property is either in plain view from a location where the officer(s) has a legal right to be, or in a place where the officer(s) may reasonably search for the items listed in the search warrant.
  - 2. Items are immediately recognizable as contraband; i.e., illegal weapons, illicit drugs, etc.
- E. When personnel executing a search warrant seize any evidence which is related to a crime but not normally investigated by their element of assignment, the supervisor or commander of the appropriate investigative element will be contacted from the scene.

- F. Police identification cards will be worn and displayed in plain view by all non-uniform personnel during the execution of a search warrant.
- G. Uniformed personnel will be used for making entry during the execution of all search warrants.
- \*H. The Legal Office and/or the appropriate Prosecutor's Office should be consulted for clarification on any legal matters relative to obtaining and executing search warrants prior to the execution of the warrant.

### **III. LEGAL GUIDELINES FOR SEARCH WARRANTS**

A search warrant may be obtained for the following:

- A. To search for and seize, photograph, copy, or record, any of the following:
  - 1. Property, article, material, or substance, that constitutes evidence of the commission of a criminal offense.
  - 2. Property which has been stolen or acquired in any other manner declared an offense by state statute.
  - 3. Property owned by any person furnishing public communications services to the general public, subject to the regulations of the Public Service Commission. If such person has failed to remove the property within a reasonable time after receipt of written notice from a peace officer stating that such property is being used as an instrumentality in the commission of an offense.
  - 4. Property for which possession is an offense under the laws of this state.
  - 5. Property for which seizure is authorized or directed by any statute of this state.
  - 6. Property which has been used by the owner or used with his acquiescence or consent as a raw material or as an instrument to manufacture or produce anything for which possession is an offense under the laws of this state.
- B. To search for and rescue a kidnapped person.
- C. To search for any person for whom a valid felony warrant is outstanding.
- D. To search for and seize any human fetus or corpse, or part thereof.

Note: For guidelines regarding federal law violations for which a search warrant may be obtained, the investigative element supervisor will contact the appropriate federal agency for assistance.

#### **\*IV. DEFINITIONS**

- A. **Case Officer** - The officer conducting the investigation that led to obtaining the search warrant. The actual Case Officer should not be present at the scene of the warrant service if the officer is assigned to an undercover capacity and their presence could jeopardize on-going investigations or the officer's personal safety.
- B. **Crime Scene Investigators** - Personnel solely responsible for the collection and processing of evidence at a crime scene. *Note: Any officer/detective may be designated as the member responsible for collecting/processing evidence if there is no Crime Scene Evidence Technician available.*
- C. **Entry Team** - Uniformed personnel who will gain entry and render the area safe.
- D. **Officer-in-Charge** - Assigned supervisor or commander to be in charge of all matters pertaining to the execution of the search warrant.
- E. **Property Inventory Officer** - An officer responsible for maintaining inventory control for all property seized. The Property Inventory Officer will be responsible for accurately completing and leaving any required forms (i.e., the Return/Receipt for Search Warrant and any other forms) at the scene of the search warrant.
- F. **Search Officers** - Officers who will conduct the actual search.
- G. **Suspect Control Officer** - An officer familiar with the investigation who will monitor the activities of any person(s) present during the execution of the search warrant.

#### **V. PROCEDURE – SEARCH WARRANTS EXECUTED WITHIN KANSAS CITY, MISSOURI**

- A. When an officer believes he/she has probable cause for application for a search warrant, consent must be obtained from an element supervisor/commander before contacting the applicable investigating element. If a search is warranted, applicable personnel will prepare an affidavit/application with appropriate supporting data and present the document to the appropriate prosecutor's office for signature. After reviewing the submitted documentation for completeness and accuracy, the documentation will then be forwarded to the court for review and approval/disapproval.
- B. Pre-Execution of Search Warrants – The commander of the element responsible for the execution of the warrant will assign a supervisor or commander (Officer-in-Charge) to be in charge of all matters pertaining to the execution of the warrant. The Officer-in-Charge will:

1. Ensure that the address of the location to be searched, as well as the name of the owner or occupants, is checked through the computer for wants or warrants. Supervisors/commanders of the Narcotics and Vice Division will also be contacted to ensure that investigations which are being conducted are not unknowingly jeopardized. The Communications Unit supervisor may be requested to assist in contacting appropriate supervisors or commanders.
2. When practical, prior to the execution of the search warrant, have photographs taken of the exterior of the structure or area to be searched, as well as area diagrams prepared to assist in effectively executing the search warrant. These photographs and diagrams will be maintained in the case file of the respective investigative element requesting them.
3. Determine the number of persons required to effectively execute the warrant based upon:
  - a. The size and location of the place to be searched.
  - b. The type and quantity of items to be seized.
  - c. The number of subjects who may be encountered.
  - d. Any innocent persons who may be exposed to danger.
4. Ensure the search warrant team consists of the following positions:
  - a. Officer-in-Charge
  - b. Case Officer
  - c. Property Inventory Officer
  - d. Search Officers
  - e. Suspect Control Officer
  - f. Crime Scene Investigator or designated personnel
  - g. Entry Team
5. Conduct a thorough briefing prior to the execution of the search warrant. The briefing shall include the following:
  - a. All available information which may effect the execution, such as a description of the area to be searched, persons who may be encountered, known weapon information, the presence of canines, etc.

- b. A list describing the property or the person for which the warrant has been issued.
  - c. Specific assignments and instructions, to include which officers will search specific areas. Identified areas will be assigned letter designations for portions of the area searched, when applicable. If the interior layout of a structure is not known prior to entry, specific assignments for the search will be made after entry has been gained.
- 6. Identify problem areas where innocent members of the public could be exposed to danger. Tactical plan development and implementation should minimize or eliminate danger to innocent members of the public, i.e., stopping traffic, evacuation of nearby residences, etc.
  - 7. Ensure that all necessary equipment and supplies needed to safely execute the search warrant are assembled, i.e., flashlights, protective vests, handheld radios, report forms, property tags, etc.
  - 8. Prior to initiating efforts to gain entry to the location to be searched, the Officer-in-Charge will notify the appropriate zone dispatcher, via telephone, of the location and time that the warrant is to be executed and the radio frequency to be used. If there is a possibility of forced entry, the "Special Operations" radio frequency may be requested to reduce outside radio interference.

### C. Execution of the Search Warrant

- \*1. Every effort should be made to execute search warrants at times (i.e., prior to midnight and 30 minutes after sunrise) when the occupant(s) of the residence or structure is most likely to be awake and in a heightened state of awareness. Executing search warrants during this time period should increase the level of compliance to the verbal commands of the entry personnel and reduce the potential for incidents involving the use of force. *Exceptions to the above time guideline would be when circumstances can be articulated i.e., the serving of the warrant while the occupant(s) is sleeping to provide for additional officer safety, the urgency of the investigation or the probability that evidence will be removed or destroyed.*
- \*2. ***When serving a search warrant, officers must knock and announce their presence. The knock and announce must occur prior to any forced entry. Officers must then wait a reasonable amount of time before forcing entry in order to allow any occupants of the residence an opportunity to answer the door. What is considered a reasonable amount of time will vary depending upon the circumstances of the case including, but not limited to, the size of the residence being entered, the nature of the investigation which has led to the issuance of the search warrant and the time of day.***

- a. *Any police report involving a forced entry or search warrant entry will indicate that searching officers knocked and announced their entry. The report should also show how long officers waited from the time they knocked until they forced entry.*
  - b. *If sufficient exigent circumstances exist, officers may be able to dispense with the knock and announce requirement. All facts known to the officers at the time of the application for the search warrant, which would justify exigent circumstances should be included in detail in the search warrant affidavit/application. If officers receive information prior to the execution of a search warrant in which they have previously not been granted the authority to dispense with the knock and announce requirement, officers may still dispense with the knock and announce requirement as long as they can articulate specific facts which would constitute reasonable suspicion that knocking and announcing would endanger the safety of the entering officers or that evidence was going to be imminently destroyed.*
    - (1) *Specifically, if the officers have information that a person who is inside or is known to frequent the location, is known to use weapons, is armed with a weapon or has a history of violence towards law enforcement, that information has been held to constitute exigent circumstances.*
    - (2) *If there are specific facts known which would constitute reasonable suspicion that evidence will be destroyed if the entry is not made immediately, that too may justify dispensing with the knock and announcement requirement. Officers should carefully document, in detail, any exigent circumstances, which present themselves at the time of the execution of the search warrant in any report completed following the service of the warrant.*
  - c. *Although the United States Supreme Court has held that no blanket exception to the knock and announce requirement exists in drug cases, these cases may present sufficient circumstances to justify dispensing with the knock and announce rule.*
- \*3. Not every search warrant will require the presence of uniformed personnel (i.e., warrants served on a Safe Deposit Box or an impounded vehicle), **but when appropriate**, uniformed personnel will be assigned to the search warrant team.
4. After entry has been gained, uniformed personnel will conduct a protective sweep to ensure that all persons present are brought under control. These officers shall maintain control of all persons present and provide security at any entrances or exits to eliminate any unauthorized persons from entering or leaving the scene.

5. Any firearm taken from persons present, or from the close proximity of persons present, for the immediate safety of the officer(s), should be recovered (if recovery is legally justified) by the officer securing it. Firearms found at the scene, once the scene has been rendered safe, should not be disturbed by the entry team and should be preserved in their original state of discovery for appropriate personnel responsible for execution of the warrant.
6. Upon rendering the area safe, uniformed personnel will notify non-uniformed personnel that they may enter and conduct the search. Non-uniformed personnel **will not enter** the area until so notified.
- \*7. Searching officers will ensure that a copy of the Return/Receipt for Search Warrant, Form 264 P.D., is left with the person in charge of the premises or in plain view at the place of execution.
8. Searching officers will ensure all tasks have been completed prior to relinquishing custody of the scene.

**Note: A Search warrant must be executed and returned within ten (10) days from the date it was obtained from the court. This also includes the submission of a copy of the Return Receipt for Search Warrant form as described in Section D below.**

D. Post-Execution of the Search Warrant

1. The Officer-In-Charge will conduct a debriefing session immediately following the execution of the search warrant to serve as a critique of the operation, as well as to gain any further information which might be of value in the investigation.
2. A copy of the Return Receipt for Search Warrant form, listing all property recovered, will be returned to the prosecutor in the county where the property was seized **within two (2) working days** (after the seizure of the property).
3. All property seized under the warrant, and not returned to the person entitled to it, can be disposed of only by the court on application of the officer having custody of it.

V. **PROCEDURE - OUTSIDE SEARCH WARRANTS**

- A. When an outside agency requests assistance in serving a search warrant within our jurisdiction, every effort will be made to assist them in the timely execution of the warrant.
- B. Requests for assistance will be referred to the appropriate element that would investigate the type of crime that has resulted in the search warrant being issued. During hours when a representative of the appropriate element is not

available, the agency will be referred to the Patrol Bureau duty officer who will in turn contact a supervisor or commander from the appropriate element. They will determine if the circumstances warrant the deployment of personnel required to effectively execute the warrant.

- C. When it is determined that the search warrant will be executed, previously established procedures listed in Section IV will apply. Any exceptions to the procedures in Section IV involving the execution of outside search warrants will be approved by the appropriate bureau commander
- D. Each search warrant team will be accompanied by an official from the outside agency. Members of an outside agency will not be part of the entry team.
- E. All property recovered and suspects arrested will be processed according to department policy.

Richard D. Easley  
Chief of Police

Adopted by the Board of Police Commissioners this 14<sup>th</sup> day of November 2003.

Karl Zobrist  
President

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