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ISSUED BY: Chief Michael J. Szczerba <i>Michael J. Szczerba</i> Chief of Police Reviewed: 12/15/09					

Search Warrants

Directive: **6.91**

Purpose

The purpose of this policy is to provide Wilmington Police officers with guidelines for the execution of a search warrant.

I. Policy

It is the policy of the Wilmington Police Department to provide techniques to accomplish a thorough and legal search; respect the constitutional rights of the person(s) the warrant is being served upon; minimize the level of intrusion experienced by those who are having their premises searched; provide for the safety for all persons concerned; and establish a record of the warrant execution process.

II. Definitions

Search Site: The premises to be searched, as explicitly stated in the search warrant.

Search Personnel: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

Evidence Collector: Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.

Chief Investigating Officer: The officer primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.

CMT Team Leader: The officer responsible for planning and supervising tactical operations to include dynamic entry and other tasks requiring special weapons and tactically trained officers.

Protective Sweep: Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or other dangers to officers or others.

III. Procedures

A. Warrant Service Planning:

1. The Chief Investigating Officer shall advise and receive approval from his or her supervisor before serving the warrant.
2. Selection of officers to serve the warrant shall be based on the officers' prior training and experience in conducting warrant service consistent with the demands of the warrant service in question.
3. The Chief Investigating Officer shall ensure the complete preparation for serving the warrant in accordance with its nature and complexity and in consultation with the prosecutor if necessary. (A checklist of possible issues that *may* be considered in the planning process is attached to this policy for reference).

These tasks include but are not limited to the following:

- a. Gather intelligence on the target site to include the [REDACTED].
- b. Assess the capabilities and backgrounds of suspects to include [REDACTED].
- c. Determine the best date and time for warrant execution. The warrant shall be executed within the time limits as defined by Delaware law.
- d. Determine [REDACTED].
- e. Secure a warrant and ensure that it is thoroughly reviewed for accuracy, legal integrity, and completeness.

- (1) Should nighttime service be anticipated or desired,

justification shall be included in the affidavit and must be authorized in the search warrant as defined by Delaware law.

f. Whenever a warrant is for:

- [REDACTED]
- [REDACTED];
- [REDACTED]
- [REDACTED]

[REDACTED]

B. Preparation for Executing the Warrant:

1. The Chief Investigating Officer and CMT Team Leader, where required, work cooperatively to ensure proper preparation, planning, and service of the warrant. They shall detail procedures for executing the warrant to all team members in a warrant service briefing. The plan briefing shall be conducted by both the Chief Investigating Officer and CMT Team Leader and will include but not necessarily be limited to the following:

a. The specific items subject to the search as defined in the warrant and any available information on their location.

b. Information concerning the [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

c. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- d. A complete review of the tactical plan to include the
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - e. Personnel, resources, or armament necessary for gaining entry, safety and security of officers, or for conducting the search.
 - f. If a joint agency task force operation, all officers participating in the warrant service shall be present and identified as members of the warrant service team, excepting those officers [REDACTED]
 - g. Contingency plans for encountering [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - h. [REDACTED]
[REDACTED]
2. If feasible, the search team shall include [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].
 3. All members of the search team shall wear [REDACTED]
[REDACTED] as designated by departmental policy.
 4. Prior to execution of the warrant, the Chief Investigating Officer shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, [REDACTED]
[REDACTED]
 5. The Chief Investigating Officer shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
 6. The Chief Investigating Officer shall ensure that the entire search warrant execution process is documented until the search team

leaves the premises. A written record shall be supported by photographs, if practical.

7. The Chief Investigating Officers supervisor, or supervisory designee, must be present during the execution of any search warrant.

C. Entry Procedures:

1. [REDACTED]

2. The search personnel shall position themselves in accordance with the execution plan.

3. Notification:

- a. [REDACTED]

- b. [REDACTED]

D. On-Premises Activities:

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The supervisory officer shall ensure that a [REDACTED] is performed immediately.
3. Search personnel shall then [REDACTED]

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4. Items specified in the warrant may be searched for in places where they may reasonably be expected to be located and seized, as well as other items that are reasonably recognized as evidence.
 5. An officer, designated in the plan, shall be responsible for collecting, preserving, and documenting all items seized until possession is transferred to the evidence custodian, laboratory, or other authority.
 6. Drugs and currency taken as evidence shall be verified by a supervisor and be transported to a separate safe as designated by department policy.
 7. Officers should exercise reasonable care in executing the warrant to minimize damage to property.
 - a. 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.
 - b. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
 8. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.
 9. In a timely manner upon conclusion of the warrant service, the Chief Investigating Officer and CMT Team Leader shall conduct a debriefing of all participating officers.

E. Execution of Other Law Enforcement Agency Search Warrants

1. All requests from other law enforcement agencies for assistance in executing search warrants shall be referred to an on-duty supervisor from the appropriate division (i.e. Robbery/CID supervisor; drugs, DOCV supervisor). In the event that specialized units are not working, a patrol

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