



KANSAS CITY, MO. POLICE DEPARTMENT

**PROCEDURAL INSTRUCTION**

DATE OF ISSUE  
07-08-2004

EFFECTIVE DATE  
07-22-2004

NO.  
03-16A

SUBJECT <b>Execution of Search Warrants</b>		AMENDS Procedural Instruction 03-16
REFERENCE P.I. - Detaining and Questioning Persons; Arrest; Search and Seizure, Legal Bulletin 99-1, 03-03, Section 542.291 RSMo	RESCINDS	

**I. PURPOSE**

To amend Procedural Instruction 03-16, entitled, "Execution of Search Warrants," due to the recent United States Supreme Court ruling regarding the "'knock and announce'" requirement when executing a search warrant.

**II. PROCEDURE**

Personnel will remove and destroy pages 4, 5, 6, 7, and 8, and replace them with the attached pages.

\* Indicates a substantial change in policy.

Richard D. Easley  
Chief of Police

Adopted by the Board of Police Commissioners this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

Karl Zobrist  
President

**DISTRIBUTION:** Law Enforcement Personnel  
Civilian Supervisory Positions  
Department Element Manuals  
Post on bulletin boards for two weeks.

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 warrants 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, the items authorized to be seized under the warrant and the time of day. The United***

States Supreme Court has held that in cases where there is a high probability of destruction of evidence, for example, in a search warrant execution authorizing the seizure of narcotics, the size of the residence being entered is not a factor.

- 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 and would be futile or that evidence is 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 announce” 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 Search Warrant and Return/Receipt for Search Warrant, Form 264 P.D., are left with the person in charge of the premises or in plain view at the place of execution if any property is seized.**
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.