



PHILADELPHIA POLICE DEPARTMENT

CITIZEN INFORMATION BULLETIN #4 SEARCH WARRANTS

1. The determination concerning when a search warrant must be obtained will be based on pertinent legal guidelines and consultation with a police supervisor. Additionally, advice from the Assistant District Attorney will be obtained should questions arise concerning procedure.
2. All search warrant applications **MUST** be submitted to the District Attorney's Charging Unit for review prior to submitting to a judge or bail commissioner.
3. A search warrant may be issued to search for and seize:
 - A. Contraband, the fruits of a crime, or things otherwise criminally possessed; or
 - B. Property which is or has been used as a means of committing a criminal offense; or
 - C. Property, which constitutes evidence of the commission of a criminal offense.
4. To obtain a search warrant, police **MUST** have thoroughly investigated and gathered information as to convince a disinterested party (judge or bail commissioner) that probable cause exists to justify a search.
5. Search and Seizure Warrants that have not been served within the specified period of time, (no more than two days), must be cancelled.
6. The premises or person to be searched and the items to be seized must be specifically described in the warrant so that the judge or bail commissioner and executing officer have no doubt as to who or what can be seized and where they may be found.
7. The search warrant must be served during the "daytime" hours (6:00 AM to 10:00 PM) unless a "night-time" search (10:01 PM to 5:59 AM) has been authorized, on the face of the warrant, by a judge or bail commissioner. It must also be served within a specified period of time not to exceed two (2) days from the date of issuance. A judge or bail commissioner may, however, designate a lesser period of time for its execution.
8. Property should never be damaged or destroyed unless the search cannot be conducted without such action. The unnecessary damage or destruction of personal property by police during a search is strictly prohibited.
9. The purpose of the "knock and announce" rule is to prevent violence and physical injury to police and occupants, to protect an occupant's expectation of privacy, to prevent property damage resulting from forced entry and to give the occupants an opportunity to surrender the premises.

- A. A police officer executing a search warrant shall, before entry, give or make reasonable effort to give, notice of his/her identity, authority and purpose to any occupant of the premises specified in the warrant, UNLESS exigent circumstances require immediate forcible entry.

If the officer is not admitted after such a reasonable period of time, he/she may forcibly enter the premises and may use as much physical force to affect entry therein as is necessary to execute the search warrant.

10. Exceptions to the Knock and Announce Rule:

- A. When occupants of premises remain silent after repeated knocking and identification by officers and continued compliance with the Rule would be fruitless;
- B. When the police are virtually certain that the occupants of the premises already know their purpose;
- C. When the police have reason to believe that an announcement prior to entry would imperil their safety; and
- D. The police have reason to believe that evidence is about to be destroyed.

- 11. A copy of the warrant must be given to the owner or occupant, or left in a conspicuous location along with the Warrant Information Card (See below), even when no property is seized.



SEARCH WARRANT INFORMATION

YOUR PREMISES AND PROPERTY HAVE BEEN SEARCHED BY POLICE OFFICERS OF THE PHILADELPHIA POLICE DEPARTMENT PURSUANT TO A VALID/ARREST AND SEIZURE WARRANT(S). THIS LEGAL DOCUMENT WAS APPROVED BY A NEUTRAL JUDICIAL OFFICER.

THE POLICE OFFICERS EXECUTED THE WARRANT (S) IN A REASONABLE MANNER AND BEST EFFORTS WERE MADE TO ENSURE THAT DAMAGE TO YOUR PROPERTY, IF ANY, WAS KEPT TO A MINIMUM UNDER THE EXISTING CIRCUMSTANCES.

SHOULD YOU HAVE ANY QUESTIONS OR COMPLAINTS REGARDING THE SERVICE OF THE WARRANT (S) BY THE PHILADELPHIA POLICE DEPARTMENT PLEASE CONTACT:

COMMANDING OFFICER

RANK

UNIT

ADDRESS

TELEPHONE NUMBER
