**POLICY/PURPOSE:**
The purpose of this policy is to govern the conduct of officers of the Cedar Rapids Police Department (CRPD) in serving search warrants and in conducting searches under the authority of a search warrant. The policy also addresses specific tasks that will be required of officers prior to making entry into a structure.

Even when governmental intrusion into a structure or conveyance has been authorized, there remains a vital public interest in making the entry proper and as low-key and unobtrusive as possible given the specific circumstances of the search.

**PROCEDURE:**

**High-Risk Warrants**
A Threat Assessment Form (CRPD #765) will be completed on all search warrants executed by the CRPD; except those exempted in this directive section, “Other Search Warrants,” below.

After the Lead Officer has completed the Threat Assessment Form (CRPD #765), and the rating is high, the Special Response Team (SRT) Commander or Special Operations Lieutenant will be notified.

The SRT Commander or the Special Operations Lieutenant will review the Threat Assessment Form (CRPD #765). Once approved, the approving commander will notify the Patrol Division Commander, as soon as practical.

When there exists, reasonable cause to believe there is the possibility of an armed conflict or a potentially dangerous situation may occur in the conjunction with the execution of the search warrant; the SRT will be used. The SRT will plan, in coordination with the Lead Officer, and execute the entry into the premises, before turning it over to the Lead Officer.

There are times when a high risk situation exists and the use of SRT is not a good tactical or investigative solution. Before SRT is not used for the execution of a search warrant in one of these high risk situations, approval must be obtained from the Division Commander or in their absence, the Deputy Chief.

The Threat Assessment Form (CRPD #765) will be considered an “Intelligence Document” only. Once the form has been completed and reviewed by a commander, the approving commander will turn in the completed and signed document to the Intelligence Bureau for filing and storage. No other copies of the Threat Assessment Form (CRPD #765) will be maintained. This includes all high risk and low risk threat assessments.

The SRT will be given all appropriate information and documents pertaining to the execution of the search warrant.
Low-Risk Warrants
If the criteria for a high-risk warrant are not met then the Lead Officer will complete a Cedar Rapids Police Operations Plan (CRPD #766). This plan will be approved by their supervisor and they will formulate the plan to execute entry in to the premises, secure the premises, and search the premises.

Other Search Warrants (i.e. DNA, Vehicles, Structures already secured by officers, etc.)
If the execution of a search warrant does not require entry into a potentially occupied structure, a commander will be notified. The Lead Officer will be responsible for serving the search warrant. This may include coordinating other necessary resources with the approval of their immediate ranking supervisor.

Drafting the Search Warrant
Search Warrants should be prepared according to the following guidelines and by utilizing the CRPD guide to drafting/completing a search warrant:

- Utilize the standardized Search Warrant form (CRPD #742). Only Narcotics/MAT officers should be utilizing the Narcotics’ version of the search warrant form.
- Identify and state the applicable state statute violation.
- Identify criminal proceeds and evidence to be searched for.
- Research and chronologically organize facts pertaining to probable cause.
- Describe the exact location of the property/object to be searched.
- Describe in detail the property to be searched. Include color, size, material construction, and any attached or affixed numerical identifying the property. Any garages or out buildings that may be included in the warrant as well.
- Describe in detail items to be searched for.
- Set forth information identifying the person responsible for the property.
- Include detailed history pertaining to the affiant’s background in law enforcement to include experience and schools that are relevant to the investigation.
- Provide background information on the confidential source(s) if utilized. Articulate the reliability of the source of information.
- Articulate the case facts that sustain probable cause for the search warrant.
- Proofread the warrant for any errors in fact or grammar. Submit to supervisor for review and approval.
- When possible, consult with the appropriate prosecuting attorney (County Attorney, U.S. Attorney) for review and approval.
- Submission to appropriate judicial officer for approval and signature.
- Search warrants shall be executed when deemed appropriate by the Lead Officer or their supervisor. Search warrants expire 10 days from the time of issuance. If the search warrant location is already secured, notify officers on scene the search warrant has been signed and they can begin the search.
• After the search warrant is signed the affiant must return to the police department and make a copy of the last three (3) pages of the document (the actual search warrant) and take it to the scene. The original copy of the application and search warrant should be left at the station.

• Once at the scene, the Lead Officer should present a copy of the search warrant to the person(s) identified as having the main possessory interest in the property being searched. The Lead Officer will ensure the person(s) with the main possessory interest or the occupants understand the search warrant in its entirety.

• A copy of the warrant along with the list of items seized will either be given to this person, the occupant(s), or left in an appropriate and conspicuous place if the premises are vacant.

• The Lead Officer shall ensure that the warrant is returned to the issuing authority as soon as possible, and in no event, longer than three (3) days after the search. All items seized during the execution of the warrant shall be listed on the warrant or listed on an attached Evidence Log (CRPD #231) or Property Receipt (CRPD #407) when returned. If there is an attached list, check the box that states See Attached List on the last page (Return to Search Warrant) and leave a copy of the Evidence Log (CRPD #231) or Property Receipt (CRPD #407) and attach them to the warrant. A commander must then notarize the last page of the return to search warrant.

• Make a copy of the original notarized warrant. Turn the copy of the search warrant into Records along with the attached original evidence log or property receipt. The original search warrant along with copies of the Evidence Log (CRPD #231) or Property Receipt (CRPD #407) will be turned into the County Attorney basket.

Execution of Search Warrant
The Lead Officer of the investigation is responsible for the process of obtaining the search warrant. The sergeant or immediate ranking supervisor is responsible for ensuring the proper planning, organizing, and conduct of the sworn members that are assigned as a team for the execution of the search warrant. To assist in this process the Lead Officer may complete the Search Warrant Checklist form (CRPD #769). In the event that this is a classified as a “high-risk” search warrant execution, and the SRT has been requested, the responsibility to plan the approach, entry and securing of the premises will fall on the SRT Tactical Commander or his designee. Once the premises are secure, the responsibility for the scene and investigation will return to the Lead Officer or their on-scene supervisor.

The Watch Commander and Joint Communications Agency (JCA) will be notified prior to the execution of any search warrant, unless such notification could jeopardize the outcome of the operation, then only with the approval of the Patrol Division Commander.

Planning shall encompass a review of all the facts and circumstances related to the crime and the premises, conveyance, or vessel to be searched. A determination shall be made of personnel requirements to ensure the proper execution of the search warrant. This review will include the completion of the Threat Assessment Form (CRPD #765).
The execution of the search warrant shall be accomplished by proper planning. If through completion of a Threat Assessment, it is determined that this is a low risk operation, then an operational plan shall be prepared by the Lead Officer and approved in accordance with established procedures. If the Threat Assessment determines this is a high-risk operation then an operations plan will be prepared by members of the SRT. For both high risk and low risk search warrants a briefing shall be administered to each participant of the team informing them of their particular assignment and responsibilities.

Proper execution of the search warrant will be accomplished by implementation of the established plan (route to scene, arrival, entry, search, exit, and return). Members of the team are responsible for performing their assigned task and the proper documentation:

- Photograph
- Written Supplement form (CRPD # 604) or dictation
- Evidence list (CRPD #231 or 407)
- Search Warrant Return (CRPD #742)
- Occupant list (CRPD #767)

Knock and Announce
General Rule - An officer shall notify the person(s) inside the search site of the officers’ presence and will announce in a voice loud enough to be heard inside the site, “Police department, Search warrant, Open the door” three times. After the third announcement, if there is no response officers may make entry into the structure.

Non-compliance with the General Rule - The announcement of authority and purpose need not be made if the search warrant specifically authorized entry without such announcement. Approval from the commander or designee at the scene of the search to be conducted must be obtained prior to entry without an announcement.

Safety Compromise – If while executing a search warrant, circumstances of imminent danger are discovered, entry may be made without following the Knock and Announce General Rule for officer safety reasons, even if a search warrant does not specifically authorize entry without an announcement.

Search of the Premises
Entering the premises in order to conduct a search shall be done as professionally and non-destructively as possible. Searching shall be conducted as non-destructively as possible and any disarray caused by the search team shall be minimized before the team leaves. All non-uniformed officers will display their badge and/or wear clothing that clearly identifies them as police officers.
If damage occurred during the entry in to the premises that will be left vacant and the damage is sufficient to jeopardize the security of the premises, the search team shall make arrangements to protect the premises to the best of their ability until it can be more permanently secured.

The Lead Officer will author a report including the location of the search warrant, the name of the judge who approved the warrant, the date and time the search warrant was signed, the time the execution began, all circumstances of the entry, and the identities of those persons executing the search warrant and the occupants of the search site. If SRT is utilized they will follow their procedures.

Scope of Search
The area of the search is limited by the description of the premises in the warrant. The scope of the search within that area is limited by the type and possible location of the items sought listed in the warrant. Only areas or containers capable of concealing the items listed in the search warrant may be searched. If during the search, seizable items not listed in the search warrant are discovered, such items shall be seized. If such an item is seized, it will be shown on the inventory. The evidence collector must secure any seized items in a manner which will preserve the chain of custody for evidentiary purposes.

If a seizable item is located during the search warrant but due to the size of the item it could be concealed in an area outside the scope of the original search warrant a new search warrant must be obtained to search for seizable items in the new locations.