

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Execution of Search Warrant		CHAPTER/SECTION NO.: 50.8, 50.9, 50.10, 50.11	
EFFECTIVE DATE: 10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES: See attached sheet		APPROVED: <u>** See Master File</u> Sheriff	
STANDARD NUMBER: N/A			

50.8 Purpose

- 50.8.1 The purpose of this policy is to provide deputies with guidelines for the execution of a search warrant.

50.9 Policy

- 50.9.1 It is the policy of the Weber County Sheriff's Office to:
- A. Provide techniques to accomplish a thorough and legal search.
 - B. Observe the constitutional rights of the person(s) the warrant is being served upon.
 - C. Minimize the level of intrusion experienced by those who are having their premises searched.
 - D. Provide for the highest degree of safety for all persons concerned.
 - E. Establish a record of the entire execution process.

50.10 Definitions

- 50.10.1 Search Warrant: An order issued by a magistrate in the name of the state and directed to a peace officer, describing with particularity, the person, place or thing to be searched, the property or evidence to be seized by him and brought before the magistrate. UCA 77-23-201.
- 50.10.2 Search Site: The premises or person(s) to be searched, as explicitly stated in the search

warrant.

- 50.10.3 Search Personnel: Law enforcement officers and/or deputies and supporting personnel taking part in the execution of a search warrant.
- 50.10.4 Evidence Collector: Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.
- 50.10.5 Supervising Deputy: Search team member most knowledgeable about the case and/or responsible for the investigation.

50.11 Procedure

- 50.11.1 Uniform and equipment requirements
 - A. The search team shall at all times include at least one uniformed deputy. All non-uniformed deputies shall be clearly identified as law enforcement deputies by wearing a distinctive armband, jacket or some other indicator of office.
 - B. All members of the search team **shall** be equipped with body armor until premises are secured.
- 50.11.2 Time Limitation on Search Warrant Execution
 - A. A search warrant shall be executed as soon as practical, but in no case more than ten days from the date of issuance. UCA 77-23-5(2).
 - B. Absent court approval, necessity or authorization by law, a search should be conducted during daylight hours. If the affidavits or oral testimony state a reasonable cause to believe a search is necessary during the night, to seize the property prior to it being concealed, destroyed, damaged, or altered, or for other good reason, the warrant may include a direction that it be served any time of the day or night. UCA 77-23-5(1).

50.11.3 Preparation for Execution of Warrant

- A. Prior to entering the premises, the supervisory deputy shall conduct a pre-entry briefing of the execution process with all search team members. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow, a simulation of the conditions of the search site (using maps, charts and diagrams, when appropriate) and tactics and equipment to be used in the event of forced entry.
- B. The supervisory deputy shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.
- C. The supervisory deputy shall ensure that the entire search warrant execution process is documented, from beginning to end, and continued until the search team leaves the premises. A written record shall be supported by photographs, diagrams or a videotaping of the entire search from start to finish. This report will become part of the case file in records. Any video tapes or film will be booked into evidence.
- D. The supervisory deputy shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.

50.11.4 Entry Procedures

- A. A search warrant may be served by any of the deputies mentioned in its direction, or by another acting in such deputy's aid and presence. UCA 77-23-205.
- B. The approach to the scene shall be executed without sirens. If a pre-execution surveillance team is on the scene, radio contact shall be made to ensure that it is appropriate to serve the search warrant.

- C. When executing a search warrant, a deputy may use reasonable force to gain entry if:
 - 1. After announcing the authority and purpose of the entry, there is no response or he/she is not admitted with reasonable promptness.
 - 2. The warrant specifically allows such entry. The magistrate can issue a "no-knock" warrant only if there is proof, under oath, that the property to be seized could be destroyed, is a controlled substance easily disposed of, or that serious danger to the deputy(s) or others would result if notice were given. UCA 77-23-210.
- D. If possible and practical, the supervisory deputy shall ensure that the entry is recorded by audio tape and photographs or video tape.
- E. The search personnel shall position themselves in the following manner:
 - 1. Exits from the premises shall be covered.
 - 2. Uniformed deputies should be the most visible members of the search team, and should, when practical, conduct the initial entry.
 - 3. Non-uniformed deputies should be the last members to enter the search site.
- F. Notification
 - 1. The deputies shall notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she demands entry to the premises at once. If the deputies are serving a no-knock warrant, notification and identification shall be made immediately upon entry. This process should be clearly documented as part of the report.

- G. During the execution of a search warrant, only authorized deputies, other law enforcement personnel, and/or County Attorney personnel should be present. No media will take part in this process.

50.11.5 On premises Activities

- A. The supervisory deputy shall ensure that members of the search team conduct a security sweep of the search site.
- B. After the search site has been secured, search personnel shall develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.
- C. One person shall be designated as responsible for collecting, preserving and documenting all items seized until possession is transferred to the evidence custodian.
- D. When property is seized pursuant to a search warrant, the deputies shall give a receipt to the person from whom it was seized or in whose possession it was found. If no person is present, the deputy shall leave the receipt in the place where he found the property. UCA 77-23-206.
- E. If damage occurs during an entry to premises that will be left vacant and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
- F. If damage occurs, the police report shall address the actions that caused the damage and a detailed description of the nature and extent of the damage.

50.11.6 Post Execution Requirements

- A. After execution of the warrant, the deputy shall promptly make a verified return of the warrant to the magistrate and deliver a written inventory of everything seized,

stating the place where it is being held.
UCA 77-23-207.

- B. The deputy seizing the property shall be responsible for its safekeeping and maintenance until the court otherwise orders.
UCA 77-23-208.