

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: April 5, 2022	DATE EFFECTIVE: April 8, 2022	NUMBER: SO22-006	PAGE: 1 of 18
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 9-300 Warrants <u>9-301 Search Warrants</u> <u>9-302 Arrest Warrants</u> Warrant Arrests <u>9-301 Search/Arrest Warrant Requirements</u> <u>9-303 Planned Arrest and Search Warrant Procedure</u> <u>9-304 Warrant Processing</u> Additional Charges <u>9-305 Nightcapped Warrants</u> <u>9-306 Deconfliction Prior to Search Warrant Execution</u> <u>9-307 Unannounced Entry Search Warrants</u>			APPROVED BY: <i>Chief Huffman</i>

MP-8806

Introduction: This chapter is being updated to incorporate the ban on no-knock search warrants, and to clarify and expand on the search warrant process. Several policies are being grouped into 9-301 Search Warrants. Some language from 9-201 Search and Seizure that was specific to warrants is being moved to this chapter.

Effective with the issuance of this Special Order, Chapter 9-300 of the MPD Policy and Procedure Manual shall be amended as follows:

9-301 Search Warrants

(04/08/22)

Revisions to prior policies: (06/19/02) (06/12/02) (08/01/02) (08/08/07) (03/11/16) (06/29/16) (11/30/20)

I. Purpose

A. The Minneapolis Police Department is dedicated to protecting and serving in a way that minimizes harm and risk to our community and to MPD employees.

1. In accordance with the MPD’s vision and the use of force policy (P&P 5-301), officers must recognize and respect the sanctity of life and value of all human life, and the need to treat everyone with dignity and without prejudice.

2. When seeking and serving warrants, MPD employees must focus on protecting the community from harm, promoting public safety and providing service in a manner that builds trust and meets community expectations.

B. The purpose of this policy is to ensure that warrants are applied for, planned and served in a manner that protects officers, subjects and the public, and in a manner that upholds laws, the Constitution, and MPD policies.

II. Definitions

Administrative Search Warrant: A search warrant sent electronically or otherwise involving no in-person contact, or for the processing of evidence already in police custody. Examples of administrative search warrants include, but are not limited to:

- Bank records,
- Cell phone or other phone records,
- Social media and other electronic communications,
- Impounded vehicles,
- Medical records.

Affiant: The sworn officer, investigator or sergeant that is authoring the search warrant application and swearing to the facts of the affidavit contained in the application.

Affidavit: A written document (statement of facts) confirmed by oath or affirmation.

Court: The designated judicial branch having jurisdiction over the location or person listed in the search warrant application and affidavit.

“High-Risk” Search Warrant: A search warrant in which known or suspected hazards have been identified and likely might be present during the service of the warrant. The identified hazards are of such significant risk to the safety of individuals that the search warrant exceeds the capabilities of normal patrol and investigative functions. These hazards may include, but are not limited to, suspect factors such as weapon possession and use, and location factors such as obstacles and other approach difficulties.

“Intermediate-Risk” Search Warrant: A search warrant with limited potential threat for harm due to the nature and location of the warrant, as well as reasonably believed information about the individuals at the subject location. The potential hazards or risks do not meet the criteria for a “high-risk” search warrant, but may require additional scrutiny or planning. This could include a warrant where a forced entry may be required, and it is unknown if people present are armed.

“Knock and Announce” Search Warrant: Under the “knock and announce” rule, a police officer executing a search warrant generally must not immediately force their way into the premises, absent exigent circumstances as defined in the Warrant Entry Procedures section of this policy. Instead, the officer must first knock, identify themselves as “Police” and announce their intent, and wait a reasonable amount of time for the occupants to allow entry into the premises, pursuant to the Warrant Entry Procedures section of this policy.

“Lower-Risk” Search Warrant: A warrant with no or minimal potential threat for harm due to the nature and location of the warrant as well as the absence of suspects. Examples of “lower-risk” search warrants include, but are not limited to:

- Safe-deposit boxes,
- DNA sexual assault warrants for in-custody persons,
- Search warrants at a location where the investigator wouldn’t expect to encounter the suspect(s) or other resistance (for example, a location already under the control of law enforcement).

“No-Knock Search Warrant”: Also called an Unannounced Entry or Dynamic Entry warrant, a no-knock search warrant is a search warrant authorizing a police officer to enter certain premises without first knocking and announcing the officer’s presence or purpose prior to entering the premises (MN Statute section 626.14 Subd. 2).

Probable Cause: Having reasonable grounds for supporting the requested Court order, to include: search warrants, arrests or other legal process. Probable cause is required by the Fourth Amendment. Officers must have an objectively reasonable basis for believing that a crime may have been committed or that there is evidence of the crime present in the place to be searched.

Search Warrant: A document issued by the Court authorizing the police to enter and search a person, premises, location or vehicle for purposes of evidence recovery.

Search Warrant and Risk Assessment form: The form completed by Minneapolis Police Department employees that uses investigatory information and other criteria to evaluate the risk potential associated with a warrant.

SWAT: The Special Weapons and Tactics Team of the Minneapolis Police Department.

“Unannounced Entry” Warrant: Also called a “no-knock search warrant.”

III. Policy

A. Legal Principles

MN Statute sections 626.05 through 626.22 authorize peace officers to write and execute search warrants in the course of their investigative duties and criminal investigations, and the Statute sections establish the warrant requirements for peace officers. MN Statute section 626.14 specifically details time and manner of search warrants, and requirements for “no-knock search warrants.”

B. Consistent with Values, Policies and Laws

1. It is the policy of the Minneapolis Police Department that search warrants are applied for and conducted in an impartial manner, consistent with the Vision, Mission, Values and Goals of the Minneapolis Police Department, to include the pillars of Procedural Justice, and consistent with protecting people’s constitutional rights.
2. Search warrants shall also be conducted in accordance with all applicable laws and MPD policies and procedures.

3. The Minneapolis Police Department will pursue tactics and techniques to:
 - Provide for the safety for all persons concerned;
 - Accomplish a thorough and legal search;
 - Respect the constitutional rights of the people the warrant is being served upon;
 - Minimize the level of intrusion experienced by those who are having their premises searched; and
 - Establish a record of the warrant execution process.

IV. Procedures/Regulations

A. Drafting a Warrant

1. Affiant

Search warrants shall be ~~drafted~~ ~~drawn up~~ by investigating officers or supervisors.

2. Probable cause

If any doubt exists as to probable cause for the warrant, a city or county attorney shall be contacted for assistance.

3. Follow requirements on warrant

Officers shall follow all listed requirements on the warrant including serving a copy of warrants and inventory receipts to the affected parties.

4. No-knock search warrants are prohibited

- a. MPD officers shall not apply for or execute a no-knock search warrant, whether for MPD or on behalf of another agency.
- b. MPD officers shall not request that another agency execute a no-knock search warrant on behalf of the MPD.

B. Time of Search Warrant Service

1. In accordance with MN Statute section 626.14, 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.
2. 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.
 - a. All nighttime search warrants for a private residence or business not already under control of officers shall be reviewed and approved prior to execution by the Deputy Chief of Investigations or, if unavailable, another employee at the rank of Deputy Chief or above.

C. Search Warrant and Risk Assessment form

1. Risk Assessment form required

- a. A Search Warrant Risk Assessment shall be completed for all search warrants.
- b. The affiant shall document on the form what investigative activities have taken place to try and apprehend the suspect or obtain the evidence prior to issuance of the search warrant, or why no investigative activity is needed or able to be performed.

2. SWAT review for “Intermediate-risk” and “High-risk” warrants

In all search warrants not determined to be an administrative search warrant or a “lower-risk” search warrant, the SWAT supervisor will review and determine whether a SWAT team needs to be involved in the warrant planning and execution. This includes “intermediate-risk” search warrants.

3. Approval for “high-risk” warrants

All search warrant applications that are determined to be “high-risk” shall be reviewed and approved by a supervisor at the rank of Commander or above, prior to the execution of the warrant.

4. “Lower-risk” warrants

The investigator/affiant of a search warrant may execute a “lower-risk” search warrant under the direction of their supervisor, without consultation with the SWAT supervisor. A Search Warrant Risk Assessment form shall still be completed for the warrant.

5. Administrative warrants

The investigator/affiant may execute an administrative search warrant without consultation with the SWAT supervisor. A Search Warrant Risk Assessment form shall still be completed for the warrant.

D. 9-303 Planning for Warrant Execution ~~Planned Search/Arrest Warrant Requirements~~

1. Using SWAT team

- a. ~~A~~-An on-duty team from the Special Weapons and Tactics (SWAT) shall be used for serving all high-risk warrants described in the Search Warrant and Risk Assessment form (MP-6946).
- b. SWAT personnel shall be used in all other preplanned entries that may exceed the capabilities of normal patrol and investigative functions, as determined by the SWAT supervisor after their review ~~situations where a “preplanned” entry in to a building or dwelling is necessary to arrest a suspect(s) who is believed to be armed and/or dangerous or when entry to the location may be hazardous or impeded because of warning systems, reinforced doors, or other impediments.~~

- ~~c. 1-~~The purpose of the team is to provide trained personnel and special equipment for the safe and expeditious execution of planned searches and arrests.
- ~~d. 2-~~Investigating officers will assist the operation and make all associated arrests.
- e. If SWAT will not be involved in executing an “intermediate-risk” search warrant, only officers who have received the required “search warrant entry” training shall execute the warrant.
- f. SWAT officers executing a search warrant must be clearly identifiable as law enforcement, in accordance with the Warrant Entry Procedures section of this policy.

2. Requests for SWAT Team

~~E. Requests~~ When SWAT is not on-duty, requests for the SWAT’s on-duty team will shall be made to MECC.

- ~~a. 1-~~A SWAT team supervisor will designate the responding team members and direct them to a prearranged location for a briefing with the investigating officers.
- ~~b. 2-~~Tactical considerations for entering a dwelling and securing occupants is the responsibility of SWAT.

~~C. Emergency or exigent circumstances can be cause to deviate from this policy.~~

~~1. The emergency or exigent circumstances must be documented by the investigator or investigative supervisor in charge.~~

~~2. The investigator/ affiant is responsible for completing the Search Warrant and Risk Assessment form (MP-6946) for all search warrants, whether the warrant team is utilized or not.~~

[Replaced by Form section]

3. Supervisor present

- ~~a. B-~~A non-SWAT supervisor or investigative Sergeant shall be present at briefings and executions of all planned search warrants (including those involving SWAT).
- A SWAT supervisor shall be present at briefings and executions of all planned search warrants involving SWAT.

4. Uniformed officers present

- ~~a. Whenever feasible, uniformed officers shall be present during the execution of any warrant. All high-risk and intermediate-risk search warrants shall have a uniformed officer present.~~
- Investigators ~~When SWAT is not involved in the warrant execution, the investigator shall inform~~ contact the Minneapolis Emergency Communications Center (MECC) and the on-duty supervisor of the involved precinct of the location where the warrant is to be served, to notify them of the warrant and to request a uniformed officer.

- i. When a squad is needed to assist an investigator with a search warrant, the district squad for the location where the warrant will be served shall be called upon to assist.
- ii. ~~If they are~~ a district squad for the location is not available, MECC will contact another squad.

5. Paramedic or EMS unit present

A certified paramedic, EMT or an Emergency Medical Services (EMS) unit shall be requested to be on site or staged nearby when SWAT will be executing a search warrant.

6. Suspect photographs or briefing sheets

~~Ø-~~If available, suspect photographs or briefing sheets should be obtained prior to serving “intermediate-risk” and “high-risk” felony warrants or when attempting felony pick-ups.

E. 9-306 Deconfliction Prior to Search Warrant Execution

1. Deconfliction requirement

- a. ~~A-~~Prior to executing a search warrant at an address, the warrant affiant shall attempt to ensure that the search will not conflict with another investigation or police action.
- b. In accordance with MN Statute section 626.13, an officer serving and executing any search warrant other than an administrative search warrant (including “lower-risk,” “intermediate-risk” and “high-risk” warrants) shall notify the local law enforcement agency of the municipality or county in which service is to be made prior to service and execution.
- c. ~~Ø-~~Exception: A search warrant executed at an active crime scene *already under the control of the MPD or another law enforcement agency* does not need to be deconflicted.

2. Deconfliction process

- a. ~~1-~~Deconfliction shall be handled through the RISSafe service provided by the Mid States Organized Crime Information Center.
 - iii. ~~a-~~The search warrant affiant or their designee shall complete the RISSafe deconfliction process by contacting the Strategic Information Center at 612-673-3700 or police-sicintel@minneapolismn.gov or the Bureau of Criminal Apprehension Operations Center at 651-793-7000.
 - iv. ~~b-~~Investigators who have received RISSafe system training may use the online deconfliction tool.
- b. ~~2-~~The affiant or their designee shall provide the following information:
 - Affiant name and contact information

- The name and contact information for a secondary contact familiar with the details of the planned warrant
- Date and time of warrant execution (a date and time range is acceptable)
- Type of crime being investigated

3. Conflict found

~~B.~~In the event a conflict is found, the affiant will be instructed as to how to contact the conflicting agency. The affiant shall make contact and resolve the conflict prior to executing the search warrant.

4. Document deconfliction effort and result

~~C.~~The deconfliction effort and result shall be documented on the Search Warrant Risk Assessment form (MP-6946).

F. Warrant Entry Procedures

1. Required people present

In accordance with the planning section of this policy, the following people shall be present for all high-risk search warrant entries:

- At least one uniformed officer
- A non-SWAT supervisor
- A SWAT supervisor
- A certified paramedic, EMT or staged EMS team, when available

2. Media and other third parties

The presence of media or other third parties during the execution of a warrant is prohibited unless their presence is necessary to aid the execution of the warrant.

3. Police identification

- a. All law enforcement shall be clearly identified as law enforcement by a distinctive outermost garment (such as a vest or jacket) or other visible indicator of position and authority.
- b. All non-uniformed law enforcement shall have the word "POLICE" clearly marked on the outermost garment (such as a vest or jacket) or other visible indicator of position and authority.
- c. Members of other agencies assisting with the search will be identified by using the procedures of their own agency's policy.

4. Body armor and body worn cameras

- a. All members of the entry team shall wear body armor.

- b. All MPD employees present (including members of the entry team) shall wear, activate and deactivate their MPD-issued Body Worn Camera in accordance with the Body Worn Camera policy (P&P 4-223).

5. Announcements and entry

a. Notification prior to entry

Notification is required before entry to the premises is made. An MPD personnel executing a search warrant shall use the following procedures:

i. Physically knock or make contact

Police personnel shall physically knock on an entry door to the premises in a manner and duration that can be heard by the occupants; or make contact with occupants inside the residence via phone or a long-range acoustical device.

ii. Clearly announce as “police”

Police personnel shall clearly and verbally announce themselves as “police” with the intent to execute a search warrant in a manner that can be heard by the occupants.

iii. Wait before entering

aa. Daytime entry

Absent exigent circumstances, during a daytime hours entry, police personnel shall wait a minimum of 20 seconds or for a reasonable amount of time for occupants to respond, whichever is greater, before entering the premises.

ab. Authorized nighttime search

Absent exigent circumstances, during an authorized nighttime search entry, police personnel shall wait for occupants to respond, for a minimum of 30 seconds or for a reasonable amount of time, whichever is greater, before entering the premises.

ac. Exigent circumstances

Exigent circumstances for immediate entry are:

- To prevent imminent harm or to provide emergency aid;
- To prevent imminent destruction or removal of evidence (excluding narcotics);
- When in hot pursuit;
- To prevent the imminent escape of a suspect.

Exigent circumstances do **not** include the destruction or removal of narcotics.

b. Reasonable force to make entry

If notification to the occupants has not resulted in admittance to the police personnel after a reasonable amount of time, the police personnel may use reasonable force to execute the warrant, including forced entry into the building to be searched.

c. Continue announcements

i. Police personnel shall clearly announce themselves as “police” at the time of actual entry.

ii. Announcements shall also be given periodically throughout the search. During the execution, officers must repeatedly announce themselves as “police” as they move about and clear the search area, and at least one time when the each time an officer has moved to an area where the previous announcement may not have been heard.

iii. These announcements should include the officer’s authority and what the officer wants the subject to do.

[Moved from 9-307]

d. Be mindful of barriers to cooperation

Officers should be mindful of any known or reasonably believed ~~barriers or~~ obstacles to cooperation or such as perception barriers, such as mental or emotional capacity, physical and language barriers, including whether the individual is known or believed to be deaf or hard of hearing.

[Moved from 9-307]

6. Arrests, searches and use of force

a. Arrests, searches and use of force engagements shall follow the applicable policies (P&P 9-100, P&P 9-200 and P&P 5-300).

[Moved from 9-307]

b. FSDDs (also known as “flash-bangs” shall only be distributed and used in accordance with P&P 5-503 Diversionary/Distracton Devices, and the use of force policies in P&P 5-300.

7. Return location to order

At the conclusion of a warrant, officers shall return the searched location to some semblance of order (i.e., drawers will be placed back into dressers, clothes removed from drawers will be placed back inside, mattresses will be returned to their bed frames, etc.).

G. Documenting Warrant and Warrant Execution

1. Documenting in a Police Report

- a. When SWAT is involved in a warrant, the code SWAT shall be used on the Police Report. For reports that were entered prior to the search warrant execution, the investigator shall ensure the code is added to the report.
- b. If SWAT is not involved, the code SRCHWT shall be used on the Police Report (denoting a search warrant). For reports that were entered prior to the search warrant execution, the investigator shall ensure the code is added to the report. This includes administrative warrants.
- c. Investigators shall attach a copy of the warrant and a copy of the affidavit to the Police Report.
- d. The SWAT supervisor, investigator or other person responsible for directing the entry shall document in their narrative text any exigent circumstances present prior to making the entry.
- e. For warrants involving the search of a location, investigators shall document in the Police Report:
 - Whether the location searched matched the location specified in the warrant
 - Whether the subject or subjects specified in the warrant were present
 - Whether any items specified for seizure in the warrant were present
- f. Officers assigned to a search warrant shall document in a narrative text their assignment and actions taken, if they were responsible for any of the following:
[From 9-201]
 - Using force to subdue or detain individuals;
 - Any damage to property;
 - Locating, recovering or documenting evidence.
- g. When directed by a supervisor, officers shall document in a narrative text their assignment and actions taken.

2. Reporting force

Uses of force during a search warrant execution shall be documented in accordance with P&P 5-301.

3. Documenting damage

All case investigators shall document in a Police Report ~~CAPRS report~~ any damage done to property as a result of police actions.

- a. ~~Note: If entry for a search is made forcibly to windows or interior or exterior doors, the report shall include the code be additionally titled FENTRY.~~
[From 9-201]
- b. This documentation shall include damage done by the SWAT Warrant Detail to gain access to the premise and damage done by investigators as a result of lawfully searching for evidence.
- c. Damage done to vacant premises shall also be documented.
- d. This documentation must include the condition and detailed description of the property damaged; i.e., hollow core door vs. six panel oak door, porcelain sink vs. oak vanity with marble sink, etc.
- e. Photographs shall be taken to document any known damages, and shall be attached to the Police Report.
[From 9-201]

H. Warrants Outside Minneapolis

- 1. In the best interest of officer safety, MPD officers initiating a warrant in another jurisdiction shall contact the Communication Center that dispatches for the affected jurisdiction and request contact with the officer in charge.
- 2. ~~Where the potential of deadly force is an issue and could be contemplated, the law enforcement jurisdiction where the warrant is to be served should be responsible (depending on capability) for entry and securing the scene prior to the visiting jurisdiction assuming control.~~ When seeking to execute any search warrant other than an administrative search warrant (this includes “lower-risk,” “intermediate-risk”, and “high-risk” warrants), officers shall contact the law enforcement jurisdiction where the warrant is to be served. That jurisdiction should be responsible for entry and securing the scene prior to MPD personnel assuming control.
- 3. SWAT shall not leave Minneapolis to execute a search warrant without the prior approval of the Commander who oversees SWAT.

I. Requests by Others Jurisdiction for Search Warrant Execution

~~F. Requests for SWAT assistance by outside agencies for serving search or arrest warrants shall also be referred to the on-duty Special Weapons and Tactics Team supervisor.~~

- 1. Prior approval by the Deputy Chief of Investigations is required for the execution of a search warrant for an outside agency.
 - a. The Commander who oversees the division of the requested unit shall seek approval from the Deputy Chief of Investigations prior to the execution of a search warrant for an outside agency.
 - b. The Deputy Chief of Investigations shall review the search warrant prior to giving approval to assist the outside agency.

2. All assistance provided shall be in compliance with MPD policies.

9-302 Arrest Warrants ~~Warrant Arrest s~~

(04/08/22)

Revisions to prior policies: (06/12/02) (06/19/02)

A. Legal Principles

In accordance with P&P 5-102:

1. “Officers shall not arrest any person or search any premises except with a warrant or where such arrest or search is authorized without warrant under the laws of the United States.”
2. “Employees shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.”

B. Serve Within Minnesota

MPD officers may serve warrants within the State of Minnesota.

C. Confirm Warrant

1. Officers in contact with a person suspected to be wanted on a warrant shall confirm that the warrant exists through MECC.
2. If a warrant is from out of state, officers shall obtain the number of the warrant from MECC and provide it to personnel at the HCADC.

D. Suspect photographs or briefing sheets

If available, suspect photographs or briefing sheets should be obtained prior to serving felony warrants or when attempting felony pick-ups.

E. Announce Arrest and Inform Subject of Warrant

In accordance with MN Statute section 629.32 and P&P 5-301, the officer shall inform the subject that the officer is acting under a warrant, and shall show the subject the warrant if requested to do so. An arrest by an officer acting under a warrant is lawful even though the officer does not have the warrant in hand at the time of the arrest, but if the arrested person so requests the warrant must be shown to that person as soon as possible and practicable. An officer may lawfully arrest a person when advised by any other peace officer in the state that a warrant has been issued for that person.

Note: The officer can show the warrant via the squad computer.

F. Using Force to Make Arrest

Force may only be used to make an arrest in accordance with P&P 5-300, and Federal, State and local laws.

G. Time of Arrest Warrant Service

1. Misdemeanor arrest warrants

In accordance with MN Statute section 629.31, an arrest may for a misdemeanor may only be made during the hours of 8:00 am and 10:00 pm and only on the days of Monday through Saturday, subject to the exceptions below:

- a. An arrest for a misdemeanor may be made on Sunday or between 10:00 p.m. and 8:00 a.m. on any other day when the judge orders in the warrant that the arrest may be made between those hours; or
- b. when the person named in the warrant is found on a public highway or street.

2. Gross misdemeanor and Felony arrest warrants

In accordance with MN Statute section 629.31, an arrest for a felony or gross misdemeanor may be made on any day and at any time of the day or night.

~~9-305 Nightcapped Warrants
(06/12/02)~~

~~A nightcapped warrant is one that is signed by a judge authorizing the arrest of a party at any time. Non night capped misdemeanor warrants may be executed at any time if the person is found on a public highway or street. In the event the individual is not discovered on a public highway or street, non night capped misdemeanor warrants may only be executed Monday through Saturday between the hours of 0800 and 2200. There are no time restrictions on the execution of gross misdemeanor and felony warrants.~~

H. Transport

If a warrant does exist for the individual, the suspect shall be transported to the Hennepin County Adult Detention Center (HCADC).

I. 9-304 Warrant Processing- Additional Charges

Officers arresting a suspect who also has outstanding warrants, may process the suspect on both the warrant and the additional offense.

9-301 Search/Arrest Warrant Requirements ~~(06/19/02) (08/01/02) (08/08/07)~~

~~Search warrants shall be drawn up by investigating officers or supervisors. If any doubt exists as to probable cause for the warrant, a city or county attorney shall be contacted for assistance. Officers shall follow all listed requirements on the warrant including serving a copy of warrants~~

and inventory receipts to the affected parties.

[Moved to 9-301 [IV-A]]

~~Search and/or arrest warrants shall be executed in accordance with Minn. Stat. §626.15. A warrant can only be executed between 0700 hours and 2000 hours, unless the court authorizes a nighttime search outside of these hours.~~

[Replaced by 9-301 [IV-B]]

~~Whenever feasible, uniformed officers shall be present during the execution of any warrant.~~

[Moved to 9-301 [IV-F-1]]

~~Investigators shall use the available SWAT Team (Special Weapons and Tactics) on all high-risk warrants. (See Volume 9, section on Planned Arrest and Search Warrant Procedures for more details). (08/08/07)~~

[Replaced by 9-301 [IV-D]]

~~The presence of media or other third parties during the execution of a warrant is prohibited unless their presence is necessary to aid the execution of the warrant. (08/08/07)~~

[Moved to 9-301 [IV-F-2]]

~~At the conclusion of a warrant, officers shall return the searched location to some semblance of order (i.e., drawers will be placed back into dressers, clothes removed from drawers will be placed back inside, mattresses will be returned to their bed frames, etc.).~~

[Moved to 9-301 [IV-F-3]]

~~All case investigators shall document in a CAPRS report any damage done to property as a result of police actions. This documentation shall include damage done by the SWAT Warrant Detail to gain access to the premise and damage done by investigators as a result of lawfully searching for evidence. Damage done to vacant premises shall also be documented. This documentation must include the condition and detailed description of the property damaged; i.e., hollow core door vs. six panel oak door, porcelain sink vs. oak vanity with marble sink, etc. (08/08/07)~~

[Moved to 9-301 [IV-G-4]]

~~Investigators shall inform the Minneapolis Emergency Communications Center (MECC) and the on-duty supervisor of the involved precinct of the location where the warrant is to be served.~~

~~When a squad is needed to assist an investigator with a search warrant, the district squad for the location where the warrant will be served shall be called upon to assist. If they are not available, MECC will contact another squad.~~

[Moved to 9-301 [IV-F-1]]

~~In the best interest of officer safety, MPD officers initiating a warrant in another jurisdiction shall contact the Communication Center that dispatches for the affected jurisdiction and request contact with the officer in charge. Where the potential of deadly force is an issue and could be contemplated, the law enforcement jurisdiction where the warrant is to be served should be responsible (depending on capability) for entry and securing the scene prior to the visiting jurisdiction assuming control.~~

[Moved to 9-301 [III-B]]

(06/19/02)

[Moved to 9-301]

- ~~A. An on-duty team from the Special Weapons and Tactics (SWAT) shall be used for serving all high-risk warrants described in the Search Warrant and Risk Assessment form (MP-6946). SWAT personnel shall be used in all other situations where a “preplanned” entry in to a building or dwelling is necessary to arrest a suspect(s) who is believed to be armed and/or dangerous or when entry to the location may be hazardous or impeded because of warning systems, reinforced doors, or other impediments. (08/08/07) (06/29/16)~~
- ~~1. The purpose of the team is to provide trained personnel and special equipment for the safe and expeditious execution of planned searches and arrests.~~
 - ~~2. Investigating officers will assist the operation and make all associated arrests.~~
- ~~B. A supervisor shall be present at briefings and executions of all planned search warrants.~~
- ~~C. Emergency or exigent circumstances can be cause to deviate from this policy.~~
- ~~1. The emergency or exigent circumstances must be documented by the investigator or investigative supervisor in charge.~~
 - ~~1. The investigator/ affiant is responsible for completing the Search Warrant and Risk Assessment form (MP-6946) for all search warrants, whether the warrant team is utilized or not. (06/29/16)~~
- ~~D. If available, suspect photographs should be obtained prior to serving felony warrants or when attempting felony pick-ups.~~
- ~~E. Requests for the SWAT’s on-duty team will be made to MECC. (08/08/07)~~
- ~~1. A SWAT team supervisor will designate the responding team members and direct them to a prearranged location for a briefing with the investigating officers.~~
 - ~~2. Tactical considerations for entering a dwelling and securing occupants is the responsibility of SWAT.~~
- ~~F. Requests for SWAT assistance by outside agencies for serving search or arrest warrants shall also be referred to the on-duty Special Weapons and Tactics Team supervisor. (08/08/07)~~

~~9-304~~ ~~Warrant Processing~~ ~~Additional Charges~~

(06/19/02)

~~Officers arresting a suspect who also has outstanding warrants, may process the suspect on both the warrant and the additional offense.~~

~~9-305~~ ~~Nightcapped Warrants~~

(06/12/02)

A nightcapped warrant is one that is signed by a judge authorizing the arrest of a party at any time. Non-night capped misdemeanor warrants may be executed at any time if the person is found on a public highway or street. In the event the individual is not discovered on a public highway or street, non-night capped misdemeanor warrants may only be executed Monday through Saturday between the hours of 0800 and 2200. There are no time restrictions on the execution of gross misdemeanor and felony warrants.

~~9-306~~ — ~~Deconfliction Prior to Search Warrant Execution~~

~~(03/11/16)~~

~~[Moved to 9-301]~~

- ~~A. Prior to executing a search warrant at an address, the warrant affiant shall attempt to ensure that the search will not conflict with another investigation or police action.~~
- ~~1. Deconfliction shall be handled through the RISSafe service provided by the Mid States Organized Crime Information Center.~~
 - ~~a. The search warrant affiant or their designee shall complete the RISSafe deconfliction process by contacting the Strategic Information Center at 612-673-3700 or police-siemintel@minneapolismn.gov or the Bureau of Criminal Apprehension Operations Center at 651-793-7000.~~
 - ~~b. Investigators who have received RISSafe system training may use the online deconfliction tool.~~
 - ~~2. The affiant or their designee shall provide the following information:~~
 - ~~● Affiant name and contact information~~
 - ~~● The name and contact information for a secondary contact familiar with the details of the planned warrant~~
 - ~~● Date and time of warrant execution (a date and time range is acceptable)~~
 - ~~● Type of crime being investigated~~
- ~~B. In the event a conflict is found, the affiant will be instructed as to how to contact the conflicting agency. The affiant shall make contact and resolve the conflict prior to executing the search warrant.~~
- ~~C. The deconfliction effort and result shall be documented on the Search Warrant Risk Assessment form (MP-6946).~~
- ~~D. Exception: A search warrant executed at an active crime scene *already under the control of the MPD or another law enforcement agency* does not need to be deconflicted.~~

~~9-307~~ — ~~Unannounced Entry Search Warrants~~

~~(11/30/20)~~

- ~~A. In addition to the requirements of the other policies in this chapter related to warrants, officers submitting a warrant application and Search Warrant and Risk Assessment form~~

(MP-6946) shall indicate whether the warrant is requested to be an “entry with announcement” warrant (also called “knock and announce”) or is requested to permit “unannounced entry” (immediate entry), sometimes referred to as “no knock” entry.

1. ~~With “entry with announcement” search warrants, officers executing the search warrant generally must not immediately force their way into the premises. Instead, the officers must first knock, identify themselves as “Police” and announce their intent, and wait a reasonable amount of time for the occupants to allow entry into the premises.~~
 2. ~~High risk warrants (P&P 9-302 and P&P 9-303) may involve immediate entry or “unannounced entry.” Unannounced entry search warrants authorize officers to enter the specified premises without first knocking and announcing their presence or purpose prior to entering. The judge issuing the warrant indicates whether the warrant permits that type of entry, based on the case details.~~
 - a. ~~The Special Weapons and Tactics (SWAT) team generally handles and executes such warrants, based on the identified risks noted on the Search Warrant and Risk Assessment form (MP-6946). If the search warrant is determined to be high risk based upon the Search Warrant and Risk Assessment form, the SWAT Warrant Team Sergeant shall be consulted.~~
 - a. ~~During unannounced entry search warrants, MPD officers shall announce themselves as “Police” and announce their purpose as “Search Warrant” prior to crossing the threshold of the door into the residence or building. *[Moved to 9-301]*~~
 - b. ~~Announcements shall also be given periodically throughout the search and at least one time when the officer has moved to an area where the previous announcement may not have been heard. These announcements should include the officer’s authority and what the officer wants the subject to do. Arrests, searches and use of force engagements shall follow the applicable policies (P&P 9-100, P&P 9-200 and P&P 5-300). *[Moved to 9-301]*~~
 - e. ~~Officers should be mindful of any known or reasonably believed barriers or obstacles to cooperation such as perception barriers, mental or emotional capacity, physical and language barriers, including whether the individual is known or believed to be deaf or hard of hearing. *[Moved to 9-301]*~~
- B.** ~~In exceptional circumstances when giving announcements would create an imminent threat of physical harm to victims, officers or the public, the supervisor may authorize officers to execute an immediate entry without making an announcement. For those circumstances when announcements are not made for any part of a warrant execution, the supervisor involved shall include the facts supporting the decision in their incident report.~~
- C.** ~~This policy applies to any search warrant entry made by MPD officers, including when working with other agencies.~~