

City of Virginia Beach Police Department

Search Warrant Execution Field Guide



A Guide for Department Personnel

- Guidelines for the execution of Search Warrants

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Purpose (CALEA 43.1.5)

The purpose of this guide is to provide a model for all commands to follow during the execution of search warrants. This field guide will not address the procedures or case law for securing a search warrant or preparing a search warrant affidavit; those issues are addressed in the Constitutional Issues Field Guide. This plan is designed to provide guidelines so that the safety of both the executing officers and all others involved is the foremost priority.

Plan

A supervisor will be consulted prior to an officer or detective applying for a search warrant to review the facts of the case. Officers or detectives will complete the PD-58 (Search Warrant Check Sheet) unless specifically instructed otherwise by a supervisor; for example, administrative search warrants, banking, medical and/or cell phone records would not typically require the use of this check sheet. Officers or detectives who obtain a search warrant (herein referred to as the Case Officer or Case Detective) authorizing the entry into and search of a building or structure shall immediately notify his supervisor or an on-duty supervisor from his command at the time the warrant is issued. The Command Duty Officer (CDO) shall also be notified before any search warrant is served.

Once it is determined that a search warrant plan will be initiated, a supervisor from the command that will execute the warrant will assume the role of Incident Commander under the ICS model. (See Directive 13.01 for further details on NIMS and ICS). The Incident Commander (IC) will be responsible for all personnel and actions taken during the course of the operation. The IC can change due to the complexity of the mission or the time line involved. The IC can be a higher-ranking member if there are multiple agencies involved or officers from multiple commands are present.

The event should be divided into three phases for effective preparation and planning: the operational plan, the warrant service and the after action report.

Operational Plan

The IC will review intelligence information regarding the location where the search warrant will be served. Additionally, intelligence information will be obtained for all known or suspected occupants of the location that will be searched. This information can be obtained through arrest records, CCH reports, address histories, informant interviews or previous police incidents at that address. The background intelligence is imperative for the safety of all persons present when the warrant is served.

Visual inspection and identification of the location should be made by the affiant or another officer/detective involved with the investigation prior to serving the warrant. This will help develop the safest approach route and confirm the correct address is served. In some instances it may be impractical to drive by the target location without compromising the operation. The IC should consider using pictometry software or aerial photographs as an alternate source of information when a visual drive by is not practical.

Once the intelligence information has been collected and reviewed, the IC will request the necessary resources to serve the warrant safely and effectively. The concern with any forced entry into a building is the possibility of an armed or violent encounter inside. Any time the intelligence indicates that there is likely a violent offender, suspects with a violent criminal past, or where firearms may be present inside a location the SWAT Team shall be requested. (Refer to General Order 13.03, (Special Weapons and Tactics Team)).

Unless conditions emerge at the time the warrant is executed that make calling the SWAT team impractical, warrants requiring a 'no-knock' entry shall be executed by the SWAT Team. A 'no-knock' entry will only be utilized for safety reasons where the officers believe that announcing their presence will give occupants inside the time to arm themselves and/or fortify the entry points. A 'No-knock' entry will be approved by the on scene supervisor, or the SWAT Team Commander or their designee.

The utilization of a surveillance team should be considered if the location can be effectively watched without compromising the mission or the upcoming search warrant entry. All Updated intelligence will be communicated to the IC. Based on this updated information, the Operational Plan may require modification.

The Operational Plan will list all officers involved and include their respective assignments. The IC should relay all pertinent information, applicable pictures and directives during the briefing. Everyone involved in the warrant service shall attend the briefing, except those deployed as a surveillance or perimeter team and are already on scene. Logistical matters such as transportation, parking, staging and communications must be included in the briefing. The IC should secure a separate radio frequency for communications during the execution of the search warrant.

The IC should prepare for all contingencies. These contingencies can include: fortified doors, shots being fired, large crowds inside, a compromised approach, and the like. In all cases, the safety of everyone involved in the execution of the warrant must be paramount. A thorough review of the PD-58 (Search Warrant Check Sheet) will provide the IC with the necessary information to render a reasonable assessment of the circumstances and execution of the search warrant.

Warrant Service

The Incident Commander will conduct a briefing of the operational plan at predetermined briefing area in close proximity to the target location. This will be done immediately prior to the warrant being served. If the warrant is served by a specialty unit (i.e. SWAT, SI or Detective Bureau), an on-duty supervisor from the precinct in which the warrant is served and the CDO shall be notified prior to the warrant service.

Information about the warrant, target location or suspects involved shall not be disseminated to unauthorized personnel. The IC shall insure that all documents relating to the warrant and the operational plan are collected after the briefing and not left for others to intercept. In rare instances, it may be necessary for the warrant to be served without advance notice to precinct personnel. This will be at the discretion of the Incident Commander and determined on a case-by-case basis.

The on scene supervisor will insure that all officers have the necessary resources to serve the search warrant effectively. All officers shall wear their issued body armor and bring their flashlight. Officers will await word from the on scene supervisor or IC to proceed once all officers are in place and ready. The on scene supervisor or IC will be responsible for initiating the warrant service.

Search Warrant Service

Before entering, or forcing entry, into a dwelling to execute a search warrant, the following must be accomplished by the executing officers (commonly referred to as the "knock and announce" rule):

1. Knock
2. Identify themselves as police officers
3. Indicate the reason for their presence

4. Wait a reasonable period of time for the occupants to answer the door.

Exceptions to the “knock and announce” rule permit officers to make an unannounced entry where they have reasonable suspicion *prior to the entry* to believe that their peril would be increased if they announced their presence or that an unannounced entry is necessary to prevent persons within from escaping or destroying evidence.

The primary objective of executing any search warrant is to render the building safe for the officers, detectives and citizens by locating and detaining all persons inside the building. After noting the location of each occupant with respect to any evidence or contraband in plain view, occupants may be ushered into one area for easier accountability. Once the building has been secured, the Case Officer/Detective will direct the search of the property in accordance with the provisions of the warrant.

The supervisor on scene will inspect the property for damage associated with the warrant service. All damage and injuries will be documented on a DF-75 report. Pictures shall be taken to document the damage and/or injuries. The IC may photograph the property to document a lack of damage to dispute any future claims of damage or subsequent litigation.

After-Action Report

Once the incident has concluded the IC will debrief the event with all officers involved.

The Incident Commander, or designee, will submit the After-Action Report (AAR) utilizing the appropriate Incident Command System Forms unless specifically instructed otherwise by a supervisor; for example, administrative search warrants, banking, medical and/or cell phone records would not typically require an AAR.

The AAR will list any problems encountered, training needs identified and other pertinent information associated with executing the search warrant. This report shall also include the identities of everyone inside the target location when the warrant was served.

All PD-136's shall be submitted prior to the end of the shift. The AAR shall be submitted as soon as it can be accurately completed.

In accordance with the [City of Virginia Beach Human Resources requirements](#), when a member is injured, has an accident, or an exposure incident occurs while performing job-related duties for the City, the following procedure must be followed:

1. The member must immediately notify his supervisor of the injury, accident or exposure.
2. The supervisor must immediately provide the member with the City's Workers' Compensation Physician Panel Form (DF 159) and shall make certain the member knows that they must select a doctor from the panel should they require medical attention as a result of the incident.
3. Prior to sending a member to the panel physician he/she has selected, the member's supervisor shall issue the member a properly completed Authorization for Medical Treatment Form (DF 76). The member shall sign the certification and shall present this form to the attending physician, who shall complete the bottom portion of the form. The member shall then return this form to his supervisor immediately after seeing the doctor and follow up with a visit to Occupational Health. This form shall be forwarded to the Department of Finance, Risk Management Division along with all other required forms.
4. All claim information for accidents and losses shall be completed online in [RiskMaster](#). The DF 75 form may be used internally by departments to gather the information needed for input into RiskMaster.

5. All claim information for injury and illness shall be completed online at the [Sedgwick CMS reporting site](#). The DF 75WC may be used internally by departments to capture all information needed for input into Sedgwick system.