

447.00 Execution of Search Warrant

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Section 1. Introduction and Definitions

The Saint Paul Police Department is dedicated to upholding the Constitution of the United States of America and abiding by the laws and standards of our community. 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. This authority is granted by Minnesota State Statutes beginning at [626.05](#) and ends at [626.22](#).

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 Tier 3 search warrants. Tier 2 and Tier 3 search warrants must be executed under SWAT 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 including a statement of facts that is 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 an objectively reasonable amount of time thereafter 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 Definition – A search warrant authorizing a police officer to enter the premises without first loudly and understandably announcing the officer’s presence or purpose and waiting an objectively reasonable amount of time thereafter for the occupant to comply, based on a totality of the circumstances, prior to entering the premises. (Ref: Minn. Stat. § 626.14 subd. 2).

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 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 allows the analysis of multiple criteria and investigative facts to establish warrant execution guidelines and identify the warrant tier designation. The form is found on the SPPD intranet. Threat assessments will be completed for all Tier 2 and Tier 3 warrant applications and reviewed by a SWAT commander before warrant service.

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 a SWAT commander.

Section 2. Application for Search Warrants

Minnesota State Statutes give all peace officers the authority to submit an affidavit and apply for a search warrant from a district court judge. 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 lawful. The application must contain pertinent and accurate case details to demonstrate the need for a court order to search a person or place for investigative purposes. 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. Information cannot be presented verbally by the affiant. All relevant and pertinent information must be included in the warrant affidavit and application prior to being presented to the Court for review.

If the warrant is outside of the scope for the normal duties and assignment of 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 an employee with the rank of sergeant or higher prior to the warrant being submitted for judicial review.

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

Any warrant requesting a “No-knock” exception must be reviewed by a commander. If the reviewing commander approves of the requested no-knock exception, the draft warrant will be forwarded to a deputy chief or the assistant chief for a final review. The “no-knock” draft warrant must receive deputy chief or assistant chief approval prior to submission for judicial review. Notification will be made to the Chief of Police by the deputy chief or assistant chief prior to execution of a “No-knock” warrant; if the Chief of Police is not available, notification will be made to their highest-level designee.

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

1. 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;
2. 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;
3. The known or suspected occupant or occupants of the premises, including the number of occupants under age 18; and,
4. 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 lawful prior to submission for judicial review.

Any affiant requesting an exception to the “knock and announce” rule must ensure 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. Requests for exceptions to the knock and announce rule will be reserved for extreme cases with supporting legal circumstances.

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

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.

Tier 1 warrants can be executed by officers from the investigative unit or patrol district for cases involving structures reasonably known to be clear of persons, 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. Investigators and officers can author, submit, and execute these warrants under the direction of their supervisor, without consultation with a 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. Tier 1 warrants include any structure that has been secured from the outside such as a storage locker or is reasonably known to be clear of persons (e.g., a storage locker which is secured from the exterior). Warrants for structures that have been cleared during a protective sweep for victims and are reasonably known to be clear of other persons may be designated a Tier 1.

Any warrant that exceeds the criteria or classification of a Tier 1 warrant will be designated as Tier 2 or Tier 3.

Factors of Tier 2 and Tier 3 warrant determination(s) 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

Tier 2:

Tier 2 warrants involve limited potential for threat or harm due to the location and nature of the warrant and the threat assessment. Tier 2 warrants will be executed by SWAT team members while supervised by a SWAT team leader, 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.

The warrant affiant, with guidance from their supervisor, will complete a Search Warrant Threat Assessment form articulating the facts, threat potential, and information regarding potential suspect(s) who could cause harm to officers or others. The Search Warrant Threat Assessment form is on the department intranet forms page, titled, "[Search Warrant Threat Assessment](#)." This form is a tool used to assist the decision-making process. Completed Search Warrant Threat Assessment forms must be forwarded to a commander for review.

The reviewing commander will contact a SWAT commander to brief them about the investigation and warrant application. The reviewing commander and SWAT commander will jointly 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 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.

Warrants designated as Tier 2 include all residences, structures, businesses, apartments, and other locations associated with the crime that need to be cleared of persons and made secure prior to the recovery of evidence. Tier 2 warrants will be executed by SWAT team members to reduce the risk to our sworn staff and the public. If the Search Warrant Threat Assessment

form indicates a high threat of potential harm, the warrant will be reviewed for possible designation as Tier 3.

Tier 3:

Tier 3 warrants involve a higher 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). Tier 3 warrants will be executed by the SWAT team under the direction of a SWAT commander. Tier 3 warrants require approval from the on-call chief and will be executed using specialized 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: Minnesota Statutes §626.14.

Progressive procedures:

A. Procedures for Tier 1:

1. The inventory officer should be the warrant affiant or their designee.
2. Photographs must be taken at all locations if applicable.
 - a. It is required to have both “before” and “after” photographs to show condition/damage/etc. of the location searched.
 - b. Items located during the warrant execution must be photographed whenever possible.
3. The investigator/supervisor on-scene must make assignments and coordinate the search and collection of evidence.
4. Items will be collected and reported in accordance with the evidence collection policies.
5. The Forensic Services Unit (FSU) often assists with evidence collection after a location is secure. FSU will complete their reports and forward to the appropriate investigative unit when complete.
6. Pursuant to Minnesota Statutes §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:

1. **Procedures listed in A. Procedures for Tier 1 in addition to:**
2. A SWAT commander will determine the team and tactics to be used to secure the structure/location. Officers securing the structure/location will meet current required training and qualifications for warrant entry.
3. Before executing the search warrant, and to ensure the safety of officers involved, the supervisor in charge of the entry team will notify the district supervisor of the warrant location. The warrant execution supervisor will also notify the Ramsey County Emergency Communications Center (RCECC) dispatch supervisor and the watch commander when appropriate.
4. Uniformed personnel may be used to assist during the execution of search warrants at the discretion and direction of the SWAT commander or their designee.
 - A. These personnel will be used to block streets, maintain an outer perimeter, or assist with other duties as assigned.
 - B. 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.
 - C. 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, SWAT members will clearly announce themselves as “POLICE” at the time of actual entry into spaces to be cleared and secured. During warrant 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 require the preservation of life safety.

- 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 and any subjects located in the search area. Once the SWAT supervisor has determined the scene is safe, uniform personnel will post at the front of the address and report to the investigative or district supervisor.
 1. The location/scene will be turned over to the investigator or supervisor in charge.
 2. The investigator/supervisor will make the determination as to who shall be arrested, interviewed or detained.□□
 3. Any damage caused as a result of search warrant execution will be photographed and documented in an incident report.
- The location searched must be secured or turned over to a responsible/appropriate party before investigators may clear the scene.
- Responses to resistance and aggression will be reported as required in G.O. 246.00.

C. Additional procedures for Tier 3:

- A. **Procedures listed in A. Procedures for Tier 1; and B. Additional procedures for Tier 2, in addition to:**
- B. Prior to executing the warrant, a SWAT Commander must obtain approval from the "on-call" deputy chief or the assistant chief.
- C. The SWAT commander will identify and designate the SWAT personnel used for the warrant execution team.
- D. Uniformed personnel from patrol or other assignments will not assist an entry team to enter or clear and secure a place to be searched.
- E. SWAT personnel will then execute the search warrant under the direction of a SWAT commander, or their designee.
- F. Officers must follow the announcement requirements applicable to Tier 2 Warrants.
 - a. 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. The SWAT commander must include facts and information supporting their decision and document the on-call chief's approval in their incident report.
- G. SWAT personnel will secure the location and any subjects located during the warrant execution.

Section 5. Assisting out-of-city agencies

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

1. The SPPD Special Investigations Unit (SIU) commander (or designee commander) will be the liaison for any outside agency wishing to execute a search warrant in Saint Paul. The SIU commander (or designee commander) should be contacted before any assistance is provided to an outside agency. In the absence of a SIU commander (or designee commander), the district sergeant must be contacted before assistance is provided to an outside agency executing a warrant in Saint Paul.

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 the severity of offense.
 - D. Determine the ability and capacity of the SPPD to assist.
2. SPPD personnel can assist out-of-city agencies with traffic control and outer perimeter security with supervisory approval.
3. SPPD personnel shall **not** make warrant service entry with out-of-city agencies serving search warrants in St. Paul.
4. 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.

1. Saint Paul officers are not permitted to execute Tier 2 or Tier 3 warrants outside the city without approval of the on-call chief.
2. Out-of-city Tier 2 or Tier 3 warrants must be reviewed by the unit commander and approved by the on-call chief.

The on-call chief will ensure tactical assistance is first requested from the appropriate jurisdiction where the warrant is to be executed before authorizing the St. Paul Police SWAT team to leave the city and execute the warrant. If the appropriate jurisdiction declines our 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 submitted for judicial review, whether approved or not, must be entered into the Warrant Tracking Smartsheet by the affiant. The [Warrant Tracking](#) Smartsheet can be found on the department intranet links page under Administrative Links.

The SIU commander (or their designee) will be responsible for completing the Warrant Tracking Smartsheet for all out-of-city agency search warrants executed by Saint Paul Police officers.

Each search warrant should only be entered once, even if the warrant is resubmitted after additional requests from the reviewing judge are satisfied.

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

Effective February 2, 2024