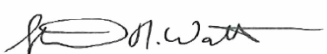


# OGDEN CITY POLICE

## Office of the Chief

**Policy No: 05**

Subject Search Warrant Execution	Effective Date February 2018
Department Police	Replaces Policy Dated February 2006
Division All Police Personnel	Review Date February 2024
Authorized Signature 	

**NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.**

**I. PURPOSE**

The purpose of this policy is to provide rules and guidelines for officers of the Ogden City Police Department in the service of a search warrant.

**II. POLICY**

It is the policy of the Ogden Police Department to (1) provide techniques to accomplish a thorough and legal search; (2) observe the Constitutional rights of the person(s) the warrant is being served upon; (3) minimize the level of intrusion experienced by those whose premises is searched; (4) provide for the highest degree of safety for all persons concerned; and (5) establish a record of the entire warrant service process. The service of search warrants will comply with the provisions and requirements of Utah Code Annotated 77-23-210 and 58-37-10.

**III. DEFINITIONS**

A. Search Warrant: An order issued by a magistrate in the name of the state and directed to a peace officer, describing with particularity the thing, place or person to be searched and the property or evidence to be seized and brought before the magistrate.

- B. Search Site: The premises or person to be searched, as explicitly stated in the search warrant.
- C. Warrant Service Team: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.
- D. Evidence Collector: Member of the search team responsible for the possession, packaging, sealing, marking, documentation and transportation of all items seized.
- E. Supervising Officer: An Ogden Police Department Sergeant, or in the case of a Task Force, a designated Task Force supervisor, who is not a member of the Warrant Service Team and who is knowledgeable of this policy and applicable laws governing the service of search warrants.

#### IV. PROCEDURE

Officers may conduct a legal search and make a resulting seizure either by search warrant or by a judicially or legislatively recognized exception to the warrant standard.

A Supervising Officer will be present for the service of all search warrants and will exercise appropriate supervision of the Warrant Service Team.

Whenever possible, officers will obtain a warrant for the search of a person or premises prior to commencing the search. Other than searches incident to arrest, there must be probable cause to believe that evidence or contraband is on a premise or person before a legal search can be made. By obtaining a warrant beforehand, the officer has subjected his probable cause to judicial review before making the search. Officers should not rely on consent searches or other warrantless searches to seize necessary evidence or contraband unless all legal requirements can be met and clearly articulated. The Utah courts have expressed a clear preference for search warrants whenever possible. The use of a search warrant allows the officer's actions a presumption of validity in the court system.

Unless approved in exceptional cases by the Chief of Police in advance, no press representation or other non-enforcement personnel will be present during any Ogden City Police Department search activity.

## V. SEARCH WARRANT PLANNING AND EXECUTION

### A. Warrant Service Planning

The investigating officer responsible for the warrant will conduct pre-service activities in accordance with the Search Warrant Service Procedures found in the Ogden Police Department Standard Investigative Procedures Manual. This will include the accurate completion of a Warrant Service Matrix as part of the pre-service requirements. The Warrant Service Matrix will be used to determine the level of risk for the service of warrant, what unit personnel will conduct the warrant service, and what levels of force may be utilized during the warrant service.

### B. Warrant Service Execution

The warrant will be served in accordance with applicable law and the Search Warrant Procedures found in the Ogden Police Department Standard Investigative Procedures Manual.

### C. Post-Service Procedures

The Supervising Officer will ensure all required reporting and returns of service are completed by the investigating officer. The Supervising Officer will also ensure all State of Utah reporting requirements are met.