

447.00 Execution of Search Warrant

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Section 1. Introduction and Definitions

The Saint Paul Police Department is dedicated to trusted service with respect. Upholding the Constitution of the United States of America and abiding by the laws and standards of our community is crucial to the success of our day-to-day activities. It is imperative to our community that we provide these services with transparency, confidence and trust.

Minnesota State Statutes authorize peace officers to write and execute search warrants in the course of their investigative duties and criminal investigations. This authority is granted by Minnesota State Statutes beginning at [626.05](#) and ending at [626.22](#).

Officers must follow this policy and [G.O. 410.00](#) to obtain and execute search warrants.

This policy designates three tiers of warrant service: Tier 1, Tier 2 and Tier 3. Officers must follow the required procedures for each type of warrant service. Only those officers with the highest level of training related to threshold assessments, de-escalation and warrant service will execute Tier 2 and 3 search warrants. Tier 2 and Tier 3 search warrants must be executed under supervision.

BWC: All Saint Paul officers must follow the Body Worn Camera policy when assisting with or executing search warrants: [See G.O. 442.18](#)

Definitions:

- A. Affiant – The sworn officer, investigator or sergeant that is authoring the search warrant application and swearing to the facts of the affidavit contained in the application.
- B. Affidavit – A written document – statement of facts – confirmed by oath or affirmation.
- C. Court – The designated judicial branch having jurisdiction over the location or person listed in the search warrant application and affidavit.
- D. Draft Warrant – A search warrant affidavit that has been authored and written but not yet submitted to the judicial officer for review and signing.
- E. “Knock and Announce” Warrant – Under the “knock and announce” rule, a police officer executing a search warrant generally must not immediately force their way into the

premises. Instead, the officer 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.

F. Nighttime Exception – A search warrant may be served only between the hours of 7:00 a.m. to 8:00 p.m. unless the Court determines that a nighttime search outside those hours is necessary. The nighttime exception must be noted and authorized in the warrant.

G. “No-Knock” Warrant – A search warrant authorizing a police officer to enter the certain premises without first knocking and announcing their presence or purpose prior to entering the premises.

H. Probable Cause – Having reasonable grounds for supporting the requested Court order, to include: search warrants, arrests or other legal process. Probable cause is required by the Fourth Amendment. Officers must have an objectively reasonable basis for believing that a crime may have been committed or that there is evidence of the crime present in the place to be searched.

I. Search Warrant - A document issued by the Court authorizing the police to enter and search a person, premises, location or vehicle for purposes of evidence recovery.

J. Search Warrant Threat Assessment – The Search Warrant Threat Assessment form uses multiple criteria and factual basis to evaluate a warrant for execution guidelines and designate the warrant tier designation. The form is found on the SPPD intranet page and will be reviewed by the SWAT commander. This form is intended to be a tool and guideline for the warrant designation process. K. SWAT – The Special Weapons and Tactics Team of the Saint Paul Police Department, established and defined by SPPD G.O. 405.00.

L. Tier 1 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 the suspect(s). Tier 1 Warrants can be executed by the affiant/designee within the investigative unit or patrol district (if applicable).

M. Tier 2 Warrant – A warrant with limited potential threat for harm due to the nature and location of the warrant as well as known or reasonably believed information about the suspect(s). These warrants will be executed by trained personnel at the direction of a supervisor.

N. Tier 3 Warrant – A warrant with a high potential threat for harm due to the nature and location of the warrant as well as known or reasonably believed information about the suspect(s). These warrants will be executed by SWAT under the direction of the SWAT commander.

Section 2. Application for Search Warrants

SPPD G.O. 410.00 (subd. 2) outlines warrant application procedures including authority, application and filing.

Minnesota State Statutes give all department peace officers the authority to write a search warrant. A search warrant is a stand-alone legal document requesting Court authority to enter and search protected locations (such as vehicles, residences) and persons. By nature, search

warrants must be complete, thorough and legally sound. The application must contain pertinent and accurate case details in order to show the Court the necessity and clarity of the request. Warrant applications must accurately describe the location/address, time of warrant service and “knock/no-knock” exception, if applicable.

Only information contained within the warrant affidavit and application may be considered by the Court when determining whether probable cause exists to issue the warrant. This is commonly referred to as the “four corners” rule, as information outside of the pages (four corners) of the warrant application and affidavit cannot be considered by the Court.

If the warrant is outside of the scope for the normal duties and assignment for the affiant, then the appropriate investigative unit will be contacted or consulted with prior to applying for or executing a search warrant.

Draft warrant review:

In all cases where an affiant has drafted a search warrant, a secondary review of the affidavit will be completed by sergeant rank or higher prior to the warrant application being submitted to the Court.

Any Tier 2 or Tier 3 draft warrant must be reviewed by the unit or district commander prior to submitting the warrant for judicial review.

Any warrant requesting a “No-knock” exception must be reviewed by the unit or district commander. If the reviewing commander approves of the requested exception, the draft warrant will be forwarded to a deputy or assistant chief for final review. The “no-knock” draft warrant must receive deputy or assistant chief approval prior to submitting the warrant for judicial review.

Any warrant application requesting a “No-knock” exception must include the following information:

- Explanation of why officers are seeking the use of a “No-knock” entry and are unable to detain the subject or search the building through the use of a knock and announce warrant;
- Explanation of what investigative activities have taken place to support issuance of the “No-knock” search warrant, or why no investigative activity was needed or able to be performed; and
- Statement as to whether the warrant can be effectively executed during daylight hours.

All “No-knock” search warrant applications must be submitted for judicial review utilizing the eCharging system.

Legal standards:

All supervisors approving a draft warrant must ensure the affidavit is complete, accurate and thorough prior to submission to the Court. Supervisors must also ensure the warrant meets all legal and judicial requirements. After this review is complete, the warrant may be submitted to the appropriate judicial officer for signing.

Any draft warrant requesting an exception to the “knock and announce” rule must be of the highest legal standard, ensuring that the exception is used only when facts and circumstances support the use of the “no-knock” tactic. Saint Paul officers will not routinely request or use this exception, and it will be reserved for extreme cases with supporting legal circumstances.

Once the warrant has been signed and issued by the Court, Saint Paul officers may proceed to the next step.

Section 3. Tier 1, Tier 2, Tier 3 Warrants

Tier 1:

Tier 1 Warrants involve no or minimal potential for threat or harm, due to the location and nature of the warrant, as well as the absence of the suspect(s) as reasonably believed by the officer at the time of warrant assessment. These warrants, by nature, involve no or minimal officer safety issue or risk to the community.

Warrants involving bank records, safe-deposit boxes, cell phones/records, impounded vehicles, social media, medical records, DNA, DUI/CVO, or sex assault warrants for in-custody persons and similar Tier 1 Warrants can be executed by officers from the investigative unit or patrol district. Investigators and officers can author, submit, and execute these warrants under the direction of their supervisor, without consultation with the SWAT commander and without the need for the Search Warrant Threat Assessment form.

These warrants are limited to safe and secure locations with no known threats or risk, not associated with the crime, and are primarily electronic or records-only warrants.

For any warrant where the risk/threat level is questionable, or for any structure/premises to be entered and searched (home/apartment/residence), regardless of the suspect(s) known location, officers and investigators should proceed to **Section 3: Tier 2.**

Tier 2:

Tier 2 Warrants involve limited potential for threat or harm, due to the location and nature of the warrant, as well as the threat assessment of the suspect(s) as reasonably believed by the officer at the time of warrant assessment. These warrants by nature involve limited threats to officer safety. Tier 2 Warrants will be executed by designated and sworn staff with specialized training, at the direction of a supervisor. Tier 2 Warrants do not involve the use of specialized SWAT equipment, gear or uniform. Tier 2 Warrants do not require on-call chief approval.

Any warrant that exceeds the criteria or classification of a Tier 1 Warrant will be designated as Tier 2 or Tier 3. The warrant affiant, with guidance from their supervisor, will complete a Search Warrant Threat Assessment form regarding the facts, threat potential, and information regarding potential suspect(s) who could cause harm to officers. The Search Warrant Threat Assessment form is on the department intranet forms page, titled, "[Search Warrant Threat Assessment](#)." This form is a guideline tool used to assist with the decision-making process and not an absolute matrix. Completed Search Warrant Threat Assessment forms must be forwarded to the unit commander for review.

The unit commander (or designee commander) for the investigative unit will contact a SWAT commander and brief them on the investigation. The unit commander and SWAT commander will jointly review and verify the accuracy of the search warrant and supporting application and discuss the threat assessment.

The Search Warrant Threat Assessment form will be used by the unit commander and the SWAT commander to determine if the warrant will be designated and executed under the requirements of this general order for Tier 2 or Tier 3 Warrants. Upon completion, this form will be retained by the SWAT commander.

Factors of determination include, but are not limited to:

- Type of crime/level of crime
- Weapons involved/recovered
- Suspect(s) at-large/suspect(s) in-custody
- Intelligence on the suspect(s), associate(s), animal(s), location
- Time elapsed since crime occurred
- Specific location information to include barricade/fortification
- Previous police contact(s)/encounter(s)
- Known propensity for violence or further violence
- Specific threat(s) to the community or law enforcement

Warrants designated as Tier 2 include all residences, structures, businesses, apartments, and other locations associated with the crime. Tier 2 Warrants will be executed by designated personnel trained for entry, to reduce the risk to our sworn staff and the public. If the Search Warrant Threat Assessment form indicates a higher-level score, the warrant will be reviewed for possible designation as Tier 3.

Tier 3:

Tier 3 Warrants involve a high threat potential or harm, due to the location and nature of the warrant, as well as specific information known or reasonably believed about the suspect(s). These warrants involve higher threats and risks to officer safety and the community, including weapons offenses and suspect(s) not in-custody. Tier 3 Warrants will be executed by the SWAT team under the direction of the SWAT commander. Tier 3 Warrants require approval from the on-call chief and will be executed using approved SWAT equipment and uniform.

Tier 3 Warrants will follow the same guidelines as Tier 2, but have additional protocols, as outlined in the **Section 4. Warrant Execution Procedures.**

Section 4. Warrant Execution Procedures

Time of Service:

Regardless of the tier designation, a search warrant may only be served between the hours of 7:00 a.m. to 8:00 p.m. unless the Court determines that a nighttime search is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public. The search warrant must state that it may be served only between the hours of 7:00 a.m. to 8:00 p.m. unless a nighttime search outside those hours is authorized. Reference: Minn. Stat. §- 626.14.

Progressive procedures:

A. Procedures for Tier 1:

- The inventory officer should be the warrant affiant or their designee.
- Photographs must be taken at all locations if applicable; it is required to have both “before” and “after” photographs to show condition/damage/etc. of the location searched. Items located during the warrant execution must be photographed whenever possible.
- The investigator/supervisor on-scene must make assignments and coordinate the search and collection of evidence.
- Items will be collected and reported in accordance with the evidence collection policies.
- The Forensic Services Unit often assists with warrant executions and evidence collection, after a location is secure. FSU will complete their reports and forward to the appropriate investigative unit when complete.
- Pursuant to Minn. Stat. §626.16 when the officer conducts the search the officer must give a copy of the warrant and, when property or things are taken, a receipt therefor (specifying it in detail) to the person in whose possession the premises or the property or things taken were found; or, in the absence of any person, the officer must leave such copy of the warrant and receipt in the place where the property or things were found. Such delivery of a copy of the warrant shall constitute service.

B. Additional procedures for Tier 2:

- Procedures listed in **A. Procedures for Tier 1** in addition to:

- The SWAT commander will determine the size of the team and the tactics used to secure the structure/location to be searched.
- Before serving the search warrant, and to ensure the safety of officers involved, the supervisor in charge of the entry team will contact the district supervisor, notifying them of the location to be searched. The warrant execution supervisor will also notify the Ramsey County Emergency Communications Center (RCECC) dispatch supervisor and the watch commander if a watch commander is on-duty.
- The SWAT commander will identify and designate the sworn staff who will serve as the warrant entry execution team. These team members will be previously trained for warrant entry and must be current on required trainings and qualifications.
- Uniformed personnel may be used to assist on the execution of search warrants, at the discretion and direction of the SWAT commander. These personnel will be used to block streets, maintain an outer perimeter, and assist the entry team if requested. The SWAT commander, or their designee, will coordinate the use of any patrol personnel with the district sergeant responsible for the district where the warrant is executed. Investigators and/or supervisors involved in the warrant execution must brief the assisting uniformed officers and make them aware of the threat assessment and their duties/assignment.

Announcements:

Regardless of whether the search warrant is a “no-knock” or “knock and announce” entry, police personnel will clearly announce themselves as “POLICE” at the time of actual entry. During the execution, officers must continually announce themselves as “POLICE” as they move about and clear the search area. Any exception to this announcement requirement must have pre-approval from a deputy or assistant chief. Exceptions will only be granted when facts and circumstances support this necessary tactic.

- Announcements must be given periodically throughout the search and at least one time when the officer has moved to an area where the previous announcement may not have been heard.
- Announcements must include the officer’s authority, what the officer wants the subject to do, and what will happen if the subject does not comply.
- Officers should be mindful of any known or reasonably believed barriers or obstacles to cooperation such as perception barriers, mental or emotional capacity, physical and language barriers, including whether the individual is known or believed to be deaf or hard of hearing.

- Designated personnel will secure the location involved; this should include any subjects located in the search area. Once the scene supervisor has deemed the scene safe, uniform personnel will post at the front of the address and fall under the direction of the investigative supervisor. The location/scene will be turned over to the investigator or supervisor in charge. The investigator/supervisor will make the determination as to who shall be arrested, interviewed or detained.
- If a breach is made to any door or window, the breached door or window should be photographed and documented in an incident report.
- Prior to clearing the scene, the location must be secured or turned over to a responsible/appropriate party.
- Responses to resistance and aggression be reported as prescribed in G.O. 246.00

Additional procedures for Tier 3:

- **Procedures listed in A. Procedures for Tier 1; and B. Additional procedures for Tier 2, in addition to:**

- Prior to executing the warrant, a SWAT Commander must obtain approval from the “on-call” deputy chief or the assistant chief.
- The SWAT commander will identify and designate the SWAT personnel used for the warrant execution team.
- Assisting uniformed personnel will not assist with the entry team.
- SWAT personnel will then execute the search warrant under the direction of a SWAT commander.
- Officers must follow the announcement requirements applicable to Tier 2 Warrants.

In exceptional circumstances when giving announcements would create an imminent threat of physical harm to officers or public, the on-call chief may authorize officers to execute a particular tactic or maneuver without warning. For those circumstances when announcements are not made for any part of a warrant execution, the SWAT commander must include the facts supporting the decision and the approval of the on-call chief in their incident report.

- SWAT personnel will secure the location involved; this should include any subjects located therein.

Section 5. Assisting out-of-city agencies

Assisting out-of-city agencies with search warrant execution in the City of Saint Paul:

Saint Paul officers are not permitted to assist out-of-city agencies, including the Ramsey County Sheriff’s Office, with any warrant execution, until the operation has received SPPD command approval. This includes all sworn staff, including the SPPD Canine Unit, as well as officers designated to partner agency Task Force operations.

1. The SPPD Special Investigations Unit (SIU) commander (or designee commander) will be the liaison to any outside agency wishing to execute a search warrant in Saint Paul. The SIU commander (or designee commander) must be contacted before any assistance is provided to an outside agency.
2. When an outside agency makes a request for assistance through the RCECC or direct contact, the person making the request should be referred to the SIU commander directly. This notification is necessary to:
 - A. Confirm the warrant existence and authenticity
 - B. Evaluate the information and location for deconfliction purposes
 - C. Evaluate the need for assistance, need for resources, and severity of offense
 - D. Determine the ability and capacity of the SPPD to assist

Saint Paul officers should not provide assistance with a search warrant execution until the operation is approved through this process. If officers become aware or have knowledge of an outside agency requesting assistance **or** executing a search warrant in our jurisdiction, they should contact their supervisor so the SIU commander can be notified and briefed of the incident.

6. Executing Warrants Outside Saint Paul

Saint Paul officers are only permitted to execute Tier 1 Warrants outside the City of Saint Paul with command approval. Saint Paul officers are not permitted to execute Tier 2 or 3 Warrants outside the city without approval of the on-call chief. Out-of-city Tier 2 or 3 Warrants must be reviewed by the unit commander and approved by the on-call chief to request assistance from the respective and appropriate jurisdiction. If the appropriate jurisdiction declines the request for assistance or deems that no assistance is necessary (or available), the Search Warrant Threat Assessment form should be completed and forwarded to the SWAT commander for further action.

7. Warrant Tracking & Filing with Court

All search warrants meeting Tier 2 and Tier 3 criteria submitted for judicial review, whether approved or not, must be entered into the Warrant Tracking Smartsheet. Each search warrant should only be entered once, even if warrant is resubmitted after any additional requests from judge are made.

It is the affiant's responsibility to ensure that every warrant that was approved through judicial review is filed with the court whether or not it was executed.

Revised October 22, 2021

CHIEF'S DISPATCH

Protect the peace and maintain public safety through trusted service with respect

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READ AT ROLL CALLS THROUGH NOVEMBER 1ST, 2021

TOPIC: No-Knock Search Warrants

Earlier this year, the Minnesota Legislature passed new legislation that added requirements for no-knock search warrant applications, as well as requirements for law enforcement agencies to report data about no-knock search warrants. The new requirements went into effect September 1, 2021.

Our department's policy under G.O. 447.00 already has requirements in place that any warrant requesting a no-knock exception must be reviewed by the unit or district commander. The no-knock draft warrant must then receive deputy or assistant chief approval prior to submission of the warrant for judicial review.

The additional search warrant application steps that the new legislation adds are:

- Explanation of why officers are seeking the use of a no-knock entry and are unable to detain the suspect or search the residence through the use of a knock and announce warrant;
- Explanation of what investigative activities have taken place to support issuance of the no-knock search warrant, or why no investigative activity was needed or able to be performed;
- Statement as to whether the warrant can be effectively executed during daylight hours.

The reporting requirements included with this new legislation indicate that law enforcement agencies must report every instance of a no-knock search warrant application to the commissioner of public safety. This means that even if our department only applies for, but does not execute a no-knock search warrant, we will still have to report the no-knock search warrant application to the commissioner of public safety.

Due to these changes, it is extremely important that anyone who applies for a search warrant does not indicate the need for a no-knock warrant in the application unless commander and deputy/assistant chief approval has already been obtained.

In addition, anyone who applies for a search warrant should refer to Training Bulletin 21-01 for detailed information about the updated warrant application process.

Thank you for all that you do to serve our city through trusted service with respect.

Respectfully,

Todd Axtell
CHIEF OF POLICE

ST. PAUL POLICE
Trusted service with respect

