



Minneapolis Police Department Policy and Procedure Manual

Number:
9-300

Volume Nine – Enforcement Policies

Warrants

9-301 Search Warrants

(04/08/22) (05/02/22) (07/01/23) (xx/xx/24)

Revisions to prior policies: (06/19/02) (06/12/02) (08/01/02) (08/08/07) (03/11/16)
(06/29/16) (11/30/20)

I. Purpose

The purpose of this policy is to provide clear guidelines for the lawful issuance and execution of search warrants. This policy promotes transparency, accountability, and public trust while maintaining compliance with federal, state, and local laws. Members shall adhere to the relevant guiding principles listed in 9-100 and 9-200.

II. Policy

A. Legal Principles

MN Statute sections 626.05 through 626.22 authorize peace officers to write and execute search warrants in the course of their investigative duties and criminal investigations, and the Statute sections establish the warrant requirements for peace officers. MN Statute section 626.14 specifically details time and manner of search warrants, and requirements for “no-knock search warrants.”

B. Consistent with Values, Policies and Laws

1. It is the policy of the Minneapolis Police Department (MPD) that search warrants are applied for and conducted in an impartial manner (P&P 5-104), consistent with the Vision, Mission, Values and Goals of the MPD, to include the pillars of Procedural Justice (P&P 5-109), and consistent with protecting people’s constitutional rights.
2. Search warrants shall also be conducted in accordance with all applicable laws and MPD policies and procedures.
3. The MPD will pursue tactics and techniques to:
 - Provide for the safety for all people concerned.
 - Accomplish a thorough and legal search.
 - Respect the constitutional rights of the people the warrant is being served upon.
 - Minimize the level of intrusion experienced by those who are having their premises searched.
 - Establish a record of the warrant execution process.

III. Procedures

A. Drafting a Warrant

1. Affiant

Search warrants shall be drafted by members investigating a potential crime.

2. Probable cause

A warrant shall only be issued with probable cause (PC), supported by the affidavit that names or describes the person, as well as describes the property or thing to be seized and place to be searched.

- Affiants are prohibited from using information known to be false or incorrect to justify warrantless searches or seek warrants. If any doubt exists as to PC for the warrant, a city or county attorney shall be contacted for assistance.

3. Follow requirements on warrant

Members shall follow all listed requirements on the warrant including serving a copy of warrants and inventory receipts to the affected parties.

4. No-knock search warrants are prohibited

- a. Members shall not apply for or execute a no-knock search warrant, whether for MPD or on behalf of another agency.
- b. Members shall not request that another agency execute a no-knock search warrant on behalf of the MPD.

B. Time of Search Warrant Service

1. In accordance with MN Statute section 626.14, a search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public.
2. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.
 - a. Warrant applications for residence not already under control of MPD shall be approved by a supervisor at the rank of Deputy Chief or above prior to submitting to the court.
 - b. A risk assessment form must be completed prior to warrant execution and reviewed and approved by a supervisor at the rank of Deputy Chief or above.

C. Planning for Warrant Execution

1. Risk Assessment form (MP-6946)

a. Form required

- i. A Search Warrant Risk Assessment form shall be completed for all Intermediate-risk, High-risk, and nighttime search warrants and approved by a supervisor at the rank of Commander or above.
- ii. The affiant shall document on the form what investigative activities have taken place to try and apprehend the suspect or obtain the evidence prior to issuance of the search warrant, or why no investigative activity is needed or able to be performed.

b. Residences

For search warrants involving a residence, the risk assessment shall include a written plan approved by a supervisor at the rank of Commander or above that addresses, at a minimum, all of the following:

- i. Whether the member intends to engage in a dynamic entry in the execution of the warrant, including the use of battering rams, FSDDs (P&P 5-314), or other devices or strategies.
- ii. Alternatives to dynamic entry must be considered based on the specific factors known to a member when completing the risk assessment form, such as waiting for the residence to be empty, contacting the people in the residence, the use of warnings or commands, and justification for not applying non-dynamic entry strategies.
- iii. Reasonable efforts so that no guests, children, elderly, or vulnerable people are in the residence at the time of the execution of the warrant, including the results of pre-warrant execution surveillance about the residents and their activities; and if those people are present in the residence, measures to be taken to protect their safety.
- iv. Measures taken or to be taken to protect the safety of neighbors or bystanders.
- v. Ensuring that race, ethnicity and other demographic characteristics are not improperly used to justify the warrant.

c. Administrative Warrants

The affiant may execute an administrative search warrant without consultation with the SWAT supervisor. A Search Warrant Risk Assessment form is not required for the warrant.

d. Lower-risk warrants

The affiant of a search warrant may execute a lower-risk search warrant under the direction of their supervisor, without consultation with the SWAT supervisor. A Search Warrant Risk Assessment form is not required for the warrant.

e. Intermediate-risk and high-risk warrants not for premises

Search warrants determined to be intermediate-risk or high-risk that are not for premises may be executed under the direction of a supervisor at the rank of Sergeant or above, without consultation of the SWAT supervisor. This includes search warrants for people and vehicles that may be occupied or mobile.

f. Approval for high-risk warrants for premises

All search warrant applications for premises that are determined to be high-risk shall be reviewed and approved by a supervisor at the rank of Commander or above, prior to the execution of the warrant.

g. SWAT review for Intermediate-risk and High-risk warrants for premises

In all search warrants for premises that are not determined to be an administrative search warrant or a lower-risk search warrant, the SWAT supervisor will review and determine whether a SWAT team needs to be involved in the warrant planning and execution.

2. Limitations on Warrant Execution in the Presence of Vulnerable People

MPD prohibits affiants from executing a warrant on a residence when MPD has reason to believe there are guests, children, elderly, or vulnerable people in the residence unless there is no feasible way to execute the warrant without those people present. In the case that these groups are present during the execution of a warrant, the affiant shall document why the warrant could not be executed without their presence and the efforts to protect their safety during warrant execution.

3. Special Weapons and Tactics Unit (SWAT)

The purpose of the SWAT team is to provide trained personnel and special equipment for the safe and expeditious execution of planned searches and arrests.

- a. An on-duty team from SWAT shall be used for serving all high-risk warrants for premises described in the Search Warrant and Risk Assessment form (MP-6946).
- b. SWAT members shall be used in all other preplanned entries that may exceed the capabilities of normal patrol and investigative functions, as determined by the SWAT supervisor after their review.

- c. The affiant and designated members will assist the operation and make all associated arrests.
- d. If SWAT will not be involved in executing an intermediate-risk search warrant, only members who received the required Search Warrant Entry training shall execute the warrant.
- e. SWAT members executing a search warrant must be clearly identifiable as law enforcement, in accordance with the Warrant Entry Procedures section of this policy.

4. Requests for SWAT Team

When SWAT is not on-duty, requests for the SWAT's on-duty team shall be made to the Minneapolis Emergency Communications Center (MECC).

- a. A SWAT team supervisor will designate the responding team members and direct them to a prearranged location for a briefing with the investigating members.
- b. Tactical considerations for entering a premises and securing occupants is the responsibility of SWAT.

5. Supervisor present

A non-SWAT supervisor or investigative Sergeant shall be present at executions of all planned search warrants (including those involving SWAT). A SWAT supervisor shall be present at briefings and executions of all planned search warrants involving SWAT.

6. Uniformed members present

- a. All high-risk and intermediate-risk search warrants shall have a uniformed member present.
- b. When SWAT is not involved in the warrant execution, the affiant shall contact MECC and the on-duty supervisor of the involved precinct of the location where the warrant is to be served to notify them of the warrant and to request a uniformed member.
 - When a squad is needed to assist an investigator with a search warrant, the district squad for the location where the warrant will be served shall be called upon to assist.
 - If a district squad for the location is not available, MECC will contact another squad.

7. Paramedic or EMS unit present

A certified paramedic, EMT or an Emergency Medical Services (EMS) unit shall be requested to be on site or staged nearby when SWAT will be executing a search warrant.

8. Suspect photographs or briefing sheets

If available, suspect photographs or briefing sheets should be obtained prior to serving intermediate-risk and high-risk warrants.

D. Deconfliction Prior to Search Warrant Execution

1. Deconfliction requirement

- a. Prior to executing a search warrant at an address, the warrant affiant shall attempt to ensure that the search will not conflict with another investigation or police action.
- b. In accordance with MN Statute section 626.13, a member serving and executing any search warrant, other than an administrative search warrant, shall notify the local law enforcement agency of the municipality or county in which service is to be made prior to service and execution.
- c. A search warrant executed at an active crime scene already under the control of the MPD or another law enforcement agency does not need to be deconflicted

2. Deconfliction process

- a. Deconfliction shall be handled through the RISSafe service provided by the Mid States Organized Crime Information Center.
 - i. The search warrant affiant or their designee shall complete the RISSafe deconfliction process
 - ii. Investigators who have received RISSafe system training may use the online deconfliction tool.
- b. The affiant or their designee shall provide the following information:
 - Affiant name and contact information.
 - The name and contact information for a secondary contact familiar with the details of the planned warrant.
 - Date and time of warrant execution (a date and time range is acceptable).
 - Type of crime being investigated.

3. Conflict found

In the event a conflict is found, the affiant will be instructed as to how to contact the conflicting agency. The affiant shall make contact and resolve the conflict prior to executing the search warrant.

4. Document deconfliction effort and result

The deconfliction effort and result shall be documented on the Search Warrant Risk Assessment form (MP-6946).

E. Warrant Entry Procedures

1. Required people present

In accordance with the planning section of this policy, the following people shall be present for all high-risk search warrant entries:

- At least one uniformed member.
- A non-SWAT supervisor.
- A SWAT supervisor.
- A certified paramedic, EMT or staged EMS team, when available.

As determined in the risk assessment and by a supervisor, and in accordance with the planning section of this policy, the appropriate people will be present for all other warrant types.

2. Media and other third parties

The presence of media or other third parties during the execution of a warrant is prohibited unless their presence is necessary to aid the execution of the warrant.

3. Police identification

- a. All law enforcement shall be clearly identified as law enforcement by a distinctive outermost garment (such as a vest or jacket) or other visible indicator of position and authority.
- b. All non-uniformed law enforcement shall have the word “POLICE” clearly marked on the outermost garment (such as a vest or jacket) or other visible indicator of position and authority.
- c. Members of other agencies assisting with the search will be identified by using the procedures of their own agency’s policy.

4. Body armor and body worn cameras

- a. All members of the entry team shall wear body armor.
- b. All MPD members present (including members of the entry team) shall wear, activate and deactivate their MPD-issued Body Worn Camera in accordance with the Body Worn Camera policy (P&P 4-223).

5. Announcements and entry

h. Notification prior to entry

Notification is required before entry to the premises is made. An MPD member executing a search warrant shall use the following procedures:

i. Physically knock or make contact

A Member shall physically knock on an entry door or use identified announcement devices (e.g. doorbell) to the premises in a manner and duration that can alert or be heard by the occupants; or otherwise make contact with occupants inside the residence via phone or a long-range acoustical device.

ii. Clearly announce as “police”

Members shall clearly and verbally announce themselves as “police” with the intent to execute a search warrant in a manner that can be heard by the occupants.

iii. Wait before entering

aa. Daytime entry

Absent exigent circumstances, during a daytime hour’s entry, members shall wait a minimum of **20** seconds or for a reasonable amount of time for occupants to respond, whichever is greater, before entering the premises.

ab. Authorized nighttime search

Absent exigent circumstances, during an authorized nighttime search entry, members shall wait for occupants to respond, for a minimum of **30** seconds or for a reasonable amount of time, whichever is greater, before entering the premises.

ac. Exigent circumstances

Exigent circumstances for immediate entry are:

- To prevent imminent harm or to provide emergency aid.
- To prevent imminent destruction or removal of evidence (excluding narcotics).
- When in hot pursuit.
- To prevent the imminent escape of a suspect.

Exigent circumstances do **not** include the destruction or removal of narcotics.

i. Reasonable force to make entry

If notification to the occupants has not resulted in admittance to the members after a reasonable amount of time, members may use reasonable force to execute the warrant, including forced entry into the building to be searched.

j. Continue announcements

i. Members shall clearly announce themselves as “police” at the time of actual entry.

ii. During the execution, members must repeatedly announce themselves as “police” as they move about and clear the search area, and each time a member has moved to an area where the previous announcement may not have been heard.

iii. These announcements should include the member’s authority and what they want the person to do.

k. Barriers to cooperation

Members should be mindful of any known or reasonably believed obstacles to cooperation or perception barriers, such as mental or emotional capacity, physical and language barriers, including whether the person is known or believed to be deaf or hard of hearing.

6. Arrests, searches, and use of force

a. Arrests, searches, and use of force engagements shall follow the applicable policies (P&P 9-100, P&P 9-200 and P&P 5-300).

b. FSDDs shall only be distributed and used in accordance with P&P 5-314 Diversionary/Distracton Devices, and the use of force policies in P&P 5-300.)

7. Return location to order

At the conclusion of a warrant, members shall return the searched location to some semblance of order (i.e., drawers will be placed back into dressers, clothes removed from drawers will be placed back inside, mattresses will be returned to their bed frames, etc.).

F. Documenting Warrant and Warrant Execution

1. Documenting in a Police Report

a. When SWAT is involved in a warrant, the code SWAT shall be used on the Police Report. For reports that were entered prior to the search warrant execution, the affiant shall ensure the code is added to the report.

- b. If SWAT is not involved, the code SRCHWT shall be used (denoting a search warrant). For reports that were entered prior to the search warrant execution, the investigator shall ensure the code is added to the report. This includes administrative warrants.
 - c. Investigators shall attach a copy of the warrant and a copy of the affidavit to the Police Report.
 - d. The SWAT supervisor, affiant or member responsible for directing the entry shall document in their narrative text any exigent circumstances present prior to making the entry.
 - e. For warrants involving the search of a location, investigators shall document in the Police Report:
 - Whether the location searched matched the location specified in the warrant.
 - Whether the subject or subjects specified in the warrant were present.
 - Whether any items specified for seizure in the warrant were present.
 - d. Members assigned to a search warrant shall document in a narrative text their assignment and actions taken, if they were responsible for any of the following:
 - Using force to subdue or detain people.
 - Any damage to property.
 - Locating, recovering or documenting evidence.
 - e. When directed by a supervisor, members shall document in a narrative text their assignment and actions taken.
2. Search warrant information collection form
- a. The Search warrant information collection form in PIMS (the “Warrant” screen) is required for all search warrants.
 - b. The affiant shall complete the PIMS form for each search warrant applied for or executed by MPD and shall enter all data required by the form.
 - i. If the affiant is from an outside agency and MPD participates in the execution of the search warrant, the ranking member that participated in the entry shall complete the form.
 - c. The form shall be completed under the same case number as the search warrant in PIMS.
 - d. In the “Related field” on the search warrant PIMS entry, the incident number for the primary case should be used.

3. Reporting force

Uses of force during a search warrant execution shall be documented in accordance with P&P 5-301.

4. Documenting damage

All case investigators shall document in a Police Report any damage done to property as a result of police actions.

- a. If entry for a search is made forcibly to windows or interior or exterior doors, the report shall include the code FENTRY.
- b. This documentation shall include damage done by the SWAT Warrant Detail to gain access to the premise and damage done by investigators as a result of lawfully searching for evidence.
- c. Damage done to vacant premises shall also be documented.
- d. This documentation must include the condition and detailed description of the property damaged, i.e., hollow core door vs. six panel oak door, porcelain sink vs. oak vanity with marble sink, etc.
- e. Photographs shall be taken to document any known damages and shall be attached to the Police Report.

G. Warrants Outside Minneapolis

1. When seeking to execute any search warrant, other than an administrative search warrant,, members shall contact the law enforcement jurisdiction where the warrant is to be served and request their team serve the warrant. If the jurisdiction declines to serve the warrant, members shall document the declination in the Police Report, including who was contacted and why the warrant service was declined. All MPD policies shall still be followed outside of Minneapolis, including contacting MPD SWAT for search warrant consultation
2. In the best interest of member safety, MPD members initiating a warrant in another jurisdiction shall contact the Communication Center that dispatches for the affected jurisdiction and request contact with the person in charge.
3. SWAT shall not leave Minneapolis to execute a search warrant without the prior approval of the SWAT Commander.
4. That jurisdiction should be responsible for entry and securing the scene prior to MPD personnel assuming control.

H. Requests by Other Jurisdictions for Search Warrant Execution

1. Prior approval by a member at the rank of Deputy Chief or above is required for the execution of a search warrant for an outside agency.
 - a. The Commander who oversees the division of the requested unit shall seek approval from the Deputy Chief prior to the execution of a search warrant for an outside agency.
 - b. The Deputy Chief shall review the search warrant prior to giving approval to assist the outside agency.
2. All assistance provided shall be in compliance with MPD policies.

I. Task Force Officer (TFO) Participation in Search Warrants

All MPD members who are assigned to any law enforcement task force shall operate in accordance with MPD policies and procedures when drafting, executing, and/or participating in a search warrant on behalf of the assigned agency

1. When the TFO is engaging in any of the following capacities related to an immediate or high-risk search warrant, they must submit the required documents and receive prior approval, regardless in which jurisdiction the warrant will be executed
 - Acting as the affiant
 - Assisting as part of the entry team,
 - Serving as an inner perimeter member, or
 - Searching for evidence after Code 4/outer perimeter
2. The TFO shall submit the following documents for review and approval by a supervisor within the member's chain of command at the rank of Deputy chief or above
 - A completed affidavit outlining the justification for the search warrant
 - A draft of the proposed warrant to be issued
 - TFO Search Warrant and Risk Assessment form assessing the potential risks associated with executing the warrant
 - A Brief Sheet containing a concise summary of the case and warrant details.
3. These documents must be provided for approval prior to warrant execution to ensure all procedural and safety standards are met.
4. The Deputy Chief or higher-ranking member within the TFO's chain of command shall review and approve the documentation listed above to verify compliance with all MPD policies and procedures.

J. Supervisory Review of Search Warrants

1. Preliminary Review

- a. Supervisors shall first complete an initial review of all reports of search warrants in accordance with P&P 4-601 Report Responsibility to ensure the report and warrants contain all of the required elements and members are adhering to MPD policies. Supervisors shall approve or return the report for revision by the end of their shift.
- b. Supervisors are responsible for reviewing any pending reports by the end of their shift.
- c. No report shall sit in the pending queue longer than 24 hours without a supervisor review and approval.
- d. If all elements of the report are not completed accurately and thoroughly, the supervisor will send the report back to the member. The member must make the necessary changes and send the report back to the supervisor before the end of their shift.

2. Comprehensive Review

- a. Supervisors shall complete a comprehensive review of all elements of the report within 72 hours of the search. The comprehensive review may be done at the same as the preliminary review or can be completed within 72 hours.
- b. The supervisor conducting the comprehensive review shall document and report:
 - ii. Search warrants that appear unsupported by PC or are otherwise in violation of MPD policy or law.
 - iii. “Boilerplate” or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indications that the reports or forms may contain information that was not accurate at the time it was reported.
 - iv. Lack of clarity with respect to the specific role and involvement of each MPD member, including specifying which member saw or heard information or engaged with or observed a person engaging in a particular manner or completing a particular activity.
 - v. Violations of the non-discriminatory policing policy (P&P 5-104).
- c. If further review is necessary to properly assess one of the above required elements (i-iv) or any other potential policy or legal issues, the supervisor shall send the comprehensive review to the Lieutenant or another secondary reviewer (which can be a supervisor at least one rank above the person who completed the report that is being reviewed).

- d. The secondary reviewer shall review relevant BWC video and other evidence as necessary to complete the review.
- e. If violations or misconduct is found during any review of the report, the supervisor or secondary reviewer shall make a referral to Internal Affairs.
- f. Supervisors who fail to conduct complete, thorough, and accurate reviews of search warrants may be subject to discipline.

K. Accountability

Members who provide knowingly inaccurate or incomplete information in support of these warrants and supervisors who review and approve such warrants may be subject to discipline up to and including termination, civil, or criminal liability.

IV. Definitions

Administrative Search Warrant: A search warrant sent electronically or otherwise involving no in-person contact, or for the processing of evidence already in police custody. Examples of administrative search warrants include, but are not limited to:

- Bank records.
- Cell phone or other phone records.
- Social media and other electronic communications.
- Impounded vehicles.
- Medical records.

Affiant: The sworn member responsible for authoring a search warrant application. The sworn member must establish probable cause (PC) to believe that a crime has been committed and that evidence related to that crime is concealed at a specific location. The affiant is responsible for swearing to the accuracy and truthfulness of the facts contained in the affidavit submitted with the application, thereby ensuring that the warrant is issued in accordance with legal standards and constitutional protections.

Affidavit: A written document (statement of facts) confirmed by oath or affirmation.

Boilerplate Language: Words or phrases that are standardized, “canned” or patterned and that do not describe a specific event, situation or set of circumstances (e.g., “furtive movement” or “fighting stance”). The use of boilerplate language alone is restricted or prohibited, as described in policy.

Court: The designated judicial branch having jurisdiction over the location or person listed in the search warrant application and affidavit.

High-Risk Search Warrant: A search warrant in which known or suspected hazards have been identified and likely might be present during the service of the warrant. The identified hazards are of such significant risk to the safety of people that the search warrant exceeds the capabilities

of normal patrol and investigative functions. These hazards may include, but are not limited to, factors such as weapon possession and use, and location factors such as obstacles and other approach difficulties.

Intermediate-Risk Search Warrant: A search warrant with limited potential threat for harm due to the nature and location of the warrant, as well as reasonably believed information about the people at the subject location. The potential hazards or risks do not meet the criteria for a high-risk search warrant but may require additional scrutiny or planning. This could include a warrant where a forced entry may be required, and it is unknown if people present are armed.

Knock-and-Announce Search Warrant: Under the knock-and-announce rule, a member executing a search warrant, generally, must not immediately force their way into the premises, absent exigent circumstances as defined in the Warrant Entry Procedures section of this policy. Instead, the member must first knock, identify themselves as “Police” and announce their intent, and wait a reasonable amount of time for the occupants to allow entry into the premises, pursuant to the Warrant Entry Procedures section of this policy.

Lower-Risk Search Warrant: A warrant with no or minimal potential threat for harm due to the nature and location of the warrant as well as the absence of suspects. Examples of lower-risk search warrants include, but are not limited to:

- Safe-deposit boxes.
- DNA sexual assault warrants for a person in custody.
- Search warrants at a location where the investigator wouldn’t expect to encounter the suspect(s) or other resistance (for example, a location already under the control of law enforcement).

“No-Knock Search Warrant”: Also called an “Unannounced Entry” or “Dynamic Entry” warrant, a no-knock search warrant is a search warrant authorizing a member to enter certain premises without first knocking and announcing the members presence or purpose prior to entering the premises (MN Statute section 626.14 Subd. 2).

Nighttime Search: A search conducted outside of 7am-8pm. The search warrant application and risk assessment form shall be approved by a supervisor at the rank of Deputy Chief or above prior to filing the warrant application for court approval.

Probable Cause: Where facts and circumstances taken as a whole, known to the member at the time of the arrest, would lead a reasonable employee to believe that a particular person has committed or is committing a crime. Probable cause is based upon an objective assessment of the facts and circumstances presented to or known by the member

Search Warrant: A document issued by the court authorizing a member to enter and search a person, premises, location or vehicle for purposes of evidence recovery.

Search Warrant Risk Assessment form (MP-6946): The form completed by Minneapolis Police Department members that uses investigatory information and other criteria to evaluate the risk potential associated with a warrant.

SWAT: The Special Weapons and Tactics Team of the Minneapolis Police Department.

Task Force Officer (TFO): Members of the Minneapolis Police Department that are assigned to an outside agency to enforce applicable laws and assist in investigations.

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