

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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SEARCH WARRANTS AND WARRANTLESS SEARCHES

425.00 PURPOSE

The purpose of this General Order is to outline the Department procedures to be followed when obtaining and executing a search warrant and to ensure that officers document the circumstances, which occurred before and during a warrantless search.

425.01 POLICY

A. Before any officer assigned to the Bureau of Field Operations attempts to obtain a search warrant, the detective bureau will be notified. Detective bureau personnel will assist the individual officer(s) in drawing up, applying for and actually executing the search warrant.

If no detective is on duty at the time in which a search warrant is deemed to be proper for the continuation of a criminal investigation, the commander of the detective bureau who has an "on call cell phone" will be contacted and advised of the circumstances.

B. The officer requesting the warrant will contact the St. Louis County Police Dispatcher at 889-2341 and obtain the name of the prosecutor who is on call and contact him for instructions, and search warrant protocol.

C. If a confidential informant is being utilized, on rare occasions a prosecuting attorney or judge might request to speak to the confidential informant. In those instances arrangements need to be made to bring the confidential informant to the courtroom as requested.

D. The building or location to be searched must be described in detail in the search warrant application (i.e. numerical address, one or two story building residence or apartment building, brick or frame, colors, direction building faces, number of rooms, exact location of building to be searched) and any other descriptive information characteristics of the particular building.

E. Items being sought in the warrant must be described in as much detail as possible, serial numbers are generally required in the search warrant on items which were

numbered by the manufacturer (TV, guns, radios, tape recorder, etc.). The location of the items within the residence should also be mentioned on the warrant (i.e. bedroom, closet, chest, etc.)

425.02 PROCEDURE - SEARCH WARRANTS IN FERGUSON:

- A. Once a search warrant is obtained, it must be executed as soon as possible.
- B. At least one supervisor will be present at all times on the scene during the execution of a search warrant.
- C. At least one of the officers present on the scene will be required to be in uniform.
- D. Upon arrival at the scene, the officers executing the search warrant are required to identify themselves and state their purpose before effecting entry.
- E. The decision to use force to enter the building or area to be searched will be made by the supervisor only and when in his judgment, no reasonable alternative exists.
- F. Officers are permitted to gather together all persons inside the premises and keep them at one location inside the building while the search is being conducted.
- G. The original copy of the completed search warrant and a copy of the inventory and return sheet will be posted in a conspicuous place inside the building prior to the officer's departure when there is no occupant present to accept it.
- H. The completed 2nd and 3rd copies of the "warrant" and the "return and inventory" sheet are to be returned to the issuing judge within 10 days from the date of issue. The officer who obtained the warrant should return it in person to the judge or his clerk.

425.03 PROCEDURE - SEARCH WARRANTS IN OTHER JURISDICTIONS:

- A. When a search warrant is being sought in another jurisdiction or unincorporated area of St. Louis County, the officer seeking the search warrant will notify the detective bureau. The detective bureau personnel will assist with drawing up, applying for, and executing the search warrants. The police agency within the jurisdiction of the search warrant will be notified in advance of the actual execution of the search warrant and and their assistance request for the execution phase.
- B. The St. Louis County Tactical Units are available for entry on search warrants. If a supervisor determines that the St. Louis County Tactical Unit should be used to execute the entry for a search warrant, they should immediately notify the St. Louis County Tactical Unit upon the initiation of obtaining the warrant. Contact with the on duty tactical supervisor or notification of an impending search warrant entry assist-

ance should be made through the St. Louis County Dispatch at 314 889-2341.

425.04 WARRANTLESS SEARCHES:

- A. Warrantless searches are most often encountered and authorized incident to:
 1. a valid arrest or at the scene of a crime;
 2. plain view searches;
 3. automobile searches under certain conditions;
 4. searches made under emergency conditions where the public safety is endangered;
 5. searches made after valid consent has been obtained;
 6. a frisk of individuals based in reasonable suspicion that the subject is armed and has articulable reasons to fear for his/her safety; and
 7. inventory searches of seized vehicles and property.
- B. Police officers must be able to show that their search was based on probable cause or their protective frisk was based on reasonable suspicion and both were conducted in accordance with the U.S. Constitution.
- C. Reporting Procedures:
 1. When a search is conducted in conjunction with an arrest, the Arrest Report is the only form of documentation, the justification for the search shall be noted in the narrative of the report.
 2. The facts and circumstances to support reasonable suspicion or probable cause for a warrantless search must be properly documented. Such information shall be stated in the narrative section of the police report. Emphasis shall be given to all details surrounding the circumstances preceding the search. Details would include any observations by officers, statements, physical evidence or any additional information, which the officer used to develop reasonable suspicion or probable cause to conduct the search. The police report shall include a description of the area searched, as well as the results of the search.
 3. If Consent to Search Form FPD Form 003 is utilized, the officer shall properly complete the form. This form shall be packaged as evidence.

GENERAL ORDER 425.00

April 8, 2010

4. In the event that an owner / suspect gives consent to search a residence or business, no more than two officers will conduct the search unless approved by a supervisor.

By order of:



Distribution: All Department Personnel

Attachments: FPD Form 003

COLONEL THOMAS JACKSON

Chief of Police

FERGUSON POLICE DEPARTMENT**CONSENT TO SEARCH**

I, _____, hereby grant my consent to _____ and _____
(Officer Name, Rank, & DSN) (Officer Name, Rank, & DSN)

Officers of the Ferguson Police Department to search the following:

Describe area to be searched in detail; e.g. motor vehicle, apartment, house, place of business, etc.

I understand that I have the right to refuse to consent to the search described above and to refuse to sign this form.

I further state that no promises, threats, force, or physical or mental coercion of any kind whatsoever have been used against me to get me to consent to the search described above or to sing this form.

Signature:
Date:
Time:

Witnesses:
