

OGDEN CITY POLICE

Office of the Chief

Policy No: 05

Subject Search Warrants	Effective Date November 14, 2023
Department Police	Replaces Policy Dated February 2018
Division All Police Personnel	Review Date October 2025
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 the 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 UCA 77-7-8, UCA 77-23-210 and the Search Warrant Procedures found in the Ogden Police Department Standard Operations Procedures (SOP) Reference Guide.

C. Forcible entry to conduct a search – no knock

In accordance with Utah Code Section 77-7-8 (1) an officer serving a lawful no-knock warrant may make a forcible entry onto the property or building to be searched without notice.

Before seeking a no-knock warrant from a judge or magistrate a supervisory official shall, using the officer's affidavit:

1. Independently perform an assessment to evaluate the totality of the circumstances;
2. Ensure reasonable intelligence gathering efforts have been made;
3. Ensure a threat assessment was completed on the person or building to be searched; and
4. Determine either that there is a sufficient basis to support seeking a warrant or require that the officer continue evidence gathering efforts.

The affidavit for a no-knock warrant shall describe:

1. Why the officer believes the suspect is unable to be detained or the residence searched using less invasive or less confrontational methods.
2. Investigative activities that have been undertaken to ensure that the correct building is identified and that potential harm to innocent third parties, the building, and officers may be minimized.
3. The present or imminent threat of serious bodily injury or death to a person inside, outside, or in near proximity to the building.
4. A no-knock warrant shall be served during daytime hours unless the affidavit states sufficient grounds to believe a search is necessary during nighttime hours.

Upon serving a no-knock warrant, an officer shall wear readily identifiable markings, including a badge and vest or clothing with a distinguishing label or other writing which shows that the person is a law enforcement officer and comply with all other requirements listed in Utah Code Section 77-7-8.

An officer may not request a no-knock warrant if the warrant is solely for a misdemeanor investigation.

D. Imaging Surveillance Device

In accordance with Utah Code Section 77-23d-103, an officer may not operate an imaging surveillance device to obtain information, not otherwise directly observable, about individuals, items, or activities within a closed structure unless:

1. A warrant has been obtained.
2. Testing equipment or training is being performed.
 - i. Training or testing may not be conducted as part of a criminal investigation or law enforcement activity.
 - ii. Testing or training requires the consent of the individuals imaged and the owners of the property to be imaged.
3. Exigent circumstances exist.

4. While in fresh pursuit of a person suspected committing a felony.

E. Electronic Information and Data

In accordance with Utah Code Sections 77-23c-102 through 77-23c-104, officers shall follow warrant and notification requirements when seeking electronic data or information transmitted to a provider of a remote computing service or through a provider of an electronic communication service.

F. Reverse-Location warrants

In accordance with Utah Code Sections 77-23f-101 through 77-23f-109, officers shall follow warrant and notification requirements when obtaining reverse-location information based on cell site records.

In compliance with Utah Code Section 53-23-101, the police department shall annually submit a report to the State Commission on Criminal and Juvenile Justice on or before April 30. The report shall be submitted in the standardized format developed by the Commission listing the following data for the previous calendar year:

1. The number of reverse-location warrants requested.
2. The number of reverse-location warrants that a court or magistrate granted after request.
3. The number of investigations that used information obtained under a reverse-location warrant to investigate a crime that was not the subject of the reverse-location warrant.
4. The number of times reverse-location information was obtained under an exception listed in UCA 77-23f-106.
5. The warrant identification number for each warrant.
6. The number of electronic devices for which anonymized electronic device data was obtained under each reverse-location warrant.