

# **Utah Search Warrant Service Model Guidelines**

## **Statement of Purpose**

This document is intended to serve as a guideline for best practices, and is provided to give law enforcement at every level of operations, guidance in developing agency policies, planning, reviewing, and executing search warrants. These guidelines are intended to ensure proper oversight is given to decisions related to the use of force in the service of search warrants. Decisions regarding the use of force related to search warrants should consider the safety of the citizens of the community, law enforcement personnel, and the subject(s) of the warrant. Considerations must also protect the rights of individual subject(s) in view of governmental interests and public safety needs.

*(References: Fourth Amendment to the Constitution of the United States, article I, section 14 of the Utah Constitution, Rule 40 of the Utah Rules of Criminal Procedure, U.C.A. § 77-7-8, and U.C.A. § 77-23-210)*

## **Warrant Considerations:**

When considering search warrant service, law enforcement personnel shall evaluate the totality of the circumstances and ensure reasonable intelligence gathering efforts have been made prior to classifying the warrant service.

A risk assessment should be completed to help determine warrant service classification. This completed risk assessment, along with the warrant and affidavit, should be provided to an agency's supervisory chain of command for assessment and approval, prior to warrant execution.

Warrant services should be conducted by personnel trained and equipped for the service of warrants as determined by a risk assessment or as needed on a case-by-

case basis. Law enforcement personnel should receive periodic training related to service and execution of search warrants.

### **Statutory Requirements:**

All involved law enforcement personnel should be familiar and comply with statutory requirements pertaining to the execution of search warrants, identified in U.C.A. 77-7-8 and 77-23-210. At minimum, specific agency policies should address the following:

Written policies adopted, shall be subject to public disclosure and inspection, in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

Law enforcement personnel executing a warrant shall wear readily identifiable markings, including a badge and vest or clothing with a distinguishing label or other writing which indicates that he or she is a law enforcement officer.

An officer executing a warrant shall comply with the officer's employing agency's body worn camera policy when the officer is equipped with a body worn camera. The employing agency's policy regarding the use of body worn cameras shall include a provision that an officer executing a warrant under this section shall wear a body worn camera when a camera is available, except in exigent circumstances where it is not practicable to do so.

Forcible entry may not be made solely for the alleged possession or use of a controlled substance or the possession of drug paraphernalia.

### **Mandatory Reporting:**

In the event of a reportable incident, law enforcement shall comply with reporting requirements of U.C.A 77-7-8.5. A reportable incident is defined as: *“the deployment of a tactical group; or law enforcement officers who serve a search warrant after using forcible entry.”*

### **Risk Assessment Considerations:**

A Risk Assessment is a threat assessment guideline, used to determine appropriate resources and strategy, based on a quantified level of risk. It is intended to provoke a consideration of issues relating to the safety of all involved and identify potential needs related to the service of a search warrant. It is recognized that each

situation may be unique. The attached document is intended to identify areas of consideration and is not intended to be all-inclusive, however all warrant service shall include a completed risk assessment.

<b><u>Risk Assessment</u></b>	
<b>Search Warrant Intelligence:</b>	<b>Assessed Risk Indicated</b>
Search Warrant is for evidence of property only	
Search Warrant is for "Knock and Announce"	
Search Warrant is "No Knock"	
Search Warrant is for evidence of narcotic violation(s)	
Search Warrant is for evidence of crime against person(s)	
Search Warrant is for suspect of aggravated felony	
<b>Arrest Warrant Intelligence:</b>	<b>Assessed Risk Indicated</b>
Arrest Warrant is for property crime only	
Arrest Warrant is for narcotic violations	
Arrest Warrant is for misdemeanor crime against person	
Arrest Warrant is for aggravated felony	
<b>Suspect Intelligence:</b>	<b>Assessed Risk Indicated</b>
Suspect(s) have property crime history	
Suspect(s) have misdemeanor crime against person history	
Suspect(s) have resisting police history	

Suspect(s) have made statements indicating resistance	
Suspect(s) have history of aggravated crimes	
Suspect(s) have history of aggravated crimes against police	
Suspect(s) have used firearm in the commission of a crime	
<b><u>Weapons Intelligence:</u></b>	<b>Assessed Risk Indicated</b>
Firearms are likely to be present at target location	
Body armor is likely to be present at target location	
Firearms are likely to be readily available to suspect(s) at target location	
Suspect(s) known to carry /display firearm at target location	
Suspect(s) known to be armed	
<b><u>Target Intelligence:</u></b>	<b>Assessed Risk Indicated</b>
Execution of warrant requires no forced entry	
Execution of warrant requires use of breaching tools	
Execution of warrant requires use "specialty" breaching tools	
Target location is fortified	
Target may contain clandestine lab	
Approach to target difficult (human/electronic surveillance)	
Vicious dogs present	
Target may be "booby trapped"	