



2-70 EXECUTION OF SEARCH WARRANTS

Related SOP(s): None

None

2-70-1 Purpose

The purpose of this policy is to establish guidelines and standards for the execution of search warrants.

2-70-2 Policy

It is the policy of the Albuquerque Police Department ("Department") to follow standardized procedures during the execution of search warrants to ensure the effectiveness of the operation, the safety of personnel and the public, and that all legal requirements are met.

2-70-3 Definitions

A. Affiant

A person who swears to an affidavit.

B. Fortifications

Modifications made with the specific intent to deny or significantly delay law enforcement entry into the primary access points of a structure.

C. Primary Access Point

Front door, back door, garage door or side door.

D. Sympathetic Subjects

Verified, credible information of subjects who are sympathetic to the offender(s) and will attempt to impede law enforcement objectives.

~~2-70-2~~ 2-70-4 Rules and Responsibilities

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A. The Affiant or Affiant's Representative will:

1. Brief their supervisor about the circumstances of a warrant before presenting it to the District Attorney's Office, secure the District Attorney's approval, and present the warrant to the judge for approval.

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Commented [PS2R1]: Patricia to Policy Owner: Changed "the" to "their". Is Affiant/Affiant's Rep a proper noun? (PS 4/1/20)



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2. Ensure that a supervisor is present at the scene on all search warrants involving a structure and that the supervisor is thoroughly briefed before the search warrant is executed.
 - a. Supervisors do not need to be present at the execution of a search warrant on vehicles ~~and other~~ or non-structural items already in police custody.
3. Brief all participants about the area to be searched, items to be seized, and any significant, unusual circumstances that may exist involving the premises or its occupants. In situations where exigent circumstances are anticipated, the affidavit will include detailed facts upon which those ~~exigent~~ circumstances are believed to be present.
4. Ensure all necessary copies of the warrant are brought to the scene. Give the defendant's copy of the warrant and affidavit to the defendant, if present, or leave on the premises along with a copy of the inventory of all items seized.
5. Be responsible for the return of the warrant, affidavit, and inventory to the District Court Clerk within three (3) days.

Commented [CMWV3]: To what structure is this in reference to?

Commented [PS4R3]: Patricia to Policy Owner: I assume the policy writer(s) is referring to a generic, brick and mortar structure. The use of "structure" is in the definition of "fortifications". (PS 4/1/20)

6. If a diversionary tactic (ruse) that has the potential to adversely effect ~~adversely~~ or disrupt the public, is needed for the effective service of a search/arrest warrant, or for the implementation of a court-ordered electronic listening/homing device, the tactic must be reviewed prior to approval by the City Attorney's Office and the Chief of Police, after collaboration with the Investigations Support Bureau Deputy Chief of Police ~~Investigations Support Bureau~~.

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B. Supervisors in Charge

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1. Before serving a warrant, the supervisor in charge will:
 - a. Be thoroughly briefed by the affiant or affiant's representative and review the search warrant for probable cause before it is presented to the District Attorney's Office. Additionally, the supervisor will ensure that all significant, unusual circumstances regarding the premises or occupants are included in the warrant.
 - b. Accompany officers on all search warrants involving a structure.
 - c. Determine whether other agencies should be notified and included in the search; and ensure appropriate measures are taken to make such notification and ensure such participation.
 - d. Ensure that specific tasks are assigned to each officer involved in the search, as well as the assignment to videotape or photograph the scene after the scene is secure.

Commented [CMWV5]: Camila to Policy Owner: Again, can you please clarify the meaning of 'structure'? (CV 3/31/20)

Commented [PS6]: Patricia to Policy Owner: I'm not sure if this sentence is worded correctly, specifically the part where it reads "...as well as the assignment to videotape or photograph the scene..." (PS 4/1/20)



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- e. Notify a commanding officer of the plan to serve a search warrant. The commanding officer will be responsible for making a determination as to whether or not the Tactical Team will be used. ~~Guidance for making this determination can be found below in section D.~~ Please refer to Use of the Tactical Team below.
- f. Notify the Emergency Communications Center no later than five (5) minutes prior to the service of the warrant of:
 - ~~f. —~~
 - i. The location of the search;
 - ii. The unit or division responsible for the execution of the warrant;
 - iii. Any special circumstances relating to the service of the warrant;
 - iv. The approximate time the warrant will be served; or
 - ~~i. — The time of the search. -~~
 - ~~ii. — The time of the search.~~
 - ~~iii. — The unit or division responsible for the execution of the warrant.~~
 - ~~iv. — Any special circumstances relating to the service of the warrant.~~
 - ~~— The approximate time the warrant will be served.~~
 - ~~v. — The time of the search.~~
 - v. _____
- g. ~~Ensure that~~ if a warrant is to be served outside the City limits, the appropriate agency is notified before the service of the warrant. Representatives of that agency should be present, if possible, and if they so desire, when the warrant is served.
- h. Secure the area command frequency during the initial entry and until the premise is secured.

2. If the Tactical Team is not going to be used, the supervisor in charge will:

- a. Make certain that all officers who participate in the execution of the search warrant are wearing clothing that clearly displays the badge of office on the chest and the Department shoulder patch that clearly identifies them as police officers before the execution of the warrant. The supervisor in charge will ensure everyone involved in the execution of the warrant is wearing protective body armor.
 - i. If an approved ruse tactic is to be used to affect the initial entry to a premise, the supervisor in charge will determine if the official clothing with the badge and patch identifying them as police officers will or will not be worn.
- ~~2. Assign officers to points~~
- ~~a. Make certain that all officers who participate in the execution of the search warrant are wearing clothing that clearly displays the badge of office on the chest and the Albuquerque Police Department shoulder patch that clearly identifies them as police officers before the execution of the warrant. Ensure everyone involved in the execution of the warrant is wearing protective body armor.~~
 - ~~i. If an approved ruse tactic is to be used to affect the initial entry to a premise, the supervisor in charge will determine if the official clothing with the badge and~~

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~~patch identifying them as police officers will or will not be worn.~~

~~b. Assign officers to points~~ of entrance and exit as necessary until an entry has been made.

~~b.~~

~~c. Be responsible~~ ~~Be responsible~~ for the decision to use force to gain entry in all situations where exigent circumstances are believed to exist.

~~e. Ensure all~~

~~d. Ensure all~~ persons involved in the execution of the warrant record the service of the search warrant. Confirm simultaneous activation of the recording devices before entry and simultaneous deactivation of the recording device once the premise is secured. This will include all persons on the entry team as well as all persons on the curtilage. ~~Ensure~~ Certify all recordings are tagged into evidence by the case agent or ~~his/her~~ their designee.

~~i. This section shall not apply to those situations where the scene has been secured before obtaining a search warrant.~~

~~d. Ensure police authority~~

~~e. Ensure police authority~~ and intent shall be clearly announced at the appropriate time. The responsibility for making such announcement is to be specifically assigned by the supervisor in charge.

~~e. Ensure a marked unit is~~

~~f. Ensure a marked unit is~~ parked on location and ensure the marked unit initiates red lights and begins making announcements over public address simultaneous to the service of the warrant. ~~This section shall not apply to those situations where the scene has been secured before obtaining a search warrant.~~

3. After the warrant is served, the supervisor in charge will:

a. Ensure the following tasks are accomplished once entry has been made:

i. Immediately after the area to be searched is secured, ensure that the scene is videotaped or photographed before the search. The supervisor in charge will ~~When appropriate, ensure evidence is videotaped or photographed as it is discovered, before its seizure and removal.~~ When appropriate, the supervisor will ensure evidence is videotaped or photographed as it is discovered, before its seizure and removal.

ii. Assign officers to specific areas of the scene to protect the scene, search for evidence, and prevent the destruction of evidence.

iii. All occupants of the residence shall be located as quickly as possible. All persons found on the premises will be placed in a designated area that has been searched and secured, with an officer present at all times. Each person will be identified in a reasonable period of time and if the person is not a resident of the house, and if the officers have no specific reason to fear the person or the officers have no reasonable basis to believe the person has some connection to the premises or criminal activity, then the person will be released.

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Commented [PS11R10]: Patricia to Camila: Agreed and done (PS 4/1/20)

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Commented [PS12]: Patricia to Policy Owner: Will this subsection always apply to a residence, versus a "structure"? I ask because of the use of the terms "residence" and "house". (PS 4/1/20)



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- iv. Persons will be frisked for the safety of the officers; however, they should not be searched unless it is specifically indicated in the search warrant, or if there is probable cause to believe the persons are concealing or will destroy any possible evidence.
 - v. Enter on the return and inventory the specific description of found evidence, the location where found, and the name of the officer who found the evidence. When multiple items are to be listed, a separate inventory sheet should be used ~~if necessary~~.
 - vi. Inventory all seized property.
 - vii. Maintain seized evidence and ensure it is tagged into evidence.
 - viii. Before leaving the premises, after completing the warrant service and search, make every reasonable attempt to secure the premises.
 - ix. Ensure that every officer present completes a supplementary report detailing their actions and identifying the location of any evidence they collected.
4. If the Tactical Team is going to be used, the supervisor in charge will:
- a. Have the individuals ~~who will be~~ conducting the search stand-by in a pre-designated outer perimeter area or assigned post.
 - b. Resume control of the ~~situation~~ location after being advised by the Tactical Team Supervisor that the premises ~~to be searched~~ are secure.

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C. Knock and Announce/Forceful Entry

- 1. ~~Prior to forcefully entering a residence to execute a search warrant unless exigent circumstances exist, officers are required to knock and announce their identity and purpose, and to wait a reasonable time to determine if consent to enter will be given.~~ ~~before forcefully entering a residence to execute a search warrant unless exigent circumstances exist.~~ Prior to forcefully entering a residence to execute a search warrant unless exigent circumstances exist, officers are required to knock and announce their identity and purpose, and to wait a reasonable time to determine if consent to enter will be given.
- 2. Forced entry may be justified by exigent circumstances.
- 3. The supervisor in charge will confer with a commanding officer on warrants that may require force to gain entry before serving the warrant.
- 4. When reasonable, the supervisor may contact the property owner to gain entry.

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Commented [PS13]: Patricia to Policy Owner: Just reconfirming that Subsection C. only applies to a residence. (PS 4/1/20)

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D. Use of the Tactical Team

- 1. The Risk Assessment Matrix ("Matrix") and RAM Checklist will be used for all pre-planned search warrants, regardless of whether tactical is activated and deployed to the scene. The Matrix does not apply to arrest warrants, vehicle search warrants, or a callout as a result of an ongoing incident.

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2. The Matrix and RAM Checklist will be submitted through the Division Chain of Command, up to the Lieutenant, for approval where a pre-planned search warrant is ~~being~~-executed.
3. The Matrix and RAM Checklist will be kept on file by the assigned division for a period of at least five (5) years. -These logs will be turned into the Special Operations Division (SOD) no later than the fifth (5th) of every month. If the 5th of the month falls on a weekend it will be due the following businesswork day).
 - 4.a. When a request for a case file from those logs is made by SOD or the Compliance Bureau, the division/area command will have three (3) business days to send the requested cases.
4. It will be the responsibility of the Unit Supervisor to ensure the Matrix and RAM Checklist areis completed and included in the original case file.
5. Unit Supervisors are responsible for continually assessing each incident to determine if it requires a tactical response. Unit Supervisors are also responsible for direct communication with Tactical Supervisors prior to and as operations are conducted.
6. RAM Matrix Audit Remediation Process-
 - a. During a Matrix audit, if there is a deficiency identified which the affected Division/-Area Commander does not agree with, the Tactical Section Lieutenant will meet with the lieutenant that approved the Matrix. They will then come together, jointly go through supporting documentation and score the Matrix.
 - b. The Tactical Section Lieutenant will provide the findings to the ~~Special Operations Division (SOD)~~ Commander. This will indicate if there is or is not a deficiency with the investigator, and their ~~C~~ehain of ~~C~~ommand, due to improper scoring, or if there needs to be a policy or Matrix revision.
 - c. In the event that the lieutenants do not agree, the SOD Commander will review all of the supporting documentation and make a final determination if there is a deficiency or if a policy and Matrix revision is needed.
 - d. The SOD Commander will determine the remediation plan for the deficient investigator and ~~C~~ehain of ~~C~~ommand.
- ~~6. The Section Lieutenant will have final authority on any disputes or questions arising from the Matrix. Section Lieutenants will also coordinate any conflicts with the Tactical Section Lieutenant.~~
 - a. ~~— Detectives may also consult the Matrix for guidance when conducting operations other than search warrants. Unit Supervisors are responsible for continually assessing each incident to determine if it requires a tactical response. Unit Supervisors are also responsible for direct communication with Tactical Supervisors prior to and as operations are conducted.~~

Commented [CMWV14]: Change to "forms"

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7. ~~87.~~ ~~The APD Tactical Search Warrant Service Risk Assessment Matrix and RAM Checklist is located on the APD Protopage and ...~~
 following Department forms can be found at APDweb including:
- a. PD X Pre-Planned Search Warrant Risk Assessment Matrix Log
 - b. PD X Risk Assessment Matrix Checklist
 - c. PD X Risk Assessment Matrix Pre-Planned Search Warrant Service
- b.—

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- Commented [BB18]: Location for forms???
- Commented [CMWV19R18]: Once we have Tech Services add to the forms page, they will most likely be located there.
- Commented [PS20R18]: Patricia to Camila: Agreed. What else do we need to indicate in this sentence? (PS 4/1/20)
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~~Risk Assessment Matrix~~



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Pre-Planned Search Warrant Service

Case Agent:	Location:
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Case #

Search Warrant

POINTS _____ SCORE _____ FACTS _____

Yes or No	Is the offense a felony? If No, consult Tactical Lieutenant	
5	Arrest Warrant for a non-violent felony	
2	Search warrant is for drugs	
2	Search warrant is for evidence of a crime against a person	

LOCATION

POINTS _____ SCORE _____ FACTS _____

25	Location is fortified	
3	Location has known aggressive attack dogs	
10	Verified firearms at location (UC or CI)	
5	Size of location (two or more levels or multiple structures)	
5	Location has a counter surveillance equipment/ people	
25	Drug manufacturing location/ large scale narcotics distribution	
1	Sympathetic subjects near target location	

AUXILIARY SUBJECTS

POINTS _____ SCORE _____ FACTS _____

5	4 or more subjects verified at location (UC or CI)	
3	High probability of small children/ elderly/ or physically challenged	

TARGET SUBJECT(S)

POINTS _____ SCORE _____ FACTS _____

1	Subject of warrant has property crimes history only	
5	Subject of warrant has history of crimes against persons or has an outstanding warrant for a crime against persons	
5	Subject has history of multiple Felony Arrests	
5	Subject of warrant has made statements about resisting arrest	
2	Subject of warrant has history of Felony drug arrests (within last 10 years)	
10	Subject of warrant has violent criminal history (within last 10 years)	
15	Subject of warrant has history of using firearms during crimes (within 10 years)	
15	Subject of warrant is known and verified to carry firearms (CI or UC)	
15	Subject of warrant has previous conviction for firearms violation (within 10 years)	
10	Subject of warrant has a history of assault on police/ resisting arrest (within 10 years)	
25	Subject has outstanding warrant for Homicide, Rape, Felonious Assault, Aggravated Robbery or Aggravated Assault/ Battery	
2	Target/ subject is unknown	
15	Subject of warrant has a documented history of mental health issues	

TOTAL SCORE:

Give the appropriate point value to each category that applies. If the total score is **25 or more, contact SWAT for assistance in the execution of the warrant.**



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- Form will be reviewed and signed by case agents' chain of command.
- After the form is reviewed and approved by the chain of command, it will be logged onto the Risk Assessment Matrix Log.

X _____

Sergeant

X _____

Lieutenant

APPENDIX

Fortifications—Modifications made with the specific intent to deny or significantly delay law enforcement entry into the primary access points of a structure.

- Primary Access Points—Front door, back door, garage door or side door.

Sympathetic Subjects—Verified credible information of subjects who are sympathetic to the offender(s) and will attempt to impede law enforcement objectives.