

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – 9-301 Search Warrants			APPROVED BY: <i>Chief O'Hara</i>

MP-8806

Introduction: Beginning 7/1/23 MPD will begin collecting additional data on all search warrants that are applied for or executed by MPD employees. Enhanced data collection will support data driven decision-making, accountability, and transparency.

This policy is being updated incorporate the new search warrant reporting form in PIMS in [IV-G-2]. The Risk Assessment form will no longer be required for "Lower-risk" and "Administrative" warrants (see [IV-C-1, 5 and 6]).

Effective with the issuance of this Special Order, Section 9-301 of the MPD Policy and Procedure Manual shall be amended as follows:

9-301 Search Warrants

(04/08/22) (05/02/22) (07/01/23)

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 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 “Intermediate-risk” and “High-risk” 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 for premises

In all search warrants for premises that are 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 for premises

All search warrant applications for premises 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. “Intermediate-risk” and “high-risk” warrants not for premises

Search warrants determined to be “intermediate-risk” or “high-risk” that are not for premises may be executed under the direction of a supervisor, without consultation with the SWAT supervisor. This includes search warrants for people and search warrants for vehicles that may be occupied or mobile.

5. “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 is not required ~~shall still be completed~~ for the warrant.

6. Administrative warrants

The investigator/affiant may execute an administrative search warrant without consultation with the SWAT supervisor. A Search Warrant Risk Assessment form is not required ~~shall still be completed~~ for the warrant.

D. Planning for Warrant Execution

1. Using SWAT team

- a. An on-duty team from the Special Weapons and Tactics (SWAT) Unit shall be used for serving all high-risk warrants for premises 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.
- c. 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. 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 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

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

- a. 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. Tactical considerations for entering a dwelling and securing occupants is the responsibility of SWAT.

3. Supervisor present

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

4. Uniformed officers present

- a. All high-risk and intermediate-risk search warrants shall have a uniformed officer present.
- b. When SWAT is not involved in the warrant execution, the investigator shall 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 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

If available, suspect photographs or briefing sheets should be obtained prior to serving “intermediate-risk” and “high-risk” warrants.

E. Deconfliction Prior to Search Warrant Execution

1. Deconfliction requirement

- 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. 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. Deconfliction shall be handled through the RISSafe service provided by the Mid States Organized Crime Information Center.
 - i. 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-sicmintel@minneapolismn.gov or the Bureau of Criminal Apprehension Operations Center at 651-793-7000.
 - ii. Investigators who have received RISSafe system training may use the online deconfliction tool.
- b. 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

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

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. During the execution, officers must repeatedly announce themselves as “police” as they move about and clear the search area, and 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.

d. Be mindful of barriers to cooperation

Officers should be mindful of any known or reasonably believed obstacles to cooperation or 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.

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).
- 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 (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:
- 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. Search warrant information collection form

- a. The Search warrant information collection form in PIMS (the “Warrant” screen) is required for all search warrants. This includes “High-risk,” “Intermediate-risk,” “Lower-risk” and “Administrative” warrants.
- b. The affiant shall complete the PIMS form for each search warrant applied for or executed by MPD, and shall enter all data required by the form.
- i. If the affiant is from an outside agency and MPD participates in the execution of the search warrant, the ranking officer that participated in the entry shall complete the form.
- c. The form shall be completed under the same CCN as the search warrant in PIMS.
- d. In the Related field on the search warrant PIMS entry, the incident number for the primary case should be used.

3. 2-Reporting force

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

4. 3-Documenting damage

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

- a. If entry for a search is made forcibly to windows or interior or exterior doors, the report shall include the code FENTRY.
- 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.

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. 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

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.