

# **PALM BEACH GARDENS POLICE DEPARTMENT**

## **SEARCH WARRANTS**

### **POLICY AND PROCEDURE 4.2.1.14**

**Effective Date :**

07/01/15

**Accreditation Standards:**

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CFA 18.10M

**Review Date:**

04/01/2016

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**PURPOSE:** To establish guidelines for obtaining and executing search warrants.

**SCOPE:** All Sworn Officers

**REVIEW RESPONSIBILITY:** Investigations Bureau Major

**POLICY:** A search warrant, issued by a judge having jurisdiction, should be sought when an officer believes that probable cause exist to search a particular place, vehicle, or thing. The warrant must be executed in such a way that the safety of the assigned officers and the integrity of the department is assured while also preserving the rights of the suspects. Only sworn officers shall obtain/execute a search warrant pursuant to Chapter 933 of the Florida State Statutes.

#### **1. Ewarrants**

- a. The eWarrants System is an electronic search warrant system that serves local law enforcement, courts and the State Attorney's Office.
  - i. eWarrants allows for the creation of the following warrants types; others may be added:
    1. Search Warrant (default)
    2. GPS Tracking
    3. Vehicle Search
    4. Phone Order, and
    5. Social Media
- b. The Chief of Police authorizes sworn officers of this department to use eWarrants for law enforcement purposes only and in accordance with the eWarrants End User Guide.
- c. Each sworn officer shall use their unique user name and password when accessing the Vsigner within the eWarrants system.
- d. Prior to submitting any search warrant the officer(s) shall save a draft copy of the affidavit/application and search warrant for offline review with their supervisor.

- i. The draft copy will be stored in the "Documents" folder on the officer's issued data terminal.
- e. Warrants that require limited or no knowledge beyond reviewers and approvers shall be marked "Confidential".

## **2. OBTAINING A SEARCH WARRANT**

- a. All officers should familiarize themselves with the laws and procedures for creating, reviewing and execution of search warrants.
- b. When warrantless searches are prohibited, absent exigent circumstances, a search warrant must be obtained. A safe rule to follow is when in doubt, obtain a search warrant.
- c. Each search warrant shall contain the following:
  - i. Information which should be contained in the affidavit/application as follows:
    - 1. Location of premises / vehicle.
    - 2. Description of premises / vehicle.
    - 3. Areas within premises / vehicle to be searched (if defined).
    - 4. Route (directions) to reach premises / vehicle.
    - 5. Name (if available) of person(s) occupying or controlling the premises / vehicle.
    - 6. Description of property / contraband to be searched for.
    - 7. Notation of statutes violated.
    - 8. Probable cause that the premises / vehicle to be searched contains fruits of the crime, evidence and/or contraband.
    - 9. If exigent circumstances exist where an officer believes that a "no-knock" warrant is necessary, the officer shall establish the basis requiring this type of warrant in the affidavit and application for search warrant. Exigent circumstances that may necessitate a no-knock warrant are extreme dangers to the officers involved and/or the potential for immediate destruction of evidence. The officer will phone the intake unit of the state attorney's office and advise that a search warrant application has been completed for review by an assistant state attorney.

## **3. EXECUTION OF A SEARCH WARRANT**

- a. Upon approval of the search warrant by the judge, the officer will notify their supervisor; and notification shall be made to the next supervisor in the chain of command, of the following:
  - i. That a search warrant has been obtained;
  - ii. The purpose of the search; and
  - iii. When and where the search is to take place.
- b. Prior to the execution of any search warrant an effort to ensure the target is free of potential conflict must be made by the warrant officer.
  - i. Event Deconfliction System access is available via the  
South Florida HIDTA - Miami  
Contact: Tactical Watch Center  
Phone: (954) 430-4767  
E-mail: tacticalquery@sflhidta.org  
After 2000 hours and weekends: Phone: (305) 470-2500 Option 7
- c. The officer will conduct a briefing session with all of the search team members.

- d. At the briefing the search team leader shall discuss all elements of the search with emphasis on the following factors:
  - i. Specifically detailed identification of the subject premises, vehicle, or person(s) to be searched. In all instances where a premise is to be searched a photograph of the premises shall be taken; this photograph shall be reviewed by all team members at the briefing.
  - ii. Location of travel routes, entries, and exits;
  - iii. Information regarding the occupants, children, the potential presence of weapons, animals, alarms or any other security devices that might be in operation;
  - iv. Whenever available, blueprints or sketches of the premises, or photographs of the person(s) or vehicles to be searched shall be reviewed;
  - v. Necessary equipment will be obtained and checked, i.e., firearms, protective vests, handcuffs, flex cuffs, entry tools, etc.
- e. The search team leader must insure that all team members are aware of individual assignments and responsibilities:
  - i. Search leader.
  - ii. Entry team.
  - iii. Search team.
  - iv. Perimeter security.
  - v. Cover officers.
  - vi. Special assignments, if needed, i.e., crime scene investigators, photographer, transport officers, etc.
- f. Uniformed personnel shall be present when a search pursuant to a search warrant is executed. Some type of identification shall be worn by all non-uniform members of the search team so as to be visible and the member is easily identified as a police officer.
- g. The officer will have ten (10) calendar days after the search warrant is issued to execute it, pursuant to FSS 933.05.
- h. Upon completion of the execution of the search warrant the officer shall submit the completed form to their supervisor or designee for maintaining in a file.

#### **4. NO-KNOCK PROVISIONS**

- a. An unannounced or forced entry deemed reasonable under circumstances including a likelihood of violence or imminent destruction of evidence. Provisions to be met:
  - i. The person(s) inside knows of the authority and purpose of the warrant.
  - ii. The officers are justified in their belief that the person inside may be in imminent peril of bodily harm.
  - iii. The officers' peril would have been incurred by announcement, or
  - iv. Where the officers are justified in their belief that escape or destruction of evidence is being attempted.
- b. A generalized belief that a suspect often attempts to destroy drug evidence is not enough to justify warrantless entry.
- c. Officers should make every attempt to comply with the knock-and-announce rule.

**5. CONDUCTING THE SEARCH**

- a. Due to the diverse nature of situations surrounding the execution of search warrant, the actual conduct of the search team, i.e., approach, entry, securing of the premises/persons, etc., shall be determined by the team leader on an individual basis. The paramount considerations are officer/citizen/suspect safety.
- b. The search warrant shall be executed by any of the officers mentioned in its direction. Other police department members or members of other law enforcement agencies may assist the officer acting in the execution of the search warrant.
- c. If after due notice of the officer's authority and purpose that officer is refused admittance to the premises or access to anything therein, the officer may forcibly open any door, window or any part of the premises or anything therein to execute the search warrant.
- d. Once the search location is secure, the team leader may have photographs taken of damage sustained during entry. Pre-and post-search photographs of the areas searched may also be taken.
- e. The collection/handling of seized evidence will be done under the supervision of the search team leader.
- f. Items seized will be logged on the "Inventory and Return" form. An Evidence and Property Receipt must be completed for submission to the evidence room.
- g. A copy of the search warrant and the inventory will be given to the defendant or premises owner. If the person named in the warrant, the property owner, or other adult resident is not present, the search warrant and inventory form will be posted in a conspicuous place within the search location.
- h. When the search is completed the premises will be turned over to the appropriate person. If no one is available the officer shall re-secure the premises as well as possible.

**6. POST SEARCH RESPONSIBILITIES**

- a. Upon completion of the search all search team members will meet at a pre-determined location. When all members are accounted for the team leader will critique the search.
- b. Upon completion of the critique the team leader may complete a written report / memorandum reviewing the execution of the search warrant. If initiated, this report / memorandum shall be forwarded to the team leader's supervisor, who shall maintain it in a file along with the operational information and format form.
- c. The original officer/affiant for the search warrant must return the original documents (affidavit and application for search warrant, the search warrant, and the inventory and return form) to the office of the clerk of courts within ten (10) days of the execution of the warrant.
- d. The inventory and return, which shall be completed on every search warrant executed, shall be notarized, by a notary, prior to submitting to the clerk's office.
- e. If an arrest(s) is made as a result of a search warrant, a copy of the arrest report form must be attached to the documents returned to the clerk's office.
- f. Additional copies of the documents will be made for inclusion with the filing packet to be forwarded to the state attorney's office and attached to the original police report and maintained by the officer in a case file.

## 7. OUT OF JURISDICTION SEARCH WARRANT PROTOCOL

- a. In accordance with the protocol established by the Palm Beach County Law Enforcement Planning Council, the following procedures will be used when this Department has probable cause and the need to conduct a search in another jurisdiction or when another jurisdiction wishes to obtain a search warrant in this city.
- b. Application for search warrant:
  - i. The officer/investigator wishing to obtain the search warrant shall contact the agency with jurisdiction to coordinate the process.
  - ii. Search warrants should be prepared using the template furnished by the State Attorney's Office, and the agency with jurisdiction over the place to be searched should be involved in the search warrant preparation and application as soon as possible.
  - iii. Warrants should be signed by a judge within 30 days of developing the probable cause for the warrant. Search warrants must be served within 10 days of being signed by the judge. It is preferred to wait to have the warrant signed until it is verified with the agency with jurisdiction over the place to be searched that it can be served at the time desired.
  - iv. It is recommended that no co-affiant be used for jurisdictional purposes.
  - v. The assistance of FDLE may be considered to resolve exigent jurisdictional issues, particularly outside the county.
  - vi. Members of the Palm Beach County Violent Crimes Task Force (VCTF) should not be used to establish jurisdiction for the warrant unless it is a VCTF case.
- c. Preparation for execution of search warrant:
  - i. The agency requesting the warrant should furnish the agency with jurisdiction over the place to be searched with all available information regarding the premises and any subjects expected to be encountered in the execution of the warrant.
  - ii. The agency with jurisdiction over the place to be searched should prepare its operational plan for the execution of the warrant. If the warrant is to be executed in Palm Beach Gardens, the foregoing sections of this policy dealing with the execution of a search warrant will apply.
  - iii. When the agency requesting the warrant notifies the agency with jurisdiction of the place to be searched of the warrant, each agency should have a representative present to oversee the progress of the warrant.
- d. Execution of the search warrant:
  - i. The agency with jurisdiction over the place to be searched is the agency executing the warrant. That agency may request that the agency requesting the warrant assist them in the entry and the search. All evidence must be seized by the agency executing the warrant. The evidence can then be transferred to the other agency utilizing the proper evidence receipts.
  - ii. Personnel from the agency with jurisdiction over the place to be searched must actively participate in the search.

## 8. GLOSSARY

Search Warrant - A court order signed by a judge, supported by oath or affirmation, particularly describing the place to be searched and the person or thing to be seized.

eWarrants - is the electronic search warrants system serving all of Palm Beach County Law Enforcement Agencies, the 15th Judicial Circuit and the State Attorney's Office.

Deconfliction - is the process of determining when law enforcement personnel are conducting an event in close proximity to one another at the same time. Events include law enforcement actions such as raids, undercover operations, surveillance, or executing search warrants. When certain elements (e.g., time, date, or location) are matched between two or more events, a hit (or conflict) results. Immediate notification is then made to the affected agencies or personnel regarding the identified conflict.

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- AFFIANTS

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**APPROVED:**



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Stephen J. Stepp  
Chief of Police

07/01/2015  
Date