

## 405 Warrants

### 405.3 SEARCH WARRANTS

#### 405.3.1 OBTAINING A SEARCH WARRANT

#### 405.3.2 EXECUTION OF A SEARCH WARRANT

A supervisor will be present and in charge when any residential or commercial building search warrant is executed if the residential or commercial building has not already been secured by officers.

- (a) Narcotic based search warrants will not be executed by any personnel other than those assigned to Organized Crime unless an Organized Crime supervisor has been consulted. The Organized Crime supervisor will determine whether the search warrant would damage any on-going investigation and whether prior approval has been obtained from the appropriate commander, assistant chief, or the Chief.
- (b) Prior to execution of any search warrant for a residential or commercial building not already lawfully secured by law enforcement, the following shall occur:
  1. The supervisor in charge will ensure that a *Search/Arrest Warrant Threat Assessment Form* (APD Form #11) is completed, and:
    - (a) Review the form for accuracy and sign the completed form in the space provided.
    - (b) Follow the provided line on the form to determine the level of threat to personnel and refer the warrant service to SWAT if required.
    - (c) Contact the on-call SWAT supervisor for consultation for assistance in completing the form or as needed.
    - (d) Ensure the form is added to the case file.
  2. Personnel assigned to Organized Crime will use the *Operational Briefing & Threat Assessment* forms as specified in their Operations Procedure Manual.
  3. If the search warrant is for computer equipment, the seizing officers should be familiar with the document *Seizing Computers and Computer Related Evidence*.
  4. A meeting will be held with all participating personnel.
    - (a) A sufficient number of officers will be assigned to execute the search warrant safely and to conduct a thorough search.
    - (b) One officer may be assigned as the seizing for all evidence seized and is responsible for properly tagging all evidence.
    - (c) One officer may be assigned to draw an accurate diagram of the premises. The diagram will be used to assign officers' positions for the entry to the location.
    - (d) One officer may be assigned the responsibility of seizing personal papers to show an affirmative link between the defendant(s), premises, and evidence.
    - (e) The supervisor or designee shall prepare the inventory and receipt of items seized.
- (c) The supervisor of the Investigative Unit obtaining the search warrant shall be responsible for notifying the Communications supervisor of the location and approximate time of the warrant service unless it is determined that such notification would compromise the case or jeopardize officer safety.
- (d) When executing a search warrant for a residential or commercial building not already lawfully secured by law enforcement, the following shall occur:
  1. Department-approved raid jackets and body armor will be worn by all plainclothes officers involved in the execution of a search warrant.
  2. Department-approved body armor will be worn by all uniformed personnel involved in the execution of a search warrant.
  3. Officers will announce their agency and purpose (e.g., "Austin Police search warrant!").
  4. Personnel who have not received ~~dynamic~~-tactical entry training will not participate in the entry portion of the execution of any narcotics search warrant.
- (e) Copies of the search warrant, the inventory of seized property, and the receipt form should be given to the person in charge of the premises at the time the search warrant is executed. If no one is home, copies should be left at the scene.