

To: Public Safety Commission
From: Chief Cliff Cason
Date: November 17, 2020
Subject: Written Directive Review

Search Warrant Analysis and Policy Review

At the end of September, Mayor Pennington requested the Dalton Police Department conduct a review of its search warrant policies and practices. To begin this process, policy GO98-7.18, Search and Raid Procedures, was reviewed and amended to ensure consistency with current procedures and best practices. The policy was updated with language that is more consonant with our other policies, and several areas within this policy, such as the sections for no-knock provisions and operations plans, were enhanced to provide more clarification and guidance. For example, the Chief of Police must now approve any request for a no-knock provision prior to the request being presented to a judge. The review also ensured that our policy is in compliance with the standards set forth by the Commission on Accreditation for Law Enforcement Agencies (CALEA). The updated policy has been reviewed and approved by the City Attorney.

The Dalton Police Department applies for and receives many search warrants each year. In addition to search warrants for structures, such as residences and businesses, search warrants are obtained for electronic devices, medical records, social media accounts, impounded vehicles, bodily fluids, DNA samples, etc. This analysis focused on search warrants for structures due to the increased risk to officers and suspects during these operations.

There are three ways in which access is gained into a structure to serve a search warrant. First, the officers can make contact with an occupant, property manager, or other responsible party to be allowed entry. Second, the structure can already be secured by officers on scene with no other access being required. Lastly, force can be used to break open a door or window to gain entry. The following is a summary of how entry was gained into structures during the years 2018-2020.

	2018	2019	2020
Contact Made	24	17	20
Already Secured	34	17	18
Forced Entry	3	0	0
Total	61	34	38

The following is a summary of the types of investigations that led to the issuance of a search warrant for a structure during 2018-2020.

	2018	2019	2020
Drug Investigations	38	9	15
Crimes Against Persons	11	8	11
Property Crimes	4	11	9
Death Investigations	4	4	2
Other	4	2	1
Total	61	34	38

When an officer has compelling reasonable belief that the safety of officers serving a search warrant will be in jeopardy or the evidence to be seized will be in danger of being destroyed, a no-knock provision may be requested from the judge that is issuing the warrant. A no-knock provision allows officers to force entry into a structure without announcing their presence to the occupants inside. It is extremely rare for the Dalton Police Department to request and perform no-knock entries into structures. The last case in which a no-knock provision was utilized during the execution of a search warrant was in 2013. In that case, there was reasonable belief that an active methamphetamine manufacturing lab was in operation, which turned out to be the situation. Since that time, there have been no cases in which no-knock provisions have been requested from the issuing judge.

In conclusion, this analysis revealed sound policy and practices pertaining to search warrants that are served on structures by officers of this department. There have been very few cases in the past three years in which force has had to be used to gain entry into a structure, and there have been no situations in which a no-knock provision has been requested. The use of operation plans and briefings continue to be the custom for preparing to serve search warrants on structures that are not already secured. Policy and procedures for search warrants will continue to be evaluated and adjusted in the future to meet best practices.

<u>Number</u>	<u>Page</u>	<u>Title/Changes</u>
7.18		<u>Search and Raid Procedures</u>
	1	Updated Revision and re-evaluation dates Section I – New
	2	Section II – Updated all definitions, new definition of ‘search’ Section III (A) – Rewording, new lettering and numbering, more in-depth explanation of pat-down procedures
	3	(B) – Rewording, new lettering and numbering, new sub-item 3 (C) – Rewording, new lettering and numbering, reworked this entire sub-section
	5	Section IV – Rewording, new sub-item B2, new item E that provides more procedures for no-knock provisions
	7	Section V – Restructured entire section and amended title, additional guidance for operations plans and briefings, new lettering and numbering, new item F
	10	Section VI - Rewording
4.3		<u>Communications Standard Operating Procedures</u>
	1	Updated Revision and Re-evaluation dates Section I – Rewording, removed sentences to create Section II Section II – New
	1-4	Section III – Rewording, new numbering
	4	(F) – Updated to match Whitfield 911’s procedure
	5	Section IV - Rewording Section V – Rewording, updated to match current procedure Section VI – Rewording
	6	Section VII – Rewording, new numbering and lettering Section VIII – Rewording
	7	Section IX – Rewording
	8	Section X – Rewording
	9	Section XI – Rewording Section XII – Rewording

Section XIII – Rewording, new lettering and numbering
Section XIV – Rewording, new lettering and numbering

4.4

- Conducting Interviews and Interrogations**
1 Updated Revision and Re-evaluation dates
Section II – Rewording
Section III – Rewording
2-5 Section IV – Rewording
5 Section V – Changed section title, rewording
6 Section VI (A) – New item
(B) – Rewording, new numbering
7 (C) – New item

4.5

- Vehicle Stops**
1 Updated Revision and Re-evaluation dates
Section I – Rewording
Section II – Rewording
Section III – Changed to ‘Biased Policing’ definition
2 Section IV – Rewording
4 Section V - Rewording

4.7

- Impounding, Towing, and Inventory of Vehicles**
1 Updated Revision and Re-evaluation dates
Section I – Rewording
Section III – Rewording, new lettering
2 Section IV – Rewording, new lettering and numbering
3 Section V – Rewording
4 Section VI – Rewording
Section VII – Rewording
5 Section VIII – Rewording
Section IX – Rewording
Section X - Rewording