

	POLICY & PROCEDURE	SERIES #707	PAGE 1 OF 7
	SUBJECT		EFFECTIVE DATE
	EXECUTION OF SEARCH WARRANTS		<b>05/25/2021</b>
DISTRIBUTION		AMENDS/SUPERSEDES/CANCELS	
ALL MANUALS		P&P #707 dated 03/04/21.	

I. PURPOSE:

The purpose of the policy is to ensure proper and consistent methodology pertaining to the execution of search warrants.

II. POLICY:

It is the policy of the Hampton Police Division that all searches will be conducted in accordance with law and will consider the safety of all involved parties.

III. DISCUSSION:

The procedures listed in Section V, A and B of this policy should be followed for most search warrants. It is incumbent upon the supervisor approving the search warrant to determine whether the degree of risk present during the execution of said warrant mandates the adherence to the procedures outlined in section V, C of this policy.

IV. DEFINITIONS:

- A. Abode – Any place that an individual dwells to include, but not limited to a home, hotel room, motorhome, camper, vehicle or living place.
- B. Execution – For the purpose of this policy, and as defined by the 4<sup>th</sup> Circuit Court of Appeals, execution of a search warrant takes place during the initial entry of an abode.
- C. Uniform – A Division approved uniform as defined in P&P 1102, Personal Appearance. Plain clothes are not considered a Division issued uniform.

V. PROCEDURE:

- A. The following procedures should be followed for all search warrants:
  - 1. Hampton Police Officers shall not seek, execute or participate in any "no knock "search warrant. This will include personnel assigned to various federal and state task forces to include warrants signed by a federal judge or magistrate.

APPROVED:  
CHIEF OF POLICE



- a. Task Force Officers that are also sworn as a member of a federal agency and operating as such must be readily identifiable as a member of the task force or federal agency when serving a warrant.
- 2. All search warrants will be subject to supervisory approval prior to presentation to the judge or magistrate. The supervisor will review for probable cause, justification for a request for night time execution if applicable, legal ramifications, verification of factual statements, and typographical errors.
- 3. All officers are required to always wear issued protective vests during the execution of search warrants.
- 4. Arrests, if any, will be made in accordance with state law.
- 5. Necessary force will be used in accordance with P&P 533, Use of Force.
- 6. During searches, unnecessary destructive action will not be condoned.
- 7. The supervisor approving the warrant may request assistance from other units or agencies, if needed.
- 8. Upon execution of a search warrant, a copy of the search warrant and affidavit must be provided to the recipient to include hospital personnel, business owners, custodian of records etc. If a search warrant is executed on a cell phone, a copy of the search warrant and affidavit must be affixed to the phone. This does not apply to search warrants that are sealed by judge.
- 9. At the conclusion of the search, it shall be the duty of the investigating officer to file the Search Inventory and Return form, the Hampton Police Division Search Warrant Executed form and the Hampton Police Division Lieutenant's Daily Report to Commander form. The investigating officer will be responsible for filing of the necessary reports with the Commonwealth's Attorney's Office at a time no later than 72 hours after the completion of the search. The Search Inventory and Return form must be filed with the Circuit Court within 72 business hours.

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B. In addition to all procedures in Section A, the following procedures will be followed when searching an abode:

1. Must be in uniform.
  - a. ALL officers participating in the execution of a search warrant at an abode must wear a Division approved uniform.
2. Must knock and announce
  - a. Execution of search warrants at an abode require a uniform officer, to “knock and announce” prior to entry or service. This officer will lead the search party by being the first at the point of entry and the most visible.
    - 1) The announcement must include “Hampton Police, Search Warrant, Come to the Door”.
    - 2) The Officer in Charge (O.I.C), is responsible for ensuring a reasonable amount of time, given the circumstances known by the O.I.C. is provided between the knock and announce and forced entry is made will make certain that the occupants have a reasonable amount of time to comply.

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- 5) Once entry is made into the residence the location shall be made secure in accordance with the search warrant and an officer with a BWC camera shall walk through the location recording what the location looked like before and after the search.
  - 6) Prior to searching, the executing officer shall give a copy of the search warrant and affidavit to the person to be searched, or the owner of the place to be searched, or if the owner isn't present, to all occupants of the place to be searched.
    - a) The search team of an abode can consist of plain clothed Investigative Service Personnel and only after the execution of the warrant has taken place. At least one member of the search team will remain in the Division approved uniform during the search of the abode.
  - 7) If the place to be search is unoccupied, the executing officer shall leave a copy of the search warrant and affidavit in a conspicuous place within or affixed to the place to be searched.
  - 8) May only serve between 0800 and 1700 hours.
    - a) Unless authorized by Judge, or Magistrate for service after 1700 and before 0800.
    - b) Or if already entered and secured prior to warrant.
- C. In addition to the procedures listed in Section IV, A, the following procedures will also be followed for search warrants which may be deemed "high risk", for example, raids of occupied dwellings where contraband and weapons are believed to be present:
1. Execution of search warrants will be closely supervised and will be done under the direction of a single on scene supervisor (OIC).
  2. The OIC of any search shall determine the number of officers and vehicles needed, as well as any special equipment that might be required, particularly to maintain cover, when necessary.
  3. After securing the necessary officers and equipment, the OIC will meet

with the search team executing the search warrant to brief them. The briefing will address:

- a. An analysis of the crime, victim, and suspects.
- b. Legal ramifications, to include a review of applicable policies.  

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- d. Operational procedures for observation, arrests, surveillance, and high-risk entries.
- e. Procedures for requesting medical assistance.
- f. Each member’s responsibilities (The members of the party will be charged to diligently search their assigned areas diligently and cautioned not to wander from area to area). The search will not start until the OIC informs the search team to do so.

- 4. The briefing will take place in a secure area to maintain safety of all involved.
- 5. The OIC may request additional officers from other units to provide relief, backup, security, and perimeter protection for members of the search team if needed. These additional officers will also be briefed.
- 6. A means of routine and emergency communications will be established. Normally, the main radio channels will be used during execution of the warrant.

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- 8. The search team will knock and announce their intentions prior to entry unless exigency exemption is met.  

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- 9. Once inside, the search team will locate all occupants and bring them to a central location within the building for security purposes. A field

interview and warrants check should be conducted on all occupants. Any searching of occupants will be done in accordance with state law, Division policy (See P&P 1103, Stop and Frisk), and as stated in the search warrant if applicable.

- a. Once the scene is secured and safe, the OIC will provide a copy of the search warrant and affidavit to all occupants of the dwelling and an officer with a BWC shall walk through the location recording what the location looked like before and after the search.
- b. No physical searching of the dwelling may occur until this is completed.
  - 1) The OIC will advise the search team when that may occur.

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- 12. After the search is completed, the team will return to a predetermined location where an immediate de-briefing session will be conducted by the OIC. At which time, all pertinent information will be gathered to be later incorporated into the record of the search.

D. STRIP SEARCHES

- 1. Strip searches and body cavity searches are massive intrusions of personal privacy and can be tolerated only in the most extraordinary of circumstances. The more intrusive the search, the more likely the balance of interests (courts) will lean in favor of personal privacy. ■

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3. Before conducting a strip search of an individual, officers conducting the search will ask the individual to be searched their preference with respect to the gender of the officer conducting the search (i.e. a trans woman may prefer to be searched by female members of the department). This request will be honored absent exigent circumstances, which shall be documented in writing.

If an individual's gender request can be reasonably and expeditiously accommodated without risk to officer safety, the request should be granted. Under exigent circumstances, including but not limited to the existence of reasonable suspicion of imminent threat of bodily harm or escape, any officer may conduct a search of any detainee, regardless of the gender identity/expression of the detainee.

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5. The search shall be performed in an area where it cannot be observed by persons not physically conducting the search.
6. As soon as possible, the officer doing the strip search and the attending officer will complete a special report via the chain of command to the Operations Branch Commander. The report will include, but is not limited to, the following information:
  - a. Time, date and location of the strip search.
  - b. The justification for the strip search.
  - c. The name, age, and sex of the arrested person who was searched.
  - d. Findings from the search.
  - e. Any problems.

#### F. BODY CAVITY SEARCHES

1. A body cavity search is any search involving not only visual inspection of skin surfaces but also the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity. Body cavity searches are the most intrusive type of strip search.

2. Any body cavity search, other than the mouth, ***will be conducted only under the authority of a search warrant.*** In either case probable cause must exist based on specific articulable facts that the person is concealing a weapon, contraband or evidence in a body cavity. A supervisor will be notified prior to conducting a body cavity search.
3. A search of any body cavity must be done under sanitary conditions. Other than the mouth, the search of any body cavity shall be conducted by or under the supervision of medically trained personnel.
4. It shall be requested that the authorized individual conducting the search file a report with the Police Division. The witnessing police officer shall co-sign that report and file the report via the chain of command to the Operations Branch Commander. The report will include those details listed in Section V, Procedures as well as a detailed description of the nature and extent of the search. The reporting responsibility is placed upon the witnessing officer in the event the authorized individual conducting the search does not file a report.



# Redaction Log

Total Number of Redactions in Document: 13

## Redaction Reasons by Page

Page	Reason	Description	Occurrences
2	INVEST TECHNIQUES	The identity of a victim witness or undercover officer and/or investigative techniques and procedures has been redacted pursuant to Va. Code §2.2-3706(B)(10).	2
3	TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	1
3			1
5	TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	5
6	INVEST TECHNIQUES	The identity of a victim witness or undercover officer and/or investigative techniques and procedures has been redacted pursuant to Va. Code §2.2-3706(B)(10).	2
7	TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	1
7			1

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## Redaction Reasons by Exemption

Reason	Description	Pages (Count)
		3(1) 7(1)
INVEST TECHNIQUES	The identity of a victim witness or undercover officer and/or investigative techniques and procedures has been redacted pursuant to Va. Code §2.2-3706(B)(10).	2(2) 6(2)
TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	3(1) 5(5) 7(1)