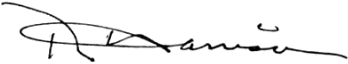


# TEXARKANA POLICE DEPARTMENT

## GENERAL ORDERS MANUAL

<b>SUBJECT</b>	<b>Search and Seizure Warrants</b>		
<b>NUMBER</b>	<b>1106.08</b>	<b>EFFECTIVE DATE</b>	<b>July 12, 2017</b>
<b>Scheduled Review Date</b>	<b>August 30, 2018</b>	<b>ISSUE DATE</b>	<b>July 12, 2017</b>
<b>Date Reviewed</b>	<b>July 12, 2017</b>	<b>REVISION DATE</b>	<b>July 12, 2017</b>
<b>APPROVED BY</b>		<b>ALEAP Standards</b>	7.08

I. Purpose and Scope

- A. The purpose of this policy is to institute guidelines and procedures that define the manner in which Texarkana Police Department employees manage and execute search warrants.

II. Policy

- A. The execution of a search warrant is often one of the more hazardous functions that is performed by a police officer. Not only is officer safety of paramount importance, but the welfare of all suspects and others who might be in the area must also be considered.
- B. It shall be the policy of the Texarkana Police Department that the proper planning and coordination is required by all personnel involved in the execution of a search warrant. Additionally, all procedures and requirements as set forth by the Arkansas Rules of Criminal will be followed by all members involved in the search. For search operations that are deemed to be of a tactical nature, the Department's Special Weapons and Tactics Team will be deployed, *pursuant to General Order 1108.16---SWAT Team Operations*.
- C. All department personnel shall recognize and adhere to the guidelines contained within this policy. Supervisors shall ensure compliance with this policy wherever applicable.

III. Procedures [ALEAP 7.08](#)

- A. An officer who anticipates conducting a search warrant shall first apprise his supervisor of the investigation. Additional manpower needs and other types of support that may be necessary should be discussed at this time. If the officer has developed intelligence that indicates persons at the search site may resist violently, then the supervisor shall notify the Special Weapons and Tactics Team for assistance. For further information, refer to *General Order 1108.16---SWAT Team Operations*, Section \_\_\_\_\_, that addresses high risk search warrants.
- B. In preparation of obtaining a search warrant, the investigating officer shall gather as much intelligence as is practicable to the situation. Information that should be fully explored includes intelligence about the location to be searched: the complete address and thorough description of the structure, including photographs if possible; the presence of weapons within the structure; and the presence of animals, children, etc. As much information as possible about the suspects should be gathered: identities, criminal histories, and photographs if available.

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- C. All persons participating in the search should maintain constant communications by either radio or telephone.
- D. All search warrants requiring forced entry into a structure, the on-duty Patrol Division supervisor and the Communications Unit shall be notified of the search. This requirement is not applicable to search warrants that require no forced entry, such as a search warrant for financial records from a bank, etc.
- E. All Texarkana Police Department members participating in the initial entry will be required to wear, at a minimum, their assigned protective ballistic vests during the initial entry, regardless of the nature of the corresponding investigation.
- F. Texarkana Police Department members wearing plainclothes must be readily identifiable to one another by wearing clearly marked raid jackets or similar clothing. Plainclothes officers from other agencies involved in the execution of a search warrant in support of a Texarkana Police operation shall wear their agency issued raid jacket or similar gear furnished by their agency. Any officer from another agency who is not equipped with body armor and raid jacket will not participate in the entry of the structure to be searched.
- G. Supplemental equipment needs, such as flashlights, evidence collection equipment, photography equipment, field testing kits, etc. shall be considered and addressed.
- H. All search warrants requiring forced entry shall find at least one uniformed officer assigned to the search entry team. This requirement is not applicable to search warrants that require no forced entry, such as a search warrant for financial records from a bank.
- I. Unless otherwise authorized by the issuing judicial official, officers shall first knock and announce their presence and intention to serve a search warrant, allowing reasonable time for the occupant to open the door.
- J. Once entry has been made and the scene safely secured, the affiant shall designate any persons that are to be arrested, the charges, and those prisoners shall be secured appropriately. Ideally, sufficient manpower to safely handle and transport the prisoners shall be on scene. If not, additional manpower shall be summoned.
- K. Whenever appropriate, a single officer should be designated as the "evidence collection officer." The role of the evidence collection officer will be to establish an "evidence collection point" to ensure that all evidence collected by the search team(s) is properly tagged, logged and secured.
- L. If a member of the search team locates currency during the execution of a search warrant, he/she will immediately notify the supervisor or senior officer in charge. The supervisor or officer in charge will ensure that at least two officers are present when the money is counted. The supervisor or officer in charge will also monitor this count, and except under extremely rare circumstances, this count should be conducted at the site of the seizure. If this is not practicable, the on-scene supervisor will accompany the officers to the location where the funds will be counted and will continue to monitor the procedure.
- M. If the circumstances at the scene of a search warrant determine need to seize the currency, the officers handling the "evidence collection officer" will record all pertinent information including, but not limited to, the following:
  1. The apparent owner of the seized currency;
  2. The physical address from which the seizure was made;
  3. The particular criminal offense associated with the seizure;

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4. The names of the officers who are present whenever the cash seizure took place, to specifically include the names of the officers charged to count, control and record the seizure; and
  5. Serial numbers along with the particular denominations of the seized currency (and/or detailed photographs/photocopies depicting this information).
- N. Any discrepancy in the amount will be immediately brought to the attention of the supervisor in charge and the applicable Division Commander.
  - O. In addition to the requirements concerning the seizure of cash found within this policy, all personnel shall adhere to the requirements that prescribe additional details of evidence handling found within *General Order 1102.02--Property and Evidence Control*.
  - P. At the conclusion of the search warrant operation, the affiant shall ensure the structure is checked to confirm that all Texarkana Police Department property and equipment has been recovered, and the structure is secured to the best degree possible.
  - Q. The affiant shall notify the on-duty Patrol Division supervisor and the Communications Center once the search has been concluded.
  - R. The affiant shall be responsible for ensuring that all evidence is logged in accordance with departmental regulations, and that all paperwork is collected and turned in as required.

IV. Arkansas Rules of Criminal Procedure

- A. Members of the Texarkana Police Department who seek or execute search warrants shall do so in compliance with the appropriate articles and rules contained in the Arkansas Rules of Criminal Procedure.
- B. Search warrants may only be issued by a judicial officer. The applicant for a search warrant shall describe with "particularity" the persons or places to be searched and the persons or things to be seized. The judicial officer may either find that the application meets the requirements of the Rules and issue a search warrant, or he may not, and he shall then deny the application. <sup>ARCP 13.1</sup>
- C. Search warrants shall be dated, issued in duplicate and addressed to any officer. The warrant shall list the identity of the person to be searched and the location and designation of the place to be searched. The warrant shall list the persons or things constituting the object of the search and authorized to be seized. Search warrants shall be returned to the clerk of the issuing court within five (5) days after the executing of the search warrant. <sup>ARCP 13.2</sup>
- D. Search warrants must be served within a reasonable time, not to exceed sixty (60) days from their issuance. Search warrants must be served between the hours of 6:00AM and 8:00PM, unless specifically authorized by the issuing judicial officer to serve the warrant outside this time frame, referred to as a night time exception. <sup>ARCP 13.2</sup>
- E. A search warrant may be executed by any police officer. The officer charged with its execution may be accompanied by such other officers or persons as may be reasonably necessary. <sup>ARCP 13.3</sup>
- F. In the course of the search, the executing officer shall give a copy of the warrant to the person to be searched or the person in apparent control of the premises to be searched. The copy shall be furnished before undertaking the search or seizure unless the officer has reasonable cause to believe that such action would endanger the successful execution of the warrant with all practicable safety, in which case he shall, as soon as is practicable, state his authority and purpose and furnish a copy of the warrant. If the premises are unoccupied by anyone in apparent and responsible control, the officer shall leave a copy of the warrant suitably affixed to the premises. <sup>ARCP 13.3</sup>

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- G. The scope of search shall be only such as is authorized by the warrant and is reasonably necessary to discover the persons or things specified therein. Upon discovery of the persons or things so specified, the officer shall take possession of custody of them and search no further under authority of the warrant. If in the course of such search, the officer discovers things not specified in the warrant which he reasonably believes to be subject to seizure, he may also take possession of the things so discovered. <sup>ARCP 13.3</sup>
  - H. Upon completion of the search, the officer shall make and deliver a receipt fairly describing the things seized to the person from whose possession they are taken or the person in apparent control of the premises from which they are taken. If practicable, the list shall be prepared in the presence of the person to whom the receipt is to be delivered. If the premises are unoccupied by anyone in apparent and responsible control, the executing officer shall leave the receipt suitably affixed to the premises. <sup>ARCP 13.3</sup>
  - I. If a search warrant is not executed, the officer shall return the warrant to the issuing judicial officer within a reasonable time, not to exceed sixty (60) days from the date of issuance, together with a report of the reasons why it was not executed. <sup>ARCP 13.4</sup>
  - J. An officer who has executed the search warrant or, if such officer is unavailable, another officer acting in his behalf, shall, as soon as possible and not later than the date specified in the warrant, return the warrant to the issuing judicial official together with a verified report of the facts and circumstances of execution, including a list of things seized. <sup>ARCP 13.4</sup>
  - K. If the warrant authorized documentary seizure, the executing officer shall endeavor by all appropriate means to search for and identify the documents to be seized without examining the contents of documents not covered by the warrant. <sup>ARCP 13.5</sup>
  - L. If the documents to be seized cannot be searched for or identified without examining the contents of other documents, or if they constitute items or entries in account books, diaries, or other documents contained matter not specified in the warrant, the executing officer shall not examine the documents but shall either impound them under appropriate protection where found, or seal and remove them for safekeeping. <sup>ARCP 13.5</sup>
- V. Computer Related Search Warrants
- A. In an effort to protect and insulate computer evidence obtained by the Texarkana Police Department, and to enhance the prosecution of defendants, the following measures will govern the seizure/collection of all computer related evidence:
    1. Whenever an officer assigned to the Uniform Patrol Division member seizes or expects to seize evidence consisting of a computer that is believed to have been utilized to facilitate criminal behavior or is suspected of being a device that stores evidence, an immediate notification will be made to the on-call detective.
    2. Whenever an officer of the Texarkana Police Department conducts a criminal investigation where computers or computer evidence may be involved, the CID supervisor will ensure the appropriate detective is made aware of the circumstances surrounding the potential computer related evidence.
    3. Whenever a warrant to seize computers or computer related evidence is being sought by a member of the Texarkana Police Department, a CID supervisor will be briefed and take part in the preparation of the warrant.

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