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CHIEF OF POLICE

GENERAL ORDER

SEARCH WARRANTS

GENERAL ORDER - 36

Implementation Date: April 8, 1988

Revokes: None

36.1 INTRODUCTION

Conducting a search warrant must be precisely executed to ensure officer safety and the rights of citizens. Positive leadership by command personnel and adherence to discipline by participating officers is crucial during search warrant execution. Careless procedures can result in excessive danger, injury or death to the officers executing the warrant. Constitutional and Statutory provisions must be adhered to by all members of the search warrant party.

36.2 DEFINITIONS

Execution of Search Warrant - An organized, planned search, authorized by a search warrant of a building, area, thing or person to affect an apprehension and/or to secure any evidence or contraband therein.

Search Warrants - A written order issued by a court with proper jurisdiction authorizing an officer or agency to search and/or seize any person, property or other contraband which constitutes evidence of a crime.

Special Weapons and Tactics Commander - A member of SWAT who has received special training in handling high-risk situations and has been designated, by the Chief of Police, to be responsible for the administrative duties, operational duties, and training of the Special Response Team. The SWAT Commander reports directly to the Administrative Deputy Chief.

36.3 POLICY/PROCEDURE

36.3.1 Warrant Application and Approval Process

A. Information to be Included in the General Affidavit and Application for Search Warrant:

1. A detailed description of premises and curtilage.
2. The grounds for the warrant and the specific statutes being violated.
3. The property being sought.
4. The experience, training, and any expertise of the officer seeking the warrant that demonstrates the ability to interpret the evidence and information that caused the basis for the application of the warrant.

5. An explanation of how the details of the investigation equate to probable cause.
 6. The agency (or agencies) that will take part in the search.
 7. A request for authorization for who may conduct the search and when it can be conducted.
- B.** The requesting officer (affiant) shall sign the General Affidavit and Application for Search Warrant.
- C.** The requesting officer shall also prepare the Search Warrant for the Judge to sign and include with the General Affidavit and Application for Search Warrant. The Search Warrant shall include the following information:
1. A detailed description of premises and curtilage.
 2. The grounds for the warrant and the specific statutes being violated.
 3. The property being sought.
- D.** All applications for arrest and search warrants shall be approved by respective Component or Unit Supervisor, or their designee, prior to contacting the appropriate judicial personnel for issuance of the warrant.
- E.** Once approved by the respective Component or Unit Supervisor, the General Affidavit and Application for Search Warrant will be presented to the State Attorney's Office for review and approval.
- F.** After SAO approval, the General Affidavit, Application for Search Warrant, and Search Warrant can be taken to the duty judge for review and approval.
- G.** Once approved, the warrant must be served within 10 days.

36.3.2 Preparation for Execution of Warrant

- A.** The Component or Unit Supervisor, or designee, of the serving Component or Unit shall verbally notify the appropriate Shift Supervisor, Communications Supervisor and Chief of Police, or designee prior to execution of any search warrant.
- B.** The Administrative or Operations Deputy Chief shall review the operational plan prior to execution.
- C.** If exigent circumstances exist and notification is impractical due to the situation, notification to the Chief of Police, or designee shall be made as soon as possible.
- D.** Supervisor commanding search warrant execution shall:
1. Prepare sketch of premises to be searched if available, verify address by house or building description, and make every reasonable effort to ensure that the correct premises are being entered.

2. Determine if hazards exist and identify them. This includes, but is not limited to developing strategies and tactics for:
 - a. approaching the target
 - b. securing the target
 - c. leaving the target
3. Determine equipment needed, including:
 - a. cameras
 - b. extra restraining devices
 - c. forcible entry equipment
 - d. sufficient radios
4. Determine personnel needs, including:
 - a. perimeter and escape route set up
 - b. actual search procedure
 - c. entry
 - d. SWAT participation
 - e. Crime Scene Investigations
 - f. paramedic teams
 - g. evacuation of proximity areas
5. Ensure all executing participants are wearing body armor.
6. Ensure that all non-uniform personnel are wearing badges on their outermost garments.
7. Conduct a briefing to instruct all members on the plan of execution of the warrant and job assignments; ensure each understands his role.
8. Review Affidavit and search warrant for accuracy and validity and return warrant to court within time restrictions.

36.3.3 Preparation for Search Warrants requiring SWAT participation

- A. Search warrants requiring SWAT shall refer to GO 31.3.14 for the criteria in determining the use of SWAT.

1. The Unit/ Component Supervisor shall request the assistance of SWAT through the SWAT Commander or designee.
 2. The Unit/Component Supervisor shall have an operational plan that has been reviewed by the Administrative or Operational Deputy Chief, or designee.
- B.** Coordination shall be with the SWAT Commander or his designee.
1. When possible, the SWAT Commander, or his designee, shall be given immediate notice that SWAT is needed to serve a warrant.
 2. The Unit/Component Supervisor shall provide a signed copy of the warrant to the SWAT Commander or designee.
- C.** The SWAT Commander, or, his designee, shall assume complete authority and responsibility for planning and conducting the entry, and securing the premises to be searched.
- D.** SWAT shall coordinate with a Communications Shift Supervisor to assure a dispatcher is present at the briefing.
- E.** The Unit/Component Supervisor shall provide all necessary information of the conveyance to the SWAT Commander, or designee to include the following:
1. Interior diagram of the structure.
 2. Information on occupants to include animals.
 3. Information on known security device(s).

36.3.4 Execution of Warrant

A. Command

1. The Component Supervisor, Unit Supervisor, or designee, of the Component or Unit conducting the search, shall be the only person to authorize an execution of a search warrant to commence, unless the SWAT is used. If the planning and execution of the search warrant involves SWAT, the SWAT Commander or designee shall be the only person to authorize an execution of a search warrant to commence.
2. The Component Supervisor, Unit Supervisor, or designee, of the Component or Unit conducting the search, shall be in command of the entire operation, unless SWAT is utilized. In those instances, the SWAT Commander or his designee, shall have command of the entry and securing of the premise to be searched in accordance with General Order #31.
3. The actual collection and search for evidence or contraband shall be under the command of the serving Component Supervisor, Unit Supervisor or his designee. Consideration shall be made for the need of the Crime Scene Investigations Unit for documentation of the scene. If CSI members will be needed, the CSI Unit Supervisor shall be contacted prior to the execution of the search warrant.

B. Execution Procedure**1. Entry**

- a.** Under normal circumstances, the first person(s) to enter the premises shall be uniform personnel, unless the on-scene supervisor reasonably believes that initial presence of uniform personnel would jeopardize the execution of the warrant and/or endanger police personnel or citizens.
- b.** FSS 933.09 provides: "The officer may break open any door, inner door, or window of a house, or any part of a house therein, to execute the warrant, **IF AFTER DUE NOTICE OF HIS AUTHORITY AND PURPOSE, HE IS REFUSED ADMITTANCE TO SAID HOUSE OR ACCESS TO ANYTHING THEREIN.**" Officers should note that exceeding their authority or exercising it with unnecessary severity in the execution of a warrant is a misdemeanor (FSS 933.17).

So called "no-knock" warrants do not exist in the State of Florida. However, the Florida Supreme Court in *State v. Bamber* held that entry without complying with the knock and announce rule is permitted under exceptional circumstances where no reasonable alternative is available. Such circumstances need to be based on particularized knowledge and cannot be based upon general knowledge as a police officer and the mere presence of disposable contraband in a place to be searched.

In accordance with F.S.S. 933.09, the sworn member executing the warrant will announce their purpose and authority by saying, "Coral Springs Police Department, we have a Search Warrant, open the door." An assigned sworn member shall utilize a public address system or other device used to amplify sound to announce the presence and purpose of law enforcement, when such device is available, and its use is feasible. In the absence of such a device, announcements shall be made loudly and clearly by multiple sworn members on scene. Simultaneously, or as soon as reasonably possible after the announcement of the purpose and authority, a sworn member shall knock on the door. The sworn member shall wait a reasonable time for the door to be opened before using force to enter the premises.

When executing a warrant, the announcement of purpose and authority shall always be made. A knock shall be made but may be excused if:

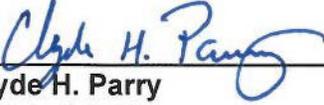
- (1)** The persons within the structure have actual knowledge of the presence of the officers attempting to gain entry. Such actual knowledge is separate from any required announcement of purpose and authority
- (2)** The officers are justified in the articulable belief based upon particularized knowledge that the persons within are in an imminent peril of bodily harm.
- (3)** Based upon particularized knowledge of the officer, the officer reasonably believes knocking on the door would increase their own risk of serious bodily injury or death.
- (4)** Officers have particularized knowledge that those within the structure, who have been made aware of the presence of the police outside, are attempting escape.

- B. The reviewing supervisor shall review the report and electronically forward it to the Records Unit.

36.3.6 Erroneous Information

If Department members act reasonably on information obtained from a credible source and a search warrant is executed in error on a premise due to incorrect information, apologies and an explanation for the intrusion shall be offered to the involved party. Any such incident shall be properly documented and reported to the Chief of Police as soon as practical.

APPROVED



Clyde H. Parry
Chief of Police