

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Columbia Heights Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

Officers shall receive authorization from a Captain before applying for a no-knock search warrant.

607.4.1 NO-KNOCK SEARCH WARRANTS

A search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.

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Definition

For the purposes of this section, "no-knock search warrant" means a search warrant authorizing peace officers to enter certain premises without first knocking and announcing the officer's presence or purpose prior to entering the premises. No-knock search warrants may also be referred to as dynamic entry warrants.

Requirements for a no-knock warrant

- (a) No peace officer shall seek a no-knock search warrant unless the warrant application includes at a minimum
 1. all documentation and materials the issuing court requires;
 2. the information specified in paragraph (b); and
 3. a sworn affidavit as provided in section [626.08](#).
- (b) Each warrant application seeking a no-knock entry must include, in detailed terms, the following:
 1. why peace officers are seeking the use of a no-knock entry and are unable to detain the suspect or search the residence through the use of a knock and announce warrant;
 2. what investigative activities have taken place to support issuance of the no-knock search warrant, or why no investigative activity is needed or able to be performed; and
 3. whether the warrant can be effectively executed during daylight hours according to subdivision 1.
- (c) The chief law enforcement officer or designee and another superior officer must review and approve each warrant application. The agency must document the approval of both reviewing parties.
- (d) A no-knock search warrant shall not be issued when the only crime alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

Reporting requirements regarding no-knock search warrants

- (a) Law enforcement agencies shall report to the commissioner of public safety regarding the use of no-knock search warrants in a format prescribed by the commissioner. An agency must report the use of a no-knock search warrant to the commissioner no later than three months after the date the warrant was issued. The report shall include the following information:
 1. the number of no-knock search warrants requested;
 2. the number of no-knock search warrants the court issued;
 3. the number of no-knock search warrants executed;
 4. the number of injuries and fatalities suffered, if any, by peace officers and by civilians in the execution of no-knock search warrants; and
 5. any other information the commissioner requests.

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- (b) The commissioner of public safety shall report the information provided under paragraph (a) annually to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety.

[See attachment: No-Knock Search Warrant Report.pdf](#)

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
 - 1. No-knock search warrant applications shall comply with the requirements, including the reporting requirements to the Commissioner of Public Safety, as provided by Minn. Stat. § 626.14.
- (b) A clear explanation of the affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.

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- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

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Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The primary investigator shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Columbia Heights Police Department are utilized appropriately. Any concerns regarding the requested use of Columbia Heights Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Sergeant should assume this role.

If officers intend to serve a warrant outside Columbia Heights Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Columbia Heights Police Department when assisting outside agencies or serving a warrant outside Columbia Heights Police Department jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

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607.12 TRAINING

The Captain should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Attachments

No-Knock Search Warrant Report.pdf



No-Knock Warrant Report

Minnesota Statutes §626.14

This form is used to report any use of a no-knock search warrant by law enforcement agencies. Such warrants authorize peace officers "to enter certain premises without first knocking and announcing the officer's presence or purpose prior to entering the premises."

Do not submit this form if the warrant does not involve entering a premises.

Per Minnesota Statutes § 626.14, subd. 4, the responsible law enforcement agency must submit a completed form to the Minnesota Bureau of Criminal Apprehension within three months of the warrant issued date. *This submission must occur through the Supplemental Reporting System (SRS).*

Report only one warrant per form.

<i>Please provide all information requested.</i>		
Agency ORI	Agency Name	
Law Enforcement Case Number	Incident Date	Warrant Primary Offense

Search Warrant Information

Request Date	Warrant Issued <input type="checkbox"/> YES <input type="checkbox"/> NO	Issued Date	Warrant Executed <input type="checkbox"/> YES <input type="checkbox"/> NO
Executed Date	Warrant Execution City	Method Executed	
Task Force Warrant <input type="checkbox"/> YES <input type="checkbox"/> NO	Task Force Name	Was evidence of the initial crime located? <input type="checkbox"/> YES <input type="checkbox"/> NO	

Warrant Subject Information

<i>Enter information for each subject listed on the warrant.</i>					
SUBJECT #	AGE	SEX	RACE	FATALITY/INJURY	RESISTED
#1					<input type="checkbox"/> YES <input type="checkbox"/> NO
#2					<input type="checkbox"/> YES <input type="checkbox"/> NO
#3					<input type="checkbox"/> YES <input type="checkbox"/> NO
#4					<input type="checkbox"/> YES <input type="checkbox"/> NO
#5					<input type="checkbox"/> YES <input type="checkbox"/> NO
#6					<input type="checkbox"/> YES <input type="checkbox"/> NO
#7					<input type="checkbox"/> YES <input type="checkbox"/> NO
#8					<input type="checkbox"/> YES <input type="checkbox"/> NO
#9					<input type="checkbox"/> YES <input type="checkbox"/> NO
#10					<input type="checkbox"/> YES <input type="checkbox"/> NO

Other Involved Information

Enter information on all peace officers, law enforcement canines, and other civilians (i.e., civilians who were not subjects of the warrant) present at the warrant's execution.

OTHER INVOLVED #	TYPE OF INDIVIDUAL INVOLVED	FATALITY/INJURY	OTHER INVOLVED #	TYPE OF INDIVIDUAL INVOLVED	FATALITY/INJURY
#1			#18		
#2			#19		
#3			#20		
#4			#21		
#5			#22		
#6			#23		
#7			#24		
#8			#25		
#9			#26		
#10			#27		
#11			#28		
#12			#29		
#13			#30		
#14			#31		
#15			#32		
#16			#33		
#17			#34		

Enter information on who prepared this form.

Report Prepared By (required)	Title
Email Address (required)	Telephone Number (required)
Agency Chief Law Enforcement Officer	

Terms and definitions

Warrant Issued – This field indicates that the judge has either:

- signed and approved a no-knock warrant (**Yes**), or
- rejected probable cause or a no-knock warrant application, even if it is later served as a “knock and announce” warrant (**No**)