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| <i>Section:</i> | Law Enforcement Operations - Investigations |
| <i>Article:</i> | 79 - Search Warrant Procedures |
| <i>Title:</i> | Guidelines for the Execution of Court-Authorized Search Warrants |
| <i>Special Instructions:</i> | |

I. PURPOSE

43.1.5 The execution of court-authorized search warrants is a necessary and valuable tool in assisting members of law enforcement in the swift recovery of evidence and the apprehension of criminals. Every precaution shall be utilized to effectively execute search warrants with the safety of all law enforcement personnel and civilians being our primary concern. These guidelines are established in order to ensure minimal risk to everyone involved in executing court-authorized search warrants, and to guide the Division members in effectively and safely recovering evidence and apprehending criminals.

II DEFINITION

A. RAID - The sudden and forcible entry into a place by the police. The execution of a court authorization search warrant is when entry to an establishment is gained by force, consent or trickery. It is an offensive type operation characterized by the suddenness of its delivery. The purpose of conducting a raid is usually to apprehend criminals and/or to search premises for evidence relating to criminal activity. The Division recognizes that all raids are different and each raid is to be planned with a critical regard for the specific factors pertaining to the specific raid.

III. ELEMENTS OF A RAID

A. Every raid conducted is unique to that raid and the Division recognizes the need for flexibility in executing the court-authorized search warrants. The following elements will characterize a well planned operation:



1. Speed;
2. Surprise;
3. Simplicity;
4. Safety of all personnel involved;
5. Safety of suspects (after area is secured and rendered safe);
6. Safety of innocent bystanders;
7. Superiority of firepower and law enforcement personnel; and,
8. Preservation of evidence and contraband.

RESPONSIBILITIES OF THE AFFIANT

- A. When a member of the State Police believes that probable cause exist to request that a search warrant be issued, the member shall take the following steps prior to having a judge review the application for a search warrant:
1. The affiant shall notify his/her immediate supervisor.
 2. The affiant shall prepare an affidavit and search warrant detailing the probable cause to search a specific location.
 3. The affiant, along with his supervisor, shall prepare a Operation Plan form and a Risk Assessment Survey.
 4. The supervisor shall review the application for a search warrant prior to the affiant responding to have a judge review the search warrant.
 5. The affiant will determine if the warrant will be served in the daytime or the nighttime and include this information in the affidavit and on the search warrant.
 6. The affiant will also articulate the reason(s), facts and circumstances that are necessary to request permission for a "no-knock" search warrant. "No Knock" entry is permissible for the following reasons:
 - a. Officer safety; or,
 - b. Destruction of evidence.
 7. The affiant will make a reasonable attempt to identify the target of the search warrant.
 8. The affiant will give a detailed description of the location to be searched and the things to be seized.

V. RESPONSIBILITIES OF A SUPERVISOR

- A. The supervisor will review and approve the application for a search warrant prior to the affiant presenting it to a judge.
- B. The affiant will provide the supervisor with all pertinent information regarding the subjects of the search warrant and the location to be searched.

- C. Once permission is granted to present the application for a search warrant to a judge, the affiant will present the application to a judge of the Rhode Island Judiciary for review. Once the application has been approved, the affiant will immediately advise his/her supervisor. This supervisor will make his/her supervisor aware of the search warrant for further approval.
- D. After the application has been signed by a judge, the affiant will proceed to a pre-arranged location and the following steps will be followed:
1. A pre-raid briefing will take place with the supervisor taking responsibility for disseminating all the pertinent information regarding this specific raid. The supervisor will brief all the members of the raiding team from a raid planning form prepared by the affiant.
 2. The supervisor will be responsible for the proper amount of personnel needed to safely and effectively execute this court-authorized search warrant.
 3. Each member of the raiding team will be equipped with the following items:
 - a. Division-issued firearm.
 - b. Handcuffs.
 - c.  full extra clips for the duty firearm.
 - d. Cap Stun.
 - e. Cas Baton.
 - f. Division-issued raid jacket.
 - g. Division-issued bulletproof vest.
 4. 
 5. The supervisor will assign one (1) member of the raiding team to be responsible for the seizure of all evidence. This person is usually the affiant or case agent.
 6. Once the immediate supervisor evaluates the operation plan and the risk assessment survey, and feels that circumstances exist that may require to use of the Tactical Team, then the Detective Commander or Assistant Detective Commander and the Tactical Team Commander or designee will discuss the search warrant, operations plan form, and risk

- assessment survey with the supervisor and make a determination if the Tactical Team needs to be activated. (SEE#14)
7. The briefing should include a thorough and detailed layout of the location to be searched. Whenever possible, it should include if there are children in the house, elderly persons, animals, weapons, possible booby traps, suspects propensity towards violence and anything the affiant or supervisor feels is pertinent.
 8. Whenever possible, draw a diagram of the location to be searched and attach it to the raid planning form after explaining it to the raiding team.
 9. Each member and outside agency personnel assisting in the raid will be briefed from the raid planning form.
 10. Each member will be given an assignment to carry out for the specific raid.
 11. All exits should be covered as well as all sides of a target location to prevent possible escapes.
 12. The unit supervisor will contact the Patrol Commander of the respective barracks and request a uniform member to assist if available. The assistance of a uniform member is desired so the suspects fully understand the police presence.
 13. The supervisor will notify the local law enforcement agency prior to the execution of the search warrant unless otherwise directed by the Bureau Commander
 14. If the Tactical Team is activated, the unit supervisor and affiant will fully brief the supervisor of the Tactical Team with all the pertinent information regarding the target of the search warrant. The Tactical Team supervisor along with members of the Tactical Team will conduct an independent investigation concerning the logistics of the search warrant. The unit supervisor and affiant will assist the Tactical Team in this endeavor.

VI. THE EXECUTION OF THE COURT-AUTHORIZED SEARCH WARRANT

The Division recognizes that the entry into an establishment is the most critical stage of any raid. Violence may erupt at any point so members are to exercise extreme caution upon entering a location. Members will be guided by the following:

- A. When executing a search warrant, Division members will announce their presence by yelling "STATE POLICE" and should continue announcing "STATE POLICE."
- B. Once entry is made by force or trickery, for officer safety, everyone inside shall be searched for weapons and secured until it has been determined that the location is safe for all personnel.

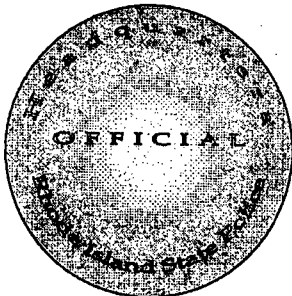
- C. Once the location is secure, each Division member will complete their respective assignment(s).
- D. All evidence should be seized and secured by the affiant and/or case agent.
- E. Whenever possible all evidence shall be photographed at the scene.
- F. A copy of the search warrant will be left at the scene and/or provided to the owner/keeper thereof.
- G. A copy of the return of service section of the search warrant will be provided to the owner/keeper thereof.
- H. Whenever possible, the person who is the subject of the search warrant will be photographed with a copy of the search warrant.
- I. The location of the search warrant shall be photographed. The photographs will depict evidence and the point of entry of the raid team and any damage done during the execution of the court-authorized search warrant.
- J. The location that was searched shall be reasonably secured by members of the raiding team after the execution of the search warrant and all evidence and suspects have been removed.
- K. Upon completion of the court-authorized search warrant, the unit supervisor shall notify the next person in his/her respective chain of command.
- L. The original search warrant must be returned to the respective clerk's office of the court that issued the warrant within fourteen (14) days after it was issued.

VII. EVIDENCE

- A. All evidence seized by the case agent and or affiant will be brought to a designated evidence storage area.
- B. Whenever possible, if the evidence seized is United States currency, it will be counted at the scene of the search warrant by at least two (2) members of the Division.
- C. A Currency Receipt Report will be filled-out and witnessed by at least two (2) members of the Division. Whenever possible, the suspect will be requested to initial and/or sign this document.

vIII. PROVISIONS

- A. Members executing court-authorized search warrants at third party establishments, i.e., search warrants conducted at hospitals for blood alcohol content results or at financial institutions for banking records, need not follow the guidelines pertaining to raids unless other safety issues exist.



By Order of Colonel Paré

A handwritten signature in black ink, appearing to read "Steven M. Paré".

Steven M. Paré
Colonel
Superintendent